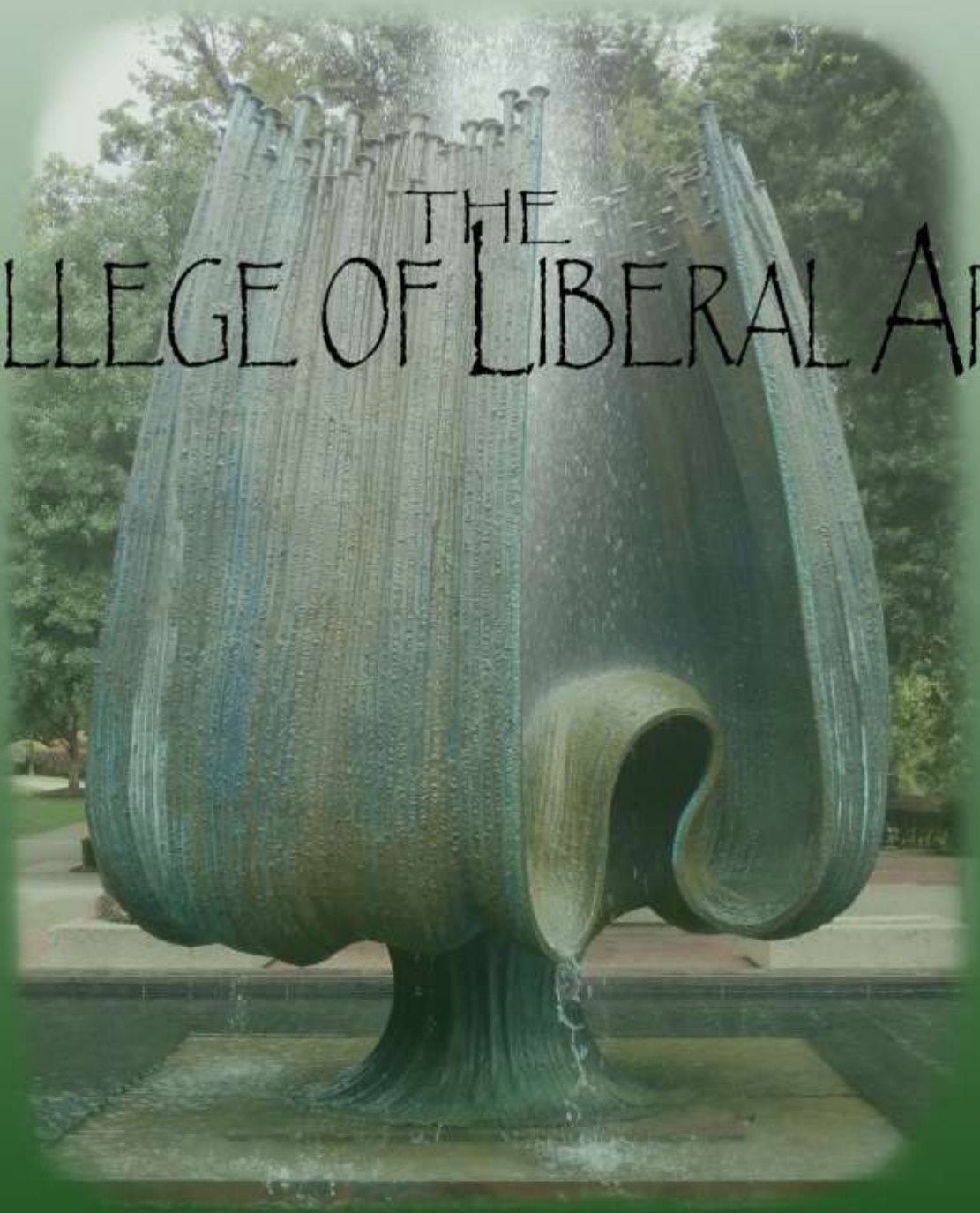
Research and Creativity Conference



The College of Liberal Arts

April 2012

Marshall University

THE
COLLEGE OF LIBERAL ARTS
— ROGARE AUDE! SAPERE AUDE! —
DARE TO ASK! DARE TO KNOW!

Our Mission:

The College of Liberal Arts at Marshall University provides students a progressive liberal arts education that enhances their ability to think clearly and independently.

Our Vision:

Students studying the liberal arts develop the creative and analytic skills that allow them to ask subtle critical questions, to answer those questions through careful research and concise analysis, and to share their conclusions through effective writing and speaking.

A liberal arts education emphasizes a breadth of learning through the belief that the complexities of the mental, social, and physical worlds are best understood when examined from multiple perspectives. A liberal arts education is, therefore, an essential component of individual freedom as it helps us learn how to think, how to make judgments, and remain independent thinkers.

Students earning a Bachelor of Arts degree can:

Write and speak clearly, thoughtfully, and persuasively.
Participate in and value rational discourse.
Create and interpret empirical information.
Write and interpret creative works.
Recognize the relevance of historical events.
Comprehend and respect divergent cultural and social perspectives.
Communicate in a second language.
Understand, evaluate, and follow basic principles of ethical behavior.
Use various research strategies to find, evaluate, and use recorded information.

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LIBERAL ARTS

PREFACE

For the past 12 years the College of Liberal Arts has hosted the *Research and Creativity Conference*. This event, which is modeled after professional academic conferences, is the showcase for the exceptionally good work of students in the College of Liberal Arts. During the conference, students may present creative works, empirical studies, or an analysis of topics from literature or history. Many of these projects represent students' senior projects that require them to bring to bear the skills and perspectives they developed as a part of their major and being a student of the college.

This year marks the first time we have pulled together the work of our students for publication. All students participating in the conference were given the option of submitting the final version of their project for publication.

Readers will notice that there is considerable variability among the editorial styles of the articles. These differences represent various editorial styles each discipline uses for its professional communications. Depending on the discipline, the student may be required to use the style guide prepared by the American Psychological Association, the Modern Language Association, the Chicago Manual of Style, or one of the many other style guides. We honor this academic diversity by allowing students to use the editorial style of their discipline. The College is proud to sponsor this important event in our students' education and to preserve the results of their work.

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MUNICIPAL RIGHTS: HOME RULE IN WEST VIRGINIA

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Abstract

In the United States, the financial crisis that started in December 2007 and entered full force by September 2008 has left many municipalities in financial depredation. Dwindling tax bases are forcing cities to reevaluate services, employment, and basic utilities; however, cities and other municipalities are quite limited in how they may respond to fiscal constraints due to Dillon's Rule provisions that are prevalent in numerous state constitutions. The basis of these provisions, to be described in greater detail henceforth, requires state legislative approval on many matters of city government. Unless the municipality first obtains permission from the legislature it cannot adjust services and taxes accordingly. In response to these restrictions, municipalities around the United States have been petitioning state legislatures to allow the adoption of home rule. Such has been the case in West Virginia where the legislature has provisionally adopted a municipal home rule pilot program that allows select municipalities that apply and receive approval to enact a limited number of measures directly relating to that municipality. This paper will summarily research the history of home rule and Dillon's Rule doctrines as well as their usage and success in West Virginia, the Home Rule Pilot Project with particular focus on the four cities under the Project, the implementation of home rule programs in Pittsburgh, Pennsylvania, and Colorado Springs, Colorado, and then this paper will recommend changes to the Home Rule Pilot Project while discussing the feasibility of those changes. Research on this topic is imperative today as many cities are moving to home rule doctrines in order to change city services; further, West Virginia's Home Rule Pilot Project is set to be reviewed in 2013, making public awareness of the topic necessary.

Basis of Dillon's Rule and Home Rule

John Forrest Dillon was an influential jurist who served on the United States Court of Appeals for the Eighth Circuit and, before that, the Iowa Supreme Court (Federal Judicial Center 2011). In an 1868 case, Dillon authored a ruling which would later be known as Dillon's Rule. Dillon's Rule asserts that municipalities owe their origin to and derive their power from the legislature. In essence, municipalities are only given authority through powers expressly granted by the state legislature, therefore leaving the state legislature to control municipal and local governments (Clinton v. Cedar Rapids 1868). This powerful ruling by Dillon in 1868 has been utilized in other similar cases, allowing Dillon's Rule to become the precedent for municipal authority. Dillon's Rule cemented hierarchical authority in the United States by concluding that local governments owe their existence to the state and states owe their existence to the federal government (Frug et al. 2009; Levy 2009).

Critics against Dillon's Rule asserted that it undermined the democratic process and considerably constrained the rights of cities to govern as their populace saw fit. By forcing approval from the state legislature, states were mingling in matters of purely local concern – the municipality would only be an extension of the state government. The sentiment at the time, which still largely exists today, was that citizens are able to govern more effectively over their own municipality without having state government determine tax rates, city services, and other variables. This paved the way for municipal governance known as home rule, which is opposite of Dillon's Rule. Through an amendment to the state constitution, cities, counties, and other areas would have authority to pass laws governing however necessary citizens determined; however, the laws passed must not violate any superior constitution (state or federal). This type of governance has received increased attention in recent years (Bromley et al. 2001; Gould 2007; Richardson 2011).

Dillon's Rule and Home Rule in West Virginia

Historically, Dillon's Rule and home rule in West Virginia have sustained a complex relationship. At the adoption of the West Virginia Constitution, municipalities in excess of 2,000 persons were required to devise a charter that was subject to approval by the legislature. In essence, West Virginia implemented Dillon's Rule by requiring certain municipalities to receive legislative approval when adopting, altering, or exercising its charter. This particular practice fell out of favor by 1931. In 1931, the legislature formulated a new chapter to the West Virginia Code, known as Chapter 8A, that set forth provisions for municipalities to operate under home rule charters. West Virginia later adopted a Home Rule Amendment in 1936 that terminated the chartering of cities by the legislature, instead enabling citizens to vote concerning their city's charter; additionally, it set forth general terms of governance by allowing municipalities to pass laws and ordinances as related to its affairs, though the legislature could pass legislation to override (Fordham 1935; Lorensen 1995; West Virginia Code 2011).

Still part of the West Virginia Code at this time was Section 8, which set forth Dillon's Rule regulations that ostensibly applied to all other cities. What was not clear was how the new Home Rule Amendment of 1936 fit into existing West Virginia Code Section 8 legislation. For example, were new home rule provisions incorporated into existing chartered municipalities, municipalities chartered after the 1936 adoption, or municipalities that had existing charters but amended them after 1936? Or, were those municipalities simply subject to Section 8 legislation and not the Home Rule Amendment? This confusion led to the adoption of the Municipal Code of 1969, which synthesized municipal regulations. A particular focus on the Municipal Code of 1969 was giving the Home Rule Amendment continued consideration, which it succeeded at by eliminating a separate chapter relating to home rule cities. In effect, Dillon's Rule was discontinued and West Virginia practiced home rule, which continues today under West Virginia Code Section 12-2 (Fordham 1935; Lorensen 1995; West Virginia Code 2011).

Though West Virginia has implemented legislation calling for home rule in municipalities, elements of Dillon's Rule continue to exist. West Virginia Code Section 12-2 requires legislature or commission approval of the levying and collection of taxes, the authorization and maintenance of passenger transportation services and facilities, and the provision of certain city departments, including staffing and public services, among others (West Virginia Code 2011). Section 6-39a of the West Virginia Constitution limits the rate of taxes for municipal purposes and tax changes must pass through the legislature. These certain limitations have increased the difficulty municipalities in West Virginia have in responding to changing fiscal conditions (West Virginia Constitution).

Adoption of the Home Rule Pilot Program

After the legislature adopted the Municipal Code of 1969, debate relating to municipal governance, home rule, and the West Virginia Code simmered for many decades. Occasional lawsuits surfaced by municipalities around West Virginia pertaining to authority regarding city bidding; however, nothing pertinent regarding the present discussion on home rule emerged (Lorsnesen 1995). In 1994, debate started boiling again in the West Virginia Legislature on expanding municipal home rule. House Concurrent Resolution No. 38 called for the Joint Committee on Government and Finance to perform a feasibility study of allowing municipalities to adopt home rule charter plans of government; further, HCR 38 recognized the ability of home rule charters to allow municipal governments leeway in expanding their sources of revenue. The study was to be completed with a report submitted to the House in 1995 (House Concurrent Resolution 38 1994). On February 1, 1995, Delegate Dale Manuel (legislative service 1988-2004) introduced House Bill 2315. House Bill 2315 set forth guidelines for the expansion of municipal power, including the authorization of setting and enforcing municipal taxes. The introduction of HB 2315 cemented growing importance of home rule in the legislature; however, the bill was referred to the Judiciary then to the House Political Subdivisions Committee in February of 1995. House Bill 2315 remained in the House Political Subdivisions Committee as the Committee did not send it to the floor for a vote (House Bill 2315 1995).

Expansion of home rule in West Virginia faded for another decade as the legislature did not take further action on home rule. It was not until 2006 that the legislature reevaluated expanding municipal home rule in West Virginia, and in 2007, the legislature enacted sweeping reforms that paved the way for a new home

rule program. The passage of Senate Bill 747 on February 22, 2007, created the "Municipal Home Rule Pilot Project," a five-year project that began on July 1, 2007, and is destined to terminate on July 1, 2013. As delineated in Senate Bill 747, later enacted as West Virginia Code Section 8-1-5a, a Municipal Home Rule Board governs the enactment of the Municipal Home Rule Pilot Project. Municipalities must formulate a plan that details specific laws, policies, rules, or regulations that prevent the city from operating in the most efficient manner; further, they must expound upon the problems created by those specific laws, policies, rules or regulations, and propose solutions to the troubles. In their plans, cities were given wide discretion in submitting a strategy that enacted any ordinance, resolution, rule, or regulation so long as it was not contrary to the West Virginia Constitution, West Virginia Code chapters 60 to 61, and the Constitution of the United States. Municipalities were also unable to alter employee pension or retirement plans (Senate Bill 747 2007; West Virginia Code 2011b).

Five cities were considered for the Municipal Home Rule Pilot Project: Charleston, Huntington, Morgantown, Wheeling, and Bridgeport, provided that each municipality submit a plan pursuant to West Virginia Code Section 8-1-5a. Morgantown decided not to participate in the program, but the four other cities did. The Municipal Home Rule Pilot Project will be reviewed in the legislature by July 1, 2012, to determine the effectiveness of the program. Should the program not be renewed or issued continuance under new legislation, the program will sunset July 1, 2013. West Virginia Code 8-1-5a does not clearly indicate whether the provisions enacted by the four municipalities during the Municipal Home Rule Pilot Project must expire at that time or continue until repealed (Senate Bill 747 2007; West Virginia Code 2011b).

Funding and Costs of the Municipal Home Rule Pilot Project

Legislative and State Costs

The Municipal Home Rule Pilot Project was enacted through enabling legislation by the state legislature which modified existing language pertaining the governance of municipal bodies; therefore, it did not cost any sum of money to implement as it was part of a regular legislative session. No fiscal note was attached to the bill. The bill, however, does call for a governing body as explained earlier and known as the Municipal Home Rule Board that audits and approves activities by each municipality. This board consists of seven members who serve on a voluntary basis and meet in Charleston at the West Virginia State Capitol periodically. Meetings are conducted during regular hours so there is no additional cost to conduct the meetings (Pugh 2011). From these circumstances this paper argues that the Municipal Home Rule Pilot Project does not require monetary contributions on behalf of the state, and since this is only a change in policy, it does not require perpetual funding.

Municipal Costs

In order to implement the new pilot project, municipalities have relied upon mayors, city managers, and city councils to evaluate, propose, and execute new programs under the project. Each position entails a defined salary where time must be spent on activities relating to the pilot project; however, this is mostly completed along with other duties as expected of that position. In an interview with Brandi Jacobs-Jones, Huntington's Director of Finance and Administration, Ms. Jones explained her duties as part of the municipal home rule pilot project. She stated that Huntington has chosen not to hire any additional personnel and her daily responsibilities now include managing Huntington's home rule program in order to conserve expenditures. In terms of program expenditures not related to personnel, Ms. Jones explained that documents relating to the City of Huntington and the pilot project were primarily distributed electronically in order to save expenses; however, when the city implemented a one per-cent sales tax, Jones stated that some expense was involved in the transitioning of computer software and that sufficient calculations regarding this expense would be available in March or April. Jones commented that, in her communications with the other cities in West Virginia under home rule, home rule projects in those cities utilized existing resources and staff to implement changes, adding little, if any, cost (Jacobs-Jones, 2011).

A major expense of the municipal home rule pilot project may come in the form of lawsuits against the government and the municipalities. Lawsuits against Huntington over its user fee and one per-cent sales tax and lawsuits against Bridgeport for its fire fee will have a fiscal impact as each municipality and the state will have

to cover attorney fees, filing fees, and other court costs. While both cities have their own attorneys and the state has legal representation, capital must be spent in order to resolve the ongoing legal disputes over home rule. Indeed, as more taxes are levied and an increasing number of citizens and interest groups become distressed over home rule, legal costs will have the biggest fiscal impact on the project overall. At the time of this writing sufficient data was not available concerning costs relating to legal defense as they were in the early stages and the matters have not reached first round proceedings.

Caveats on Financing

It should be noted that the Municipal Home Rule Pilot Project was a change in state code that allowed cities to govern in a different capacity. No newly funded agencies, positions, or resources were allocated to the project. As such, costs by the project are not directly measurable as existing staff and resources have been used to implement changes; further, the Municipal Home Rule Board is a voluntary board that does not require the expenditure of funds. This is not to say that expenses have not been accrued because of this program. At this time, however, there is insufficient data to assert any costs associated with the project. Once the lawsuits progress to trial, I assert that costs relating to the project will then be more concrete and measurable.

Implementation of the Municipal Home Rule Pilot Project

Huntington

The City of Huntington examined four distinct areas to address under the Municipal Home Rule Pilot Project for which the city received approval: land bank fast track authority, city management of fire damaged structures, increased capacity to collect taxes and fees, and a municipal occupation and retail sales tax. Huntington has utilized the new home rule provisions to a far greater extent than the other three cities. The implementation of these home rule provisions will be discussed briefly below (City of Huntington, West Virginia 2010).

The City of Huntington was concerned about the state of dilapidated structures within the city, many of which the city viewed as hazards as well as places for illegal activity and homeless congregation. In order to combat this problem, the city developed a land bank system. A land bank is a system in which a municipality may hold foreclosed property in order to manage and develop it for future use. In other words, it transforms dilapidated and abandoned buildings, as well as vacant property, back to productive use. Through land bank authority, the city may purchase tax liens prior to the sale of dilapidated properties, place those properties in the authority, and then use the property for possible redevelopment, demolition, or sale. This entire process allows the city to take immediate control of delinquent and dilapidated properties. It replaces the older system of tax lien reclamation which required public notice periods that extended the process by approximately three years (City of Huntington, West Virginia 2010; Michigan Society of Planning 2005).

In order to manage fire damaged structures, the city submitted a proposal to alter escrow insurance procedures. Under the old system the city was unable to prevent property owners whose structures were damaged by fire from collecting an insurance claim and then not repairing or clearing the property. The new system requires property owners whose structures have been damaged by a fire obtain a certificate of good standing, and in order to acquire a certificate the property owner must prove that repairs have been completed, the structure has been removed, a valid contract for removal is in force, and all other fees and charges are current. If this certificate is not obtained, the insurance company must deposit $2,000 to the City of Huntington for every $15,000 of the insurance claim. The city places the money in an escrow fund, and if a valid certificate of good standing is not obtained within 180 days, the city utilizes the funds to clean or clear the site (City of Huntington, West Virginia 2010).

A municipal (or land) occupation and sales tax has been examined by Huntington. The creation of a municipal occupation tax would eliminate a current tax that is assessed on a weekly basis called a user fee. This fee is a flat fee charged to all individuals who work within city limits. In order to replace the user fee, Huntington has proposed a tax on all individuals who work within city limits that is assessed as a percentage of income instead of a flat rate; however, the city has yet to implement a municipal occupation tax. Huntington has also imposed a sales tax that is charged on all goods purchased within the city. This tax is assessed at 1% and is added in addition to West Virginia state sales tax which is 6%. Huntington's sales tax became effective in

January of 2012 (City of Huntington, West Virginia 2010).

Bridgeport

The City of Bridgeport, located approximately 35 miles south of Morgantown, has utilized home rule in a more sparing manner than Huntington. Bridgeport submitted two proposals to the Municipal Home Rule Board, both of which received approval and were eventually implemented. The first proposal called for the acquisition, construction, and funding of educational facilities in Bridgeport. The city was given authority to acquire the necessary land for construction of a new school under home rule authority within city limits. In addition, the city was given authority to issue bonds to be paid back through the assessment of an educational facilities fee on residents of Harrison County to cover expenditures of a new school. Bridgeport would issue bonds then assess and collect an educational service fee in the amount of $230 per $100,000 of city-assessed value on property. The city would then transfer the proceeds to the Harrison County Board of Education which would then construct a new school within city limits (City of Bridgeport, West Virginia 2010).

A second proposal that was approved by the Home Rule Municipal Board and adopted concerned a fire fee for non-city residents. This fee proposal addressed residents who were outside city limits but within the fire department's first due (or first response) area. In the view of the Bridgeport City Council, the Bridgeport Fire Department had a moral obligation to respond to calls within the first due area but it was unjust to charge city residents for responding to calls outside the city. Those outside city limits but within the first due area would be assessed a fee of $150 per annum; additionally, Bridgeport would be given authority to file a lien against properties delinquent on payment of the fire fee. Bridgeport City Council passed the resolution establishing the fire fee but ultimately chose to enact the fee pursuant to West Virginia Code 8-13-13 which allows for the assessment of fees for municipal services. The constitutional authority of this decision is being challenged, and Bridgeport is considering using its home rule provisions should it be unable to do so under West Virginia Code 8-13-13 (City of Bridgeport, West Virginia 2011; City of Bridgeport, West Virginia 2011b; West Virginia Code 2011d).

Wheeling

Wheeling utilized home rule authority to modify two chief areas of concern: the issuance of business licenses and the current state of dilapidated structures within city limits. Prior to the enactment of home rule authority, West Virginia and Wheeling regulations required businesses to sift through a total of seventy-seven licenses in five business categories, as well as pay for and post multiple business licenses. Through the home rule program Wheeling was able to make modifications to business registration and licensing. This culminated in a new business and license program that includes three business licenses in five categories, greatly reducing the cost and time imposed on business owners. It also lessened the time and expense Wheeling invested when tracking seventy-seven licenses (City of Wheeling, West Virginia 2010; City of Wheeling Codified Ordinances 2008; City of Wheeling Codified Ordinances 2008b).

In order to address dilapidated structures within city limits, Wheeling implemented a program known as the Wheeling Vacant Building Registration Program. This program allows the city to assess fees on the owner of any property which contains a vacant structure. A structure may be deemed vacant if no person resides or conducts lawful business in the structure, no utilities have been utilized within thirty days, and the structure has one or more building code violations. Should those fees not be paid in a timely manner, Wheeling may file a lien against the property which would allow the city to possess and demolish the structure. Wheeling currently has 139 buildings registered with the program, which has received considerable attention around the nation. In February of 2010, the West Virginia Legislature voted to adopt a bill that allows all municipalities, not just those enrolled in the Home Rule Pilot Project, to establish a vacant building registration program similar to the one in Wheeling (City of Wheeling, West Virginia 2010; City of Wheeling Codified Ordinances 2009; West Virginia Code 2011c).

Charleston

Charleston submitted and received approval for a home rule program akin to what the three other cities adopted under the program. The City of Charleston addressed the implementation of a user fee for all workers within city limits and a program to tackle dilapidated structures. Charleston's user fee is assessed

for all individuals who work within city limits, which is very similar to Huntington's program. All individuals who work within city limits must pay two dollars per week. Revenues from the fee are then transferred to a specified fund that provides for road maintenance and public safety (City of Charleston, West Virginia Code of Ordinances 2007; City of Charleston, West Virginia Code of Ordinances 2009).

To combat the issue of dilapidated buildings, Charleston's home rule program removed the previous cumbersome system which required a period of years and various legal proceedings. The new system allows Charleston to impose liens directly on properties; further, the city may assess delinquent fees in addition to or as a substitute for liens. Violators of building and zoning issues may receive a spot citation. Charleston uses a classification system that is similar to Wheeling when determining if a structure on private property is dilapidated (City of Charleston, West Virginia Code of Ordinances 2004; City of Charleston, West Virginia Code of Ordinances 2009).

Home Rule in the United States

Throughout the United States, a number of individual states have examined a home rule system that empowers municipal governments. There are essentially two types of home rule systems in place throughout the country. The first is municipal home rule that is provided for in a state constitution. Home rule provisions in a specific state constitution may be of two further types – self-executing or one that requires enabling legislation. Fourteen states require enabling legislation, West Virginia included, meaning that the legislature must first approve home rule provisions before municipalities are allowed to enact them; the opposite, self-executing, allows municipalities to implement home rule provisions without aiding legislation as home rule has already been established in the state constitution. Currently twenty-two state constitutions allow self-executing municipal home rule provisions (Krane et al. 2000; Vanlandingham 1968).

The second type of home rule is provided for in a legislative statute. An addition eight states allow for municipal home rule through a legislative statute with Kentucky as the most recent state enacting a legislative statute in 1980. Kentucky is the last state to consider constitutional or legislative alterations to enable municipal home rule outside of West Virginia's pilot program. Six states have chosen not to enable municipal home rule legislation in any form, and instead those states have chosen a centralized structure which requires state legislatures to approve most, if not all, municipal measures (Krane et al. 2000; Vanlandingham 1968).

Despite forty-two states approving some form of municipal home rule and the prevalence of a "do it yourself" attitude, many municipalities choose to rely upon Dillon's Rule as a form of governance. Several state legislatures prefer to be involved in the affairs of municipalities, especially concerning tax collection and enforcement. There does appear, however, to be a transition away from Dillon's Rule with the general economic decline in the past decade. Many municipalities have pushed for expanded home rule measures to address declining tax bases and retrofit city services (Krane et al. 2000; Vanlandingham 1968).

There are two cities in the United States that have implemented a strong form of home rule – Pittsburgh, Pennsylvania, and Colorado Springs, Colorado. Both of these cities employed home rule governance many decades ago, but within the last decade they have greatly strengthened these programs to address a variety of changes from political corruption to population changes and dwindling tax bases. Home rule programs in these cities will be investigated briefly to discern what types of programs have been implemented and their similarities or differences to methods in West Virginia.

Pittsburgh, Pennsylvania

Elected officials in the city of Pittsburgh, Pennsylvania, contemplated adopting a home rule charter in 1973. They accomplished their goals on November 5, 1974, as citizens approved of a home rule charter. Pittsburgh was one of the earlier American cities to declare itself independent from the state legislature, claiming that self-government was in the best interests of the city and its citizens. Much like cities the cities in West Virginia, city leaders desired autonomous control over city taxes; further, it was the goal of the home rule charter to regulate other matters such as alcohol sales and licensing, as well as the modification of city health and safety services. Unlike the cities in West Virginia, Pittsburgh's home rule charter allowed for initiative and referendum measures by citizens. This was one of the featured points during voting stages on home rule in 1974 (Bond et al. 2011; City of Pittsburgh 2000).

Since Pittsburgh's adoption of a home rule charter, the form of government has drawn both praise and criticism. Proponents argue that the home rule charter paved the way for direct democracy by the citizens instead of the distant state legislature. Even further, proponents claimed that enactment of the home rule charter assisted with the redevelopment of Pittsburgh's economy at a crucial time. In 1974, the city still focused heavily on industry; however, by the 1980s Pittsburgh was shedding industry jobs as it transitioned to a service economy dominated by healthcare and higher education. The home rule charter, supporters assert, enabled city government to alter taxes and business regulations to assist with this change. For example, Pittsburgh has implemented a 1% municipal sales tax above Pennsylvania's 6% sales tax. (Bond et al. 2011; City of Pittsburgh 2000).

Opponents of home rule in Pittsburgh contend that city government violates regulations contained in the home rule charter. Specifically, those individuals assert that city government enacts taxes without the consent of the people and that the home rule charter vests too much authority in the mayor. Opponents also point to Allegheny County, arguing that after replacing a government system with three elected commissioners to a home rule system in 1998 with an elected county executive and county council, the council has been unable to override the county executive. Individuals against home rule claim that a similar situation is happening within city limits as the mayor has gained power over the city council (Allegheny County 2006; Hamilton 2004).

Colorado Springs, Colorado

Colorado Springs, Colorado, presents and extreme example in terms of utilizing home rule. The city was the first in Colorado to switch to a home rule form of government, and since then the city has received considerable attention over the manner in which it operates. One of the first changes implemented after the switch was a taxpayer bill of rights, which required that any new tax increases be put to a vote before citizens. City leaders also substantially lowered tax levels under municipal home rule with every property owner paying approximately $55 per annum in property taxes. Most revenue collection stems from a 7.4% sales tax, of which 2.5% goes directly back into city revenues (City of Colorado Springs 2004; City of Colorado Springs 2010; Collins 2007; Collins 2008; Evans-Cowley 2006; James et al. 2004; Salvino 2008).

Facing budget shortfalls nearing $40 million for 2010 and greater for 2011, Colorado Springs considered raising taxes to continue city services. Per the taxpayer bill of rights, Colorado Springs sent the measure to vote, but it ultimately did not pass. In response, city officials drastically cut services. The police and fire departments were reduced, city parks and fountains were closed, a third of all streetlights were turned off, medians were no longer paved, and trash bins owned by the city were removed, among other measures. In short, the response by Colorado Springs exemplified the old adage of "you get what you pay for." Citizens rejected tax increases, and the government was forced to cut services (City of Colorado Springs 2004; City of Colorado Springs 2010; Collins 2007; Collins 2008; Evans-Cowley 2006; James et al. 2004; Salvino 2008).

Actions undertaken by Colorado Springs would not have been possible without home rule. Altering tax structures and the enactment of new taxes, as well as the reduction of city services, would have been subject by the Colorado State Legislature before home rule. The city stands as an example for others facing budget shortfalls with home rule charters and a citizenry unwilling to support new taxes. Perhaps examples by Colorado Springs may be beneficial to home rule cities in West Virginia, provided that the pilot project continues.

Changes to the Municipal Home Rule Pilot Project

Taxpayer Bill of Rights

From conclusive research few faults may be attributed to the project as its implementation and execution has been triumphant; however, two aspects of the project must be addressed to enhance its sustainability over the next two decades. The first issue concerns the enactment of legislation altering taxes. Charleston, Huntington, and Bridgeport passed legislation that added taxes to residents without allowing citizens to vote on the matter directly or to provide substantive input. This issue has created uproar with citizens, businesses, and special interest groups and has originated a number of lawsuits which is likely to affect the legislature's decision to continue or terminate the program in July of 2013.

The case of Colorado Springs, discussed earlier, may provide a solution for West Virginia that would

enhance the viability of this program over the next two decades. By implementing a taxpayer bill of rights, residents would have the power to accept or reject changes in the tax structure which would ideally mitigate concerns from the populace. A taxpayer bill of rights would stipulate that any alterations in tax must be put to a vote at the next general election. This would shift the burden on to those citizens and potentially eliminate costly and exhaustive lawsuits against the municipality while paving the way for direct democracy. The municipal government would, in theory, be more representative of the people and formulate policies that were in accordance to their ideals. In addition, a taxpayer bill of rights would help ensure legislative approval for the continuation of the program by removing the bad publicity associated with tax increases that citizens did not consent to. While this bill of rights would not have a direct fiscal affect the implementation of the program, it would have substantial political costs, which will be discussed later.

Implementation of a taxpayer bill of rights. A taxpayer bill of rights would require approval by the voting populace in each of the four cities under home rule. In other words, the proposed taxpayer bill of rights must be placed on the ballot in each home rule city in West Virginia. This may be conducted during a regular election in each of the four cities where the municipality would formulate, with voter input, a bill of rights regarding taxes and then define the language that would appear on the ballot measure. This entire process would take a period of time, which would require that the taxpayer bill of rights be considered well in advance of the general election in which it would appear on the ballot. Other provisions may be sufficient in achieving something similar to a taxpayer bill of rights, such as legislation by the state requiring any adjustments in taxes be voted upon by the populace in which it will affect; however, this would be void of direct voter input and, therefore, should be considered carefully. A public relations campaign would be necessary to educate the public on the intentions of a taxpayer bill of rights and its effects.

Fiscal costs of implementing a taxpayer bill of rights. In maintaining the theme associated with the taxpayer bill of rights, costs would be negligible, if at all. City officials, as part of duties already present, would work on drafting language associated with the taxpayer bill of rights and the ballot measure. "Town hall" or other similar regularly held meetings by each city that operates under home rule would serve as a time when the public may comment upon the bill, whether such a bill was necessary, and what purposes it would serve. The city would prepare communications in the form of press releases that would be sent to the various media outlets in the area informing the public about the bill of rights, which would come at no additional cost to the city.

West Virginia's voting process is through an electronic machine for both regular and absentee voting, which saves costs when the actual measure is put to a vote as it will be in electronic form; however, a voter may request a paper ballot to vote absentee or during election day at a polling location. Insufficient data exists on the cost per word it would take to add the measure on a paper ballot. Until such data is available the cost to print the measure is unknown. It should be noted that as the taxpayer bill of rights would appear in a general election and not standalone in a special election costs will be saved.

Each municipality may utilize other means when developing a taxpayer bill of rights, including paying for additional staff, using publicity methods which require the expenditure of funds (such as paid advertising and yard signs), and so-forth; however, this author argues that such action is unnecessary and the matter may be handled with little to no negative fiscal impact. By using Colorado Springs' Taxpayer Bill of Rights as a guide, city officials would have a model to work from, which would be done during customary hours. Regularly conducted city hall meetings would serve as the public input period, and public relations material would inform the public in a sufficient manner. These methods should not add additional expense to the implementation. Once ballot-printing costs are accurately determined, it would be possible to provide a conclusive fiscal number on implementing a taxpayer bill of rights.

Municipal Home Rule Board

The second issue stems from the West Virginia Municipal Home Rule Board, which is mandated by the Home Rule Pilot Project. This board is composed of seven members including the governor, a delegate, and a member of the largest labor organization in the state, among others. Each municipality under home rule formulates plans which must receive approval under the

Home Rule Board before being implemented. This is problematic because it perpetuates legislative and state input in municipal affairs and continues a quasi-form of Dillon's Rule instead of allowing municipalities to have full autonomous control. In addition, a wide range of stakeholders are present on the Municipal Home Rule Board and they have the ability to stifle municipal efforts and mingle in affairs where such involvement is not necessary. It is not clear if the legislature only intended the board to be attached to the pilot project or it would continue on after the pilot project. Whatever the case may be, it presents a serious obstacle in the face of home rule and independent city authority.

A solution to this dilemma would be the removal of the Municipal Home Rule Board and the stipulation that municipalities must receive prior approval before enacting reforms. This would be contingent on the approval of the program past 2013 and should not be enacted while the program is still in the pilot stages. The only provision for municipalities should be the requirement that the policies enacted do not conflict with local legislation, the West Virginia Code, the West Virginia Constitution, or any federal law. While the removal of this board may appear as an unsophisticated matter, it is necessary to ensure continuation of actual home rule in West Virginia. Much like the taxpayer bill of rights, this alteration does not have any direct fiscal impact, though it would have political costs, both of which shall be elaborated upon further.

Removal of the home rule board. In order to remove the Municipal Home Rule Board, action is required on behalf of the West Virginia State Legislature. During the next regular legislative session in January of 2013, the legislature should propose and then send to vote a bill to end the Municipal Home Rule Board. This would be the most effective and direct method, given that authority rests with the legislature regarding the municipal pilot project. This is contingent upon the renewal of the project past 2013. Instead of proposing a specific bill to remove the board, another method would be to exclude any language relating to the board in the new home rule bill if it is continued past 2013. The legislature will have to develop and vote on a new bill to extend home rule, and the legislature may choose to not continue the Home Rule Board in that bill. It would prevent unnecessary time being spent on discussing a bill relating to the Home Rule Board in particular.

Fiscal impact on the removal of the home rule board. Removing the Municipal Home Rule Board would not fiscally cost the State of West Virginia or its citizens. The proposed removal involves new legislation in the state legislature during the next regular session. All representatives and personnel will be in Charleston for the legislative session; therefore, the removal would require no additional expenses. The legislature will be reviewing the Home Rule Pilot Project during the next regular session so it may congruently review the board.

Final Stipulations over Implementation and Funding

This paper attempted to find the most direct and cost effective method in removing the Municipal Home Rule Board and adopting a taxpayer bill of rights. Alternatives do exist that would allow for the achievement of the same agenda, some of which have been expounded upon in earlier pages. At the time of this writing insufficient data was available to calculate any potential negative fiscal impact on the proposed changes. As time elapses further research will be necessary to determine both the costs of the proposed changes and the best methods in which to achieve them.

Feasibility of Proposed Changes to the Municipal Home Rule Pilot Project

Taxpayer Bill of Rights

The first of two changes discussed previously, the adoption of a taxpayer bill of rights, would present difficulties upon implementation for municipal governments and citizens. Using Huntington as an example, the city relies upon the $3 weekly user fee in order to provide for the maintenance of thoroughfares, the employment of public safety officers, and the replenishment of the general fund. A taxpayer bill of rights would allow voters to overturn the user fee; however, voters would continue to expect the same level of services with or without the fee. This would create a dichotomy between the municipal government and citizens, with the municipal government unable to continue providing such services and citizens continuing to demand such services. In other words, the municipality would have its hands tied as it would receive the blame for reduced services but would have no way to continue them. This example is romanticized but it is intended to show that, despite lack of funding, taxpayers continue to expect the same level of services. A comprehensive educational plan would be necessary

that imparted upon citizens the purposes and effects of a taxpayer bill of rights; further, such a bill of rights would only be effective in municipalities that have high levels of civic participation, otherwise the bill of rights would fail to achieve its objectives. This educational plan would be conducted in the same manner as the implementation of the taxpayer bill of rights in order to conserve funds. Town hall meetings would serve as a time when city leaders could educate citizens on the purposes and effects of a taxpayer bill of rights and press releases would be distributed that covered the same topics. It should be noted that voter turnout in municipal elections is historically low and there may be apprehensions that a minority would be able to accept or reject a taxpayer bill of rights over the majority. There are additional concerns that a taxpayer bill of rights would only ensure financial ruin and the elimination of many services.

Municipalities in West Virginia should rely upon the example of Colorado Springs, Colorado, if a taxpayer bill of rights was in place. If voters reject a necessary tax increase, the municipality would have to discontinue those services or alter the way in which it operates instead of trying to shift funds from other departments. This would mean an immediate and drastic reduction of city services, similar to the situation in Colorado Springs. As was the case with Colorado Springs, individuals were upset with the reduction of city services, but eventually accepted this as the benefit of lower taxes outweighed the reduction in services. Many citizens decided to help the city out in various capacities such as paying for the illumination of streetlights. It would take a period of time for both citizens and politicians to adjust under this system.

An area deserving of comment aside from the actual cost of implementing a taxpayer bill of rights is the outside costs that the bill may have, both political and otherwise. States and cities must provide for infrastructure and citizen services such as transportation and education. A taxpayer bill of rights may limit the city in providing for its citizens and encouraging economic development if voters reject essential tax measures. If a municipality is not able to provide for its infrastructure and encourage economic development, then there are major fiscal impacts in three specific areas.

First, a taxpayer bill of rights may hurt the recruitment of businesses. Municipalities would not be able to attract new businesses through tax and other financial incentives as that would present a major loss of much needed revenues. This would especially hurt rural areas where tax and other financial incentives are needed to lure businesses away from cities and transportation hubs. Aside from financial incentives, if a city is not able to provide for infrastructure and take care of city services, such as roads and parks, then a business would be less attracted to that locality. Second, if cities had to file bankruptcy due to a taxpayer bill of rights and citizens overturning taxes, then the burden falls on to the state to bail them out. That hurts the economy of the entire state as state revenues must be directed toward that municipality to provide emergency fiscal assistance; further, should the state have to bail the city out, then the concept of home rule is eliminated. States would be intervening in municipal affairs in order to restore fiscal stability. Third, a municipality unable to provide incentives for new businesses loses out on the additional revenues from taxpayer dollars of new employees and fails to attract new members of the creative class that come with those businesses. That represents a loss (or at least a missed opportunity) of adding productive, tax-contributing citizens to that municipality.

These additional costs must be considered when adopting a taxpayer bill of rights. While citizens may have an increased opportunity to participate in local affairs as well as vote to approve or reject tax measures, municipalities may be hurt in attracting new business. This would represent a loss of additional tax revenues and the addition of new citizens to the populace. Even more extreme, if the municipality had to file bankruptcy, then the state would have to intervene in local affairs and inject other sources of revenue to bail the city out.

Taxpayer Bill of Rights Stakeholders. In terms of stakeholders relating to a taxpayer bill of rights, three primarily exist: city leaders; city citizens; and city businesses, labor unions, and other interest groups. The interests of the municipalities were touched on earlier, and given that the cities under home rule in West Virginia are facing financial difficulties, especially in this economic downturn, new taxes have helped close budget deficits. Implementing a taxpayer bill of rights would pose a challenge for the municipalities as the new taxes have faced opposition and lawsuits, meaning that if a taxpayer bill of rights would be implemented and

any adjustments to the tax structure be voted on by citizens, it is likely that tax increases may not pass; therefore, making the task of shoring up deficits more difficult. In short, a taxpayer bill of rights would be viewed as another obstacle by city leaders, leading to their opposition.

For citizens, businesses, and interests groups, a taxpayer bill of rights represents an opportunity to block any taxes increases which are traditionally stylized as harming family incomes and business profits. As the measure calls for a vote on any tax alterations, citizens would have the ability to provide direct input on the functioning of their government. The intent of the bill of rights is to allow citizens to choose if they want tax increases, to empower voters to control their government, and to increase accountability. It stands to reason that citizens, businesses, and interests groups would favor such a proposal; however, it does require voters to take on additional responsibilities and to remain abreast on matters of city government and functioning.

Municipal Home Rule Board

Removal of the Municipal Home Rule Board is feasible and only requires legislative action to be completed; however, the situation is precarious given West Virginia's history regarding the limitation of municipal rights and extended legislative control in matters of local concern. Home rule has been a source of debate recently and many cities face lawsuits over the enactment of taxes. These situations make it politically difficult to increase the power of cities and lessen their oversight at the same time. In addition, a number of stakeholders have voiced their opposition to the home rule program altogether. It is sufficient to assert that the future of the home rule program is not definite, and if anything, the removal of the Municipal Home Rule Board is an unlikely proposition.

Municipal Home Rule Board stakeholders. The majority of stakeholders involved in the Municipal Home Rule Board are at the government level, such as city and state officials, as well as outside organizations such as businesses and labor unions that have representation on the board. A principal design of the board was to ensure that any policy changes under home rule received approval from the state government. In essence, the home rule board perpetuates state control over local matters. From the perspective of state officials, there is substantial interest in maintaining control over home rule as it ensures compliance to both state and federal laws and mitigates the chance for lawsuits over policy changes in the cities. Historically, West Virginia has been opposed to independent municipal authority, and given the negative publicity of the program, the elimination of the board does not look realistic today from the state officials.

Membership of the board includes a representative from the business and industry council and the largest labor organization in the state. These groups also would be opposed to the removal of the home rule board as their interests are in protecting business profits and the salaries of union members, respectively. By maintaining the home rule board and their representation on it, those groups may directly provide input and influence decisions by the municipalities. This is immediately evident today as labor unions have initiated a lawsuit against Huntington and its proposed user fee on all workers within city limits.

From the perspective of officials in each municipality, the removal of the home rule board would provide an opportunity for absolute home rule instead of quasi-Dillon's Rule. It would also save time presenting plans and receiving approval from the board, allowing the city to change services and regulations as necessary and in a timely manner. This evidence points toward local officials preferring the removal of the home rule board in favor of more autonomous control.

Conclusions on Feasibility

In time it may be possible for municipalities with home rule in West Virginia to adopt a taxpayer bill of rights, as well as for the legislature to eliminate the home rule board; however, such changes would be unwieldy in the present. It would take time for citizen ideology to adapt to a smaller city government that provides much less for its residents. The same is true with the legislature, which has traditionally not been comfortable with expanded municipal rights and has witnessed public disapproval of policies under the home rule program. State officials are not ready to step away from municipalities. These changes are necessary, though, to ensure that municipal home rule remains on a solid foundation in West Virginia for the next two decades. They will take some time and may not be immediately possible. This author does believe that a middle ground may be reached to continue home rule

and achieve the changes described above, though it will still take substantial time with ample negotiation among the various stakeholders.

Fate of Home Rule in West Virginia

As a final note to the Home Rule Pilot Project, it is not immediately clear on the future of the project in West Virginia. The legislature has yet to call for a study of the overall project, and until it does, evidence pertaining to its future is anecdotal at best. West Virginia Code Section 8-1-5a does not specify whether the projects instituted by each municipality must terminate if the project is terminated. Some projects have either been codified into law or are currently in review by the legislature to be added to the West Virginia Code, such as Wheeling's building registration program and Huntington's land bank authority. In the coming months the future of the Home Rule Pilot Project, as well as the programs instituted by each city participating in it, will come before the legislature. At that time it will be more evident as to the legislature's intentions with the Home Rule Pilot Project (West Virginia Code 2011b; West Virginia Code 2011c; West Virginia State Legislature 2012).

Conclusion

Examining home rule from the perspective of policy implementation and execution, the Municipal Home Rule Pilot Project has largely been successful. Municipalities were given authority to address and correct a wide variety of local issues without first seeking legislative approval, enabling local elected officials to impel action on matters such as dilapidated structures and fire-burned properties. The adoption of the project also arrived at a beneficial time given the nationwide economic decline, a declining tax and population base in the four respective cities, and the need for increased revenues. Several states around the nation now allow for some type of home rule, but six states still rely upon Dillon's Rule, and it is taking time for home rule to gain momentum in the United States. Two cities – Pittsburgh, Pennsylvania, and Colorado Springs, Colorado – reveal efforts by modern municipal governments operating under home rule. West Virginia's municipalities under home rule should consider adopting a taxpayer bill of rights similar to the one in Colorado Springs, and the legislature should remove the pre-approval requirement and the Municipal Home Rule Board. Both of these actions will take time, however, as West Virginia is not ready for such drastic alterations, including the citizens of the municipalities, the government of the municipalities, and the state legislature. Home rule in West Virginia will continue to be a debated and discussed topic for some time as cities continue to seek autonomous control void of legislative input.

References

Allegheny County, Pennsylvania. 2006. "Home Rule Charter for Allegheny County." Report of County Government. Accessed January 30, 2012: http://www.alleghenycounty.us/charter21/hrchart.pdf.

Bond, Grace and Carroll Nguyen. 2011. "Does Home Rule Really Mean More Authority for Chartered Municipalities? An Analysis of Building Owners & Managers Assn. of Pittsburgh v. City of Pittsburgh." Widener Law Journal 20, no. 2: 579-595. Academic Search Premier, EBSCOhost (accessed January 30, 2012).

Bromley, Ray, and Tom Daniels. 2001. "Metropolitan Regional Planning in the United States." Planning Practice & Research 16, no. 3/4: 229-232. Academic Search Premier, EBSCOhost (accessed January 26, 2012).

City of Charleston, West Virginia Code of Ordinances. 2007. City Service Fee. Chapter 2-8.

City of Charleston, West Virginia Code of Ordinances. 2009. "Municipal Home Rule." Chapter 2-2-3.

City of Charleston, West Virginia Code of Ordinances. 2004. "Violations of Buildings and Building Regulations." Part 2-14-3-2-2.

City of Colorado Springs, Colorado. 2010. "Colorado Springs Taxes." Report by Colorado Springs Regional Economic Development Corporation. Accessed January 30, 2012.

City of Colorado Springs, Colorado. 2004. "TABOR Tutor." Report by the City of Colorado Springs. http://www.springsgov.com/doccenter/publiccommunication/tabor abcs.pdf. Accessed January 30, 2012.

City of Huntington, West Virginia. 2010. "Home Rule Pilot Program." Report of the City Council.

City of Bridgeport, West Virginia. 2010. "Bridgeport City Council Minutes October 18, 2010." Report of the City Council.

City of Bridgeport, West Virginia. 2011. "Bridgeport City Council Minutes March 14, 2011." Report of the City Council.

City of Bridgeport, West Virginia. 2011b. "Fire Fee Ordinance." Legislative Enactment 1519.

City of Pittsburgh, Pennsylvania. 2000. "Home Rule Program." Report of the City Council. Accessed January 30, 2012.

http://www.city.pittsburgh.pa.us/city_clerk/assets/Home- Rule-12-7-00.pdf.

City of Wheeling, West Virginia. 2010. "State of the City Wheeling, West Virginia 26003." Report of the Mayor.

City of Wheeling Codified Ordinances. 2008. Conditional Use Permits. Article 1372.

City of Wheeling Codified Ordinances. 2008b. Use Regulations. Article 1331.04

City of Wheeling Codified Ordinances. 2009. Vacant Structure Code. Article 1718.

Clinton v. Cedar Rapids and the Missouri River Railroad. 1868. 24 Iowa 455.

Collins, Richard. 2007. "The Colorado Constitution in the New Century." Colorado Law Review 78, no. 4: 1265.

Collins, Richard. 2008."Telluride's Tale of Eminent Domain, Home Rule, and Retroactivity." Denver University Law Review 86: 1433-1457.

Cooper, Michael. "Governments Go to Extremes as the Downturn Wears On." New York Times, August 6, 2010.

Evans-Cowley, Jennifer. 2006. "Development Exactions: Process and Planning Issues." Lincoln Institute of Land Policy.

Federal Judicial Center. 2011. Biographical Directory of Federal Judges, "Dillon, John Forrest." Last modified 2011. Accessed January 26, 2012.

http://www.fjc.gov/servlet/nGetInfo?jid=621&cid=999&ctype=na&instate=na.

Fordham, Jeff B. 1935."West Virginia Municipal Home Rule Proposal." West Virginia Law

Review Quarterly 42, no. 42.

Frug, Gerald, Richard Ford, and David Barron. 2009. Local Government Law, Cases and Materials. St. Paul, MN: West Law.

Gould, Eliga H. 2007. "The Question of Home Rule." William & Mary Quarterly 64, no. 2: 255- 258. Academic Search Premier, EBSCOhost (accessed January 26, 2012).

Hamilton, David. 2004. "Government Study Commissions and County Home Rule." International Journal of Public Administration 27, no. 10: 737-765. Business Source Elite, EBSCOhost (accessed January 30, 2012).

Jacobs-Jones, Brandi. 2011. Interview by author. In person, text notes. Huntington, West Virginia, 18 January.

James, Franklin, and Allan Wallis. 2004. "Tax and Spending Limits in Colorado." Public Budgeting and Finance 24, no. 4: 16-33.

Krane, Dale, Planton Rigos, and Melvin Hill. 2000. Home Rule in America: A Fifty-State Handbook. Washington, D.C.: CQ Press.

Levy, John. Urban America: Processes and Problems. White Plains, NY: Longman, 2009.

Lorensen, Willard. 1995. "Rethinking the West Virginia Municipal Code of 1969." West Virginia Law Review. 97. 653-677.

Michigan Society of Planning. 2005. "Community Redevelopment." Smart Growth Tactics.

Pugh, Emmett. 2011. Interview by author. Electronic communications. Huntington, West Virginia, 3 February.

Richardson, Jesse J. 2011. "Dillon's Rule is From Mars, Home Rule is From Venus: Local Government Autonomy and the Rules of Statutory Construction." Publius: The Journal of Federalism 41, no. 4: 662-685. Academic Search Premier, EBSCOhost (accessed January 26, 2012).

Salvino, Robert. 2008. "Home Rule, Selectivity, and Overlapping Jurisdictions: Effects on State and Local Government Size." Economic Dissertations.

Vanlandingham, Kenneth. 1968. "Municipal Home Rule in the United States." William and Mary Law Review. 10. no. 2: 269-314.

West Virginia Code. 2011. Land Use and Planning. Section 8A.

West Virginia Code. 2011b. Pilot Program to Increase Powers of Municipal Government. Section 8-1-5a.

West Virginia Code. 2011c. Registration of Vacant Buildings. Section 8-12-16c.

West Virginia Code. 2011d. Special Charges for Municipal Services. Section 8-13-13.

West Virginia Constitution. 2011. Home Rule for Municipalities. Article 6-39a.

West Virginia Legislature. House. Committee on Government Finance. 1994. Resolution Requesting a Study on the Feasibility of Allowing Municipalities to Adopt Home Rule Charter Plans of Government. HCR 38, 63rd Leg., 1s sess.

West Virginia Legislature. House. Committee on Judiciary. 1995. A Bill to Amend Chapter Eight of the Code of West Virginia. SB 2315, 63rd Leg., 2d sess.

West Virginia State Legislature. Senate. Committee on Government Organization. 2007. An Act to Amend the Code of West Virginia, §8-1-5a. SB 747. 76th Leg., 1s sess.

West Virginia State Legislature. Senate. Committee on Judiciary. 2012. A Bill to Amend the

Code of West Virginia, 1931 Relating to Authorizing the Creation of a Public Nonprofit Corporation and Governmental Instrumentality to Collectively Address Several Environmental and Economic Development Programs. SB 552. 80th Leg., 2d sess.

THE APPALACHIAN REGIONAL COMMISSION

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"I believe that, as long as there is plenty, poverty is evil."

(Robert F. Kennedy)

Introduction

The Appalachian Regional Commission (ARC) was created in order to help the poverty-stricken region of the United States of America known as Appalachia. "Appalachia," as defined in ARC's authorizing legislation, "is a 205,000-square-mile region that follows the spine of the Appalachian Mountains from southern New York to northern Mississippi. It includes all of West Virginia and parts of Alabama, Georgia, Kentucky, Maryland, Mississippi, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, and Virginia" ("The Appalachian Region"). "The commission's primary and main goal is to be a strategic partner and advocate for sustainable community and economic development in Appalachia" ("About ARC"). The reason why the ARC was allowed to be created in the first place was because of a very obvious problem that existed in the Appalachian region of the United States, and the government saw it fit to try and help as much as possible.

The Importance of the ARC

The ARC is very important, not just to the people of Appalachia, but to the rest of the United States as well. The program is important to the entire population of Appalachia because they are the ones who directly feel and see the poverty and problems that exist in the region. Not only do they see the problems but they also see what the ARC is doing to try and help with those problems, and seeing these improvements give the people of Appalachia a bit of hope that they never previously had. The ARC affects the rest of the United States, as well, because what is good and positive for the economy in such a massive region of the country (Appalachia) will have widespread benefits throughout the rest of the United States.

The Appalachian Regional Commission

History of the ARC

In the 1960s President John F. Kennedy realized that there was a very serious problem with poverty in the United States, and especially in the Appalachian area, which he had seen while campaigning for the presidency. The Conference of Appalachian Governors, which was created to help realize solutions to the problems in the region, presented their findings to President John F. Kennedy. The President's Appalachian Regional Commission (PARC) was created by President Kennedy in 1963 to help solve the economic problems in Appalachia. PARC is a federal-state committee, in which the two levels of government work together to find out what needs to happen for the economy to grow in the region and get it done. After the assassination of President Kennedy, President Lyndon B. Johnson took office. President Johnson used the PARC's report to create legislation known as the Appalachian Regional Development Act (ARDA) that was passed and signed into law in March of 1965 ("ARC History"). Many amendments to the bill have been passed since the enacting legislation, mostly to add counties from the thirteen member states to the area covered by the Appalachian Regional Commission.

In *United States Code Title 40 Subtitle IC – Appalachian Regional Development* it shows the actual establishment of the Appalachian Regional Commission in Chapter 143 Section 14301 (*Appalachian Regional Development Act, U.S. Code*). The goals of the policy have always remained consistent. The purpose of the ARC has, and always will be, to grow the economy of the Appalachian Region so that it will be at the same level of the rest of the United States. Every six years the Commission updates its strategic plan so that it can change with the changes that have already happened.

They look at what previously has worked and has not worked (Appalachian Regional Commission 2010, 3).

Funding of the ARC

As with all government policies and programs there is always the question of where will this money come from? In an interview, via email, with Mr. William Grant who is a director with the ARC, he says that "the ARC receives an annual appropriation from Congress. These funds are used for the program investments in the form of grants and operating expenses. One important point about ARC's grants is that every grant is approved first by the state in which the project will occur and then by the ARC. The ARC submits an annual budget request to congress, but this is just a request and is not necessarily the amount approved by congress. The ARC's management structure has two parts, the Office of the Federal Co-Chair and the Commission. The operating costs of the Office of the Federal Co-Chair is funded solely from the Congressional appropriate. The Commission's operating expenses are funded 50/50 from the 13 partner states and the Congressional appropriation."

In a request submitted to the Appropriations Committees of the House and Senate for the 2012 Fiscal Year by the Federal Co-Chair, $76 million in appropriations was requested to fund the Appalachian Regional Commission (Appalachian Regional Commission 2011b, 3). The Appropriations Committees enacted a budget of $68.2 million for the 2012 Fiscal Year for the Appalachian Regional Commission (Appalachian Regional Commission 2012, 3).

Implementation of the ARC

As stated in the *Performance and Accountability Report for Fiscal Year 2011*, the ARC has a strict set of goals to meet, which was outlined in the strategic plan for 2011-2016. These goals are to help increase job opportunities in the region which will also help increase the per capita income in Appalachian in hopes that it will increase enough to be on equal grounds with the rest of the United States, help educate the people and improve the capacity of the Appalachian people so that they are able to compete in the ever-changing global economy, work on and improve the infrastructure of Appalachia so that the region is more appealing making it more economically competitive, and to build the Appalachian Development Highway system to reduce Appalachia's isolation from the rest of the United States (Appalachian Regional Commission 2011a, 3). These goals are the main purpose of the ARC. The states are given the flexibility to decide how to meet these goals and the projects or programs that they decide will do this most effectively are given approval by the Federal Co-Chair and then the ARC provides the assistance that is needed to make sure the project or program is successful.

Each state can interpret these goals differently, because each state has different needs to meet the outlined goals. The ARC funds and supports hundreds and hundreds of projects in Appalachia in a variety of program areas: asset-based development; community infrastructure; education and training; energy; entrepreneurship and business development; export and trade development; health; leadership development and capacity building; telecommunications; tourism development; and transportation and highways ("Program Areas"). There are many different types of projects under these types of program areas, but all are created to reach the ultimate goals of the ARC. The funding for all of these projects is not solely coming from the ARC. The Commission does provide a large chunk of the funding for many projects, but there are also investors from other agencies and from private investors. The more appealing the project is, the better (Appalachian Regional Commission 2010, 4-5).

It is very easy to see that the ARC has its hands in many projects at any given time and cannot do so by itself. The ARC is a relationship between the local, state, and federal governments. At the federal level of government there is the Office of the Federal Co-Chair, at the state level there is a states' co-chair which is appointed by the member states' governor, and at the local level there are multi-county development districts (Appalachian Regional Commission 2010, 1). Without all of these entities, the ARC could not accomplish what it has set out to do. With all levels of government being involved, it allows for the lower levels to be heard and let the federal government, through the ARC, know what is really going on in the area and can quickly get assistance to help solve the problems in the Appalachian Region.

Cost of the ARC

The cost of the policy per year is a direct relation to the amount of funding that is appropriated to the ARC each year. The ARC is funded by appropriations from

the federal government and from the state government. Whatever the amount that the ARC is allotted is what they must work within. Funding for the Federal Co-Chair comes solely from Congressional appropriations and funding for the Commission comes half from Congressional appropriations and the other half from the member states.

In the 2011 fiscal year, which is the most recent complete information, the total cost of the Appalachian Regional Commission was $68,263,000. This includes all of the grants and funding that were given to help develop the Appalachian Region and also includes all of the salaries and expenses of the Federal Co-Chair and the Commission (Appalachian Regional Commission 2012, 3). Most of the time when Congress is deciding on how much money to appropriate to the ARC it looks at the cost of the previous year. Often, you can see the direct correlation between the previous fiscal year's cost and the amount enacted by congress for the following year. This calculation can be seen in the Appalachian Regional Commissions annual Performance and Accountability Report.

Problem with the ARC

A problem that exists with the current policy is that improving tourism is not addressed in a big enough way. Yes, in order for tourism to exist, the other goals must be met as well, but it should not be completely overlooked. Tourism is a huge industry that is beneficial to all economies. The Appalachian Region includes thirteen different states that are all unique in their own ways.

Proposal of Change

What to Change

It is my opinion that the improvement and development of tourism needs to be stated as one of the main goals of the Appalachian Regional Commission. Tourism is a crucial part of creating an economy that is on par with the rest of the United States and sustainable. The ARC does currently support multiple projects relating to the development of tourism, but many of these projects are more closely related to the other goals like creating infrastructure and new technologies, which are all important things, but not enough, in my opinion. Tourism can be a huge source of revenue for a state, which would reduce its dependency on grants and funding from the ARC and the federal government for all of the other wanted programs. Each state would be able to use the revenue from tourism to help take care of all the other issues.

The Appalachian Regional Commission needs to help the states with creating an environment where tourists would wish to travel. Doing this does include all of the other goals that the ARC currently has in place. In order for tourism to be a success, it needs to be looked at and helped more closely. The ARC should make it a priority to help maximize and use the cultural diversity of each state to the state's fullest advantage. This might include, but is not limited to, partnering with other government and non-government agencies and groups to help create and sustain more National Parks and Forests, helping fund festivals that are unique to the culture of the state or region that would draw many tourists, helping in the promotion of bringing new tourists to the Appalachian Region, and helping each state discover and use all of the natural beauty and resources that it already has.

Cost of the Change

This change would cost more money, but it must, first, be added to the goals of the ARC. It is not possible to calculate the exact change in cost, but more money will need to be added so that it does not take away from other program areas. With each state having the flexibility of deciding what is most important to its own state, this is now a new option to work with. Many of the states in Appalachia are in need of a better tourism industry and this gives them another avenue for receiving help with that. Some states may need it more than others may, and some may not need the extra help at all, but this would create the option for them. If more and more requests are being made to the ARC for help with the development of a state's tourism industry then the Federal Co-Chair will see this and realize that it is such a big problem and it will be taken into account when requesting money from Congress in the following fiscal year.

Implementation of Change

Working with the Appalachian Region on developing tourism is something that is already being done; it just needs to be done on a much larger scale. In 2002 the ARC created an advisory council to help states develop their tourism, so not much change would need to take place. The only change that needs to occur is that the ARC needs to make the development of tourism one

of their primary goals so that the region's growing economy will be more sustainable. Tourism is too much of a lucrative industry for it not to be a huge focus of developing the economy in Appalachia. Appalachia is rich in natural beauty and resources that people who do not get to experience such a unique environment regularly want to travel to a place like Appalachia and experience it. It should be a primary concern of the ARC to provide the tourist industry with a new, highly appealing, destination that is Appalachia.

Many people would say that in order for the development of tourism to be added to the list of goals, all other goals need to be met first. This, however, is not true. The ARC, over many years, has made many strides in developing the Appalachian Region and it is now time to showcase what has been done. With all of the new revenue coming from the new tourist industry much more money can be spent on making even more improvements in the Appalachian Region.

Assessment of Political Will

Support and Opposition

Just like any policy change, there will be numerous groups that would be in favor and that would be opposed to the change. All of the member states' political leaders, such as the state's governors, representatives, and senators, would, more than likely, be in support of the addition of the development of tourism goal. Most environmental agencies and organizations would be in favor of the change because the goal with the development of tourism in Appalachia is to maximize and capitalize on the natural beauty and resources that already exist, so using the existing environment, as much as possible, is crucial, which is also a primary goal of environmental agencies and organizations. Groups that have interests in transportation would also be in favor of the change because transportation to and from Appalachia is necessary for tourism to happen. I do realize that for transportation to exists there must be the infrastructure in place to support it, but with using what has already been improved and is still being worked on, the more tourists coming in, the more revenue there will be for these projects to get finished more effectively and efficiently. Groups that have an interest in the tourist industry, in general, will support that change, such as investors in hotels and resorts.

For all of the groups that would be in favor of the change there are always groups that will oppose it. States, and their political leaders, that are not members of the ARC are likely to oppose this change because they might say that it would be taking away from their own tourist industry and hurting their own economies. Some small, local communities in Appalachia might not like the idea of tourists coming to their town, especially if they do not have the means to support the new influx of people. Especially in member states where coal mining is a huge industry, many of the coal companies will probably not support this change because it will, more than likely, cause them to be put under more regulation because more of the environment will need to be maintained and coal mining tends to destroy that natural environment and resources that currently exist in the state. Anytime there is a change in any type of policy, project, or program, there is always someone who will criticize it.

Adoption of Proposed Change

In order for development of tourism to be added to the list of general goals of the Appalachian Regional Commission it must be, first, accepted by all of the member states and the Federal Co-Chair. If accepted by all of the member states and the Federal Co-Chair, in 2016, when it is time for the ARC to present a new strategic plan, it must be added to the list of general goals. In the Appalachian Regional Development Act in Section 106 it states that, the Commission is authorized to add or change any of the bylaws, rules, and regulations (U.S. Congress. Senate 2001, 7).

Conclusion

The Appalachian Regional Commission was created to help the poverty-stricken region of the United States known as Appalachia. The ARC has contributed millions and millions of dollars and supported thousands of projects and programs in the region in hopes to grow and sustain the economy in Appalachia. The ARC focuses on increasing job opportunities, strengthening the capacity of the Appalachian people so that they may compete in the global economy, improve the areas infrastructure to make it more appealing and economically competitive, and build the Appalachian Development Highway system so that the region will not be as isolated as it always has been. It is in my opinion that the ARC should also focus more on

developing the tourism industry in the region; if this is done it will increase the member states' revenue immensely. What will benefit the Appalachian Region, economically, will ultimately benefit the rest of the United States of America.

References

"About ARC." Appalachian Regional Commission. http://www.arc.gov/about/index.asp (February 28, 2012).

Appalachian Regional Commission. 2010. Moving Appalachia Forward: ARC Strategic Plan, 2011-2016. Washington, DC.

Appalachian Regional Commission 2011a. *FY 2011 Performance and Accountability Report*. Washington, DC.

Appalachian Regional Commission. 2011b. *FY 2012 Performance Budget Justification.* Washington, DC.

Appalachian Regional Commission 2012. *FY 2013 Performance Budget Justification*. Washington, DC.

Appalachian Regional Development Act. *U.S. Code*. Vol. 40, sec. 14301, p.5

"ARC History." Appalachian Regional Commission. http://www.arc.gov/about/ARCHistory.asp (March 3, 2012).

"Program Areas." Appalachian Regional Commission. http://www.arc.gov/program_areas/index.asp (March 3, 2012).

The Appalachian Region Appalachian Regional Commission. http://www.arc.gov/appalachian_region/TheAppalachianRegion.asp (February 28, 2012).

U.S. Congress. Senate. 2001. Appalachian Regional Development Act of 1965. 107th Cong. 1st sess.

THE WEST VIRGINIA TOBACCO TAX

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Abstract

The West Virginia tobacco tax is one of the smallest state tobacco taxes in the country. West Virginia also has the second highest rate of tobacco use by adults in the United States (http://www.wvdtp.org/). We see the rate continue to grow within the state of West Virginia and there are tremendous revenue advantages that would go along with a raise on the tobacco tax within the state. As of today, West Virginia has a "Division of Tobacco Prevention (DTP)" that creates new policy for the state. The purpose of (DTP) is to help raise awareness of the harmful effects of tobacco use and the economic damages through the use of tobacco each year. West Virginia uses a very small portion of the revenue from tobacco on prevention because one in every five West Virginians will die from tobacco related illnesses. Healthcare expenditures and costs are the main spending themes that are associated with the revenue made from the tobacco tax. The West Virginia tobacco tax is important to insure the health and safety of our young adults in high school that top the national average for the highest use of tobacco.

History

Alexander Hamilton first implemented the tobacco tax in the United States in 1889. The purpose of the Tobacco tax was to offset the economic cost of the Civil War (Olmsted, 1989). The tax was very successful grossing revenue of 88 million dollars, which fell short of the total spirit revenue gain. The result of the tobacco excise tax implemented by Hamilton was a state tobacco excise tax that was implemented into forty different states by 1940. Throughout the history of the tobacco excise tax in America it has often been used to help boost the economy of a state. However, in West Virginia the tobacco excise tax was first implemented to offset health care expenditures.

West Virginia did not implement an excise tax on tobacco until 1978 that was 17 cents on all tobacco related products (Wise 2003, 14). Since then, West Virginia has raised the tobacco tax through legislation in 2003, with help of Governor Bob Wise. This tax increase was to 55 cents on all tobacco products sold throughout the state of West Virginia (Bob Wise 2003, 15).

In 2006, West Virginia implemented its first tobacco prevention legislation that would be funded by originally 5.6 million dollars from tobacco revenue (Manchin III 2008, 7). The revenue for the department has grown to 5.75 million dollars. The total revenue from tobacco for the state of West Virginia is around 180 million dollars and the (DTP) only gets 3.71% of the revenue. However, 60 million dollars of the revenue has come out of the Master Settlement Agreement that took place in the 1990's for tobacco companies illegally targeting teens in West Virginia (www.tobaccofreekids.org). The Division of Tobacco Prevention was originally expected to grow to a minimum funding of 14.8 million dollars from tobacco revenue (Manchin III 2008, 8). The expected increase in tax approximately 1.55 dollars will cause a decrease in revenue in the state of West Virginia.

How Programs Are Developed and Used Through the Tobacco Tax

The DTP has grown and created new divisions such as the West Virginia Cessation Program, West Virginia Clean Indoor Air Program, and the West Virginia Youth Tobacco Prevention Program (Tomblin 2011, 2). The new programs has been implemented and paid for by the West Virginia Tobacco Tax. Each program focuses on the key issues associated within the state such as the use and health concern surrounding tobacco use.

The West Virginia Cessation Program uses roughly 38% of the Division of Tobacco Preventions budget (Tomblin 2011, 2). The program costs 1, 886,568 million dollars to operate and is used primarily as a free hotline for West Virginia residents who want to quit the use of

tobacco. The program also offers free nicotine alternatives such as gum, patches, and lozenges. These are all products that help to eliminate the consumption of tobacco. Those who enroll in the quit hot line have a greater of chance quitting tobacco use long term. 38% of those who enroll and stay active within the quit hot line are successfully independent from the substance after 12 months (Tomblin 2011, 2). This greatly decreases the health expenditures that the state has to spend annually.

The West Virginia Clean Indoor Air Program uses 24% of the Division of Tobacco Preventions budget. The program cost 1.4 million dollars annually to run and operate. This program is used to provide clean air in work, schools, and public settings throughout the state. The annual health expenditures due to second hand smoke in West Virginia are around 38 million dollars (Tomblin 2011, 4). This program also is teamed with the American Cancer Society to help make West Virginia's air clean. Since the inception of this program West Virginia now has 55 counties with clean air regulation. The inception occurred after a lawsuit in the West Virginia Supreme Court that ruled against Independent Living Inc. in a case that involved Cabell-Huntington area. West Virginia Supreme Court upheld the Clean Air Program stating that West Virginia code 16-2-11 allows for the public health and safety and safety board to apply violations to those who do not cooperate with the Clean Air Program in West Virginia (US Legal, 2012). This incident gave the West Virginia Department of Health and Public Safety tremendous ground to enforce the legislation that was enacted by the program.

The West Virginia Youth Tobacco Prevention Program uses around 34% of the total budget and costs approximately 1.75 million dollars to operate. Since the adoption of the RAZE program in West Virginia there has been a spike to 108% of adolescents never trying tobacco. In 2000, the percent of high school students not using tobacco was around 20.8%. Currently the average percent of tobacco non-users in high school has grown to 50.5% in the state. This program has been successful in preventing tobacco use during school (Tomblin 2011, 4). West Virginia Youth Tobacco program has now expanded to community-organized groups that work with adults also on the prevention and risks associated with tobacco consumption.

How State Legislatures Use the Tobacco Tax

The West Virginia Tobacco tax is used to offset the enormous cost of healthcare within the state. West Virginia is the number two consumer of tobacco in the United States (http://www.wvdtp.org/). Furthermore, West Virginia also has the highest death rate due to consumption of tobacco. 1 in 5 deaths directly link to the consumption of tobacco in the state of West Virginia. The West Virginia economic burden from the use of tobacco is around 2 billion dollars annually (http://www.wvdtp.org/). On average 4,000 West Virginians die due to the consumption of tobacco. By the year 2020, it is estimated that 40,000 residents will die due to their use of tobacco (http://www.wvdtp.org/).

The West Virginia tobacco tax is used to pay for prevention campaigns and to help alleviate the massive burden of healthcare costs in the state. Additionally, the state has to pay unemployment benefits to workers who cannot be productive due to illness or disease caused from tobacco use. The 2 billion dollars annually spent in the state on these illnesses and work related un-productivity costs the state in terms of growth (http://www.wvdtp.org/). Currently, West Virginia's tax is not a preventive measure.

The West Virginia state Senate passed numerous bills to help alleviate the health expenditures. As of February 27, 2012, the West Virginia State Legislature is pushing for a 1-dollar increase on taxes related to tobacco products (Associated Press, 2012). This tax increase would bring West Virginia above the national average tobacco excise tax that stands at 1.46 per pack (http://www.wvdtp.org/). The 1-dollar tax increase on tobacco substances would be an un-preventive measure for the usage of tobacco in West Virginia. However, it will allow for the cost of healthcare and workforce unproductivity cost within the state.

Currently the Governor of West Virginia, Earl Ray Tomblin, is pushing for this tax. However, he is receiving a lot of unwanted publicity from the locally owned tobacco stores within the state. The locally owned stores within the state suggest that it will cause them to go out of business. Studies have shown that the decrease of tobacco users will gradually decline and allot these companies time to adjust. Phil Accordino, a small business owner from Ohio claims that this tax will cause

him to lose his business. His major contribution to tobacco is his roll your own cigarette machine (Kabler, 2012). Although his concerns are relevant, higher tax generally does not discourage use by the consumer. The higher tax will alleviate the 2 billion dollar expenditures due to tobacco consumption. The state of New York has the highest tax on tobacco standing at 4.35 dollars per pack (CDC, 2010). At this time New York still is ranked 14th in the United States for highest average of adult smokers that stands around 16.8% (CDC, 2010).

Problems with West Virginia Tobacco Legislation

The presenting problem with the West Virginia Tobacco tax policies is simple. West Virginia does not utilize the tax in ways that other states such as Minnesota and New York use the tax revenue. For example, the state of Minnesota uses the tax to fund education as well as health care expenses (MSNBC, 2011). States have lost a majority of their revenue through a spike in taxes. However, at this time West Virginia, ranks 44th on the lowest tobacco taxes in the nation. Adding a 1-dollar added tax would not implement much harm to the revenue generated through tobacco use in West Virginia. The current concerns of tobacco tax policy in West Virginia stem from how the revenue is allocated from the tobacco tax. The state uses 5.75 million dollars to power the Department of Tobacco Prevention in the state. The state's total revenue is approximately 180 million dollars and only supports the Division of Tobacco Prevention with 5.75 million dollars of the revenue (www.tobaccofreekids.org). The original blue print for the Division of Tobacco prevention was to reach at least 14 million dollars in operating capacity.

West Virginia has a death rate of 1 in 5 deaths being related to tobacco. The taxpayer in West Virginia pays 582 dollars per household to offset the cost of healthcare cost (www.tobaccofreekids.org). The healthcare cost across the state for tobacco related illness is 690 million dollars and the state pays 229 million dollars of the cost. The generated tobacco is 3% of the total revenue in the state at approximately 114 million dollars (www.budget.wv.gove). To solve the problem of massive healthcare expenditures an increase in the tax rate of tobacco in West Virginia is suggested. As of right now, the generated revenue is less than half the total cost of healthcare and un-productivity cost within the workplace (www.tobaccofreekids.org).

West Virginia does not spend enough revenue on preventive measures toward the use of tobacco. If the new 1-dollar tax increase is passed it would include a spike in preventive nicotine substances. The 1-dollar tax would increase the tax of nicotine gum and the new electronic cigarette. West Virginia with the massive health expenditures does not spend enough of the total revenue on the Division of Tobacco prevention. The West Virginia tobacco tax is a low percentage of the revenue for the state. If a solution is applied, the economic restraint of 2 billion dollars would be lifted from the state. Unlike other states such as New York and Minnesota, West Virginia does not have the appropriate revenue to spend the tobacco tax revenue on anything else, but work related un-productivity and healthcare expenditures.

New Policy Proposal

The West Virginia tobacco tax has been misused as a considerable source of revenue. The tax had not increased in 25 years. In 2003 the tobacco tax was raised from 17 cents to 55 cents per pack. West Virginia being one of the top states for tobacco use and having the highest average of adults using tobacco throughout the state is the perfect candidate for increased tax. However at 55 cents per pack the tax as of right now does not reflect a considerable amount of revenue for the state.

The tobacco tax should reflect at minimum the annual healthcare expenditures related to the use of tobacco. The tax of 55 cents on tobacco products generates 114 million dollars annually for the state and the health expenditures of the state average 229 million dollars per year. The lowest amount of tax charged per pack should be 1.10 dollars per pack. This would suffice for the healthcare cost within the state. A 55-cent increase in tobacco tax would result in the use of taxpayer money to be spent on preventive programs to slow the consumption of tobacco. Changes in the tobacco tax policy would allocate revenue in the state budget.

An increase in preventive programs across West Virginia would decrease the likelihood of high school students trying tobacco. For example, the Raze program in West Virginia has been highly successful in reducing the amount of high school students using tobacco. The

cessation program has also been productive in reducing the chances of someone who quit smoking from relapsing to the harmful substance. West Virginia has not reached the goal of 14 million dollars in funding for the Department of Tobacco Prevention. The increase of tobacco tax along with taxpayer money would decrease the use of tobacco in young adults by funding preventative programs.

The extra funding received from the health expenditures would allow for vouchers or discounts to be given to those who apply to a West Virginia tobacco quit line. This would allow people to afford the expensive smoking alternatives. Nicotine gum and electronic cigarettes are both fairly expensive to purchase. Cigarettes and smokeless tobacco products are much easier to purchase than the tobacco alternatives. Using the extra revenue to boost amenities would allow for further preventive measures to take place. In turn this will ultimately create a healthier more productive West Virginia.

The alteration to the West Virginia tobacco excise tax would be implemented thorough a proposal to the state legislature. The modest tax increase would allow small business owners to sell tobacco without long-term economic declines in sales. The tax is not drastic and would allow for small business owners associated with the sale of tobacco to worry less about long-term economic declines in sales. In turn, this would take the pressure off the legislature for passing the proposed policy through the state senate. The politics for passing the bill would be centralized around those who use the product and those who sell the product. Legislatures do not want to run a risk of losing reelection thus the policy would have a feasible chance of being introduced. The focus of this policy proposal is to target a younger audience and to improve circumstances of West Virginia youth. The average age that West Virginia youth starts using tobacco is around the ages of 12 to 14 years. It is estimated that tobacco use at this age will result in a 14-year premature death of the individual (www.wvdtp.org). Statistics show that a slight increase in tobacco tax may result in over 30,000 individuals to never pick up at tobacco habit (Pore 2009, 1).

Political Support

The groups that would be supportive of this policy proposal would be anti-smoking groups. These groups are wide in scope; they support most anti-tobacco campaigns. The three major anti-tobacco groups that support many anti-tobacco policies are American Heart Association, American lung Association, and the American Cancer Society. These Groups are non-state funded actors that participate in policy debate and funding for the policy. Other groups that would support this proposal would be Campaign for Tobacco Free Kids Organization. They focus mainly on supporting youth in the fight against peer pressure and educate children on why they should never try tobacco.

There will be numerous groups supporting the tobacco tax increase because it will relieve the 582 dollars that the Work force pays every year in taxes help alleviate the state's budget. This will boost the taxpayer's support of the legislation. The decrease will not be extreme because of the health expense still associated with tobacco use and the need to expand the Division of Tobacco Prevention in West Virginia.

Many political actors would influence the policy. However the largest actor in this type of legislation is the tobacco companies themselves. These companies are extremely large and they spend over 121 million dollars each year in the state on advertising (www.tobaccofreekids.org). The tobacco companies would be able to run negative advertisements about the tobacco tax increase and illustrate how government does not always spend the money accordingly. In the past tobacco companies have run advertisements about the decade of broke promises starting in 1998 (www.tobaccofreeekids.org). These tobacco companies that run advertisements often focus on how government spending from tobacco revenue was supposed to originally offset healthcare cost and instead it has been used in the past to fill budget holes. They often gain support of the consumer by running ads based on this structure.

How the Tobacco Policy Can Easily Be Introduced

The policy that is suggested in this paper would need strong political support. The Policy would need a public acceptance across the state of West Virginia. Support would make the policy easily accepted and legislatures would be able to pass the policy. Tobacco companies would need to cooperate with the policy. The legislatures need to have system set up to answer questions easily for those small business owners that would be concerned with the modest tax increase. This

would allow for an easy overall more transition for implementation suggested of 55-cent tobacco increase. Preventive programs would have an increase of funding through the increase of tobacco tax. Eventually, the increase in the tax will result in a decrease in the amount of smokers in the state. The policy proposed could be suggested as a "sin tax" for consuming a product that is harmful to the person and others around them. The policy would be implemented through the state of West Virginia's legislature. West Virginia could ask for a referendum election that would allow the citizens of the state to vote on the subject of the policy proposed. This would show if strong public support for the policy is available within the state.

References

Associated Press. 2011. MSNBC. US Business. *"With Fewer Smokers America Sees Less Revenue".* *http://www.msnbc.msn.com/id/17170991/ns/business-us_business/t/fewer-smokers-states-see-less-tax-revenue/#.T1e4KVH3C9Z*

Associated Press. 2012. The Charleston Gazette. http://wvgazette.com/News/politics/201202270171

CDC. 2010. The Center of Disease Control and Prevention. "*Smoking and Tobacco Use"* *http://www.cdc.gov/tobacco/data_statistics/state_data/state_highlights/2010/states/new_york/index.htm*

Kabler, Phil. 2012. The West Virginia Gazette. *"State House Beat: Compromise or Lobby Competition"* *http://www.wvgazette.com/News/PhilKabler/201202260076*

Manchin Joe. 2008. The West Virginia Division of Tobacco Prevention "*Strategic Plan*" http://www.wvdtp.org/Portals/5/2013%20Plan.pdf

Olmsted, Frank. 1989. "The Tobacco Tax" *The Quarterly Journal of Economics Vol. 5, No. 2 Oxford University Press.* http://www.jstor.org/stable/1882971

Pore, Renate. 2009. "Tobacco Tax Benefits Outweigh Concern" http://www.wvpolicy.org/downloads/2009session/031309TobaccoTax.pdf

Pore, Renate. Paulhus, Elizabeth. 2011. "Breathe Easy: Tobacco Tax Brings Better Health, New Revenue. http://www.wvpolicy.org/downloads/BreatheEasy020811.pdf

Tobacco Free Kids. 2011. Spending on Tobacco Prevention "West Virginia." http://www.tobaccofreekids.org/research/factsheets/pdf/0097.pdf

Tomblin Earl. Lewis Michael, 2011. West Virginia Division of Tobacco Prevention "*Progress Report"* http://www.wvdtp.org/Portals/5/Annual%20Report%2011WEB.pdf

US Legal, 2012. http://smoking.uslegal.com/smoking-regulations-in-west-virginia/

West Virginia Bureau of Public Health. *Division of Tobacco Prevention* http://www.wvdtp.org/

Wise Bob. 2003. West Virginia Division of Tobacco Prevention Strategic Plan. http://www.wvdhhr.org/bph/oehp/tobacco/plan/dtp_plan.pdf

FLORIDA'S POLICY OF DRUG TESTING TANF APPLICANTS

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Abstract

I will be exploring the policy adopted by Florida in 2011 outlined in Florida State Statute 414.0652, titled "Drug Screening for Applicants for Temporary Assistance for Needy Families." This topic is relevant across America, not just in Florida, because it is a step in a new direction in welfare reform. This is a policy that could, if successful, set the example for many more of the fifty states, and could eventually impact the requirements for Temporary Assistance for Needy Families (TANF) nationwide. Because TANF is a cash assistance program, there is no guarantee of what the money will be spent on, and up until this policy began in Florida, no way of monitoring how it is spent. This means that, hypothetically, none of the money given to assist these needy families could actually be going to the things it is intended for, such as housing or clothing. This policy is by no means perfect, as no policy ever is. It is, however, a step toward monitoring what our country's tax dollars are going toward. The hope of this particular policy is to avoid allowing them to go to fuel an addiction that is already deemed illegal nationwide. I will discuss the history of the policy and why specifically it was created, the success or failure of the policy, the constitutionality of the policy, my proposed changes to the policy, and the assessment of political will regarding the policy.

History of the Policy

In the 2000s it became strikingly clear that Florida had a serious drug problem. A report from the Florida Medical Examiners Commission, which looked at the number of annual deaths from 2003 to 2009 that showed lethal concentrations of one or more drugs in medical examiner testing, showed just how severe this problem had become. The overall incidence of these deaths increased 61.0%, from 1,804 to 2,905. Adding to this, the death rate increased 47.5%, from 10.6 to 15.7 per 100,000 population. During this period, the death rate for prescription drugs increased 84.2%, from oxycodone it increased 264.6%, from alprazolam (a benzodiazepine used to treat anxiety disorders and panic disorder) it increased 233.8%, and from methadone it increased 79.2%. (Goldberger et al, 2011). Florida legislators quickly realized that something had to be done about this epidemic, and one solution that was derived was to make sure that tax dollars were not going to fund this problem. To do this, the idea was to begin drug testing Florida's applicants for and current recipients of Temporary Assistance for Needy Families (TANF).

A pilot program was conducted in Jacksonville, Florida to see if this potential policy of drug testing TANF applicants would actually help the problem, as it would be unnecessary if they found out that no TANF applicants were actually doing drugs. The program showed 3.8% positive test rates in that area alone (Bragdon, 2011). The legislature then decided to take the statistics and ideas and turn them into statewide actions.

This policy was first introduced as HB 353 in the Florida House of Representatives on January 24, 2011. It was sponsored by Representatives Smith, Corcoran, Costello, Drake, Gaetz, Kreegel, Plakon, Snyder, Trujillo, and Young (HB 353, 2011). Representative Smith initially supported the bill because, "this was good policy to insure the money intended for children is going for children instead of drug abuse" (Jimmie Smith, email correspondence, February 28, 2012.).

HB 353 passed the Florida House of Representatives on April 26, 2011 with a vote of 78 to 38, and then went on to pass the Florida State Senate on May 5, 2011 with a vote of 26 to 11. The bill was approved by Governor Rick Scott on May 31, 2011, and went into effect on July 1, 2011. This bill took the form of statute under Title

XXX, Social Welfare, Chapter 414, Family Self-Sufficiency, 414.0652: Drug Screening for Applicants for Temporary Assistance for Needy Families (HB 353, 2011).

Florida State Statute 414.0652 requires the Department of Children and Family (DCF) Services to perform drug tests on applicants for Temporary Assistance for Needy Families (TANF) benefits. It specifies that each applicant has to pay for his or her own drug test. It states that additional requirements of DCF include: providing notice of the drug-screening policy, increasing the amount of the initial TANF benefit by the amount paid by the individual for the drug test for those whose tests are negative, providing procedures for testing and retesting, providing information concerning local substance abuse treatment programs to all those whose drug tests are positive, and providing conditions for reapplication for TANF benefits, including the provision that those who test positive will be ineligible to receive any TANF benefits for one full year although they may reapply after six months if they show evidence of completing substance abuse treatment. The bill also contained a provision that stated that, if a parent is ineligible for TANF benefits as result of failing a drug test, the eligibility of his or her children is not affected. It provides for the designation of another protective payee in this case. The bill also gives the rulemaking authority to the DCF (HB 353, 2011). It is important to note that not all applicants for TANF have a drug screening performed; rather only those who are determined to be otherwise eligible for the program are tested (Bragdon, 2011).

The drug tests themselves test for ten different types of drugs including: Amphetamines, Methamphetamines, Cannabinoids (THC), Cocaine, Phencyclidine (PCP), Opiates, Barbiturates, Benzodiazepines, Methadone, and Propoxyphene. They may be conducted at any of over 340 approved sites within the state. The application for TANF can remain open for as long as 45 days, and will be closed after that if it is not complete. The application will not be considered complete until a drug test is completed (Bragdon, 2011).

This policy requires no new sources of funding, and does not require an increase in existing sources of funding. The program is administered by DCF, which incurs some cost to implement and execute the program; however this cost is paid for out of the Federal Block Grant received for TANF. The costs primarily come from the initial execution and continued receipt, review, and recording of the individual drug test results, although the primary testing costs will be paid by the TANF applicants who are tested. The initial drug screen costs are $10.00 per person, and the confirmatory test costs are $25.00 per person (HB 353, 2011). As stated in Bill 353 and Florida State Statute 414.0652, "if the individual tests negative for controlled substances, the department shall increase the amount of the initial TANF benefit by the amount paid by the individual for the drug testing" (HB 353, 2011; Florida State Statute 414.0652). The TANF benefits, including reimbursement of negative drug tests, continue to be paid for using the Federal Block Grant for the program (Jimmie Smith, email correspondence, February 28, 2012.). Although implementation of this policy does require some costs, it is all paid for through money already allocated to go toward TANF from the Federal Block Grant. Because of this policy, Florida has had more than enough money to implement the program within the limits of the grant, and still save money. It does not require any additional funds from Florida or the United States government.

Success or Failure of the Policy

The policy, amid extreme criticism and even accusations of violating TANF applicants' Constitutional rights, actually seems to have been a success according to the first quarter (July 2011-September 2011) results as reported by the Foundation for Government Accountability. Looking at September 2011 alone, cash assistance approvals were 48% lower than in June, the month before the drug testing policy was enacted, and 62% lower than in September of 2010. Again, in September 2011 alone, 35% of all otherwise eligible TANF applicants received a drug-related denial. This is still a staggering number when looking at the entire first quarter, as it still stands at 19% (Bragdon, T, 2011). A likely reason for the discrepancy between the drop in cash assistance approvals after the policy's implementation and the drug-related denials during the same period is that many who knew they would not pass the drug test simply chose not to apply for TANF. The government did have to pay out $58,000 in reimbursements of testing fees in cases of negative results during this period; however the estimated total taxpayer savings due to drug related denials for the same

period was $1.8 million. This means that for every one dollar spent reimbursing TANF applicants who had negative drug tests in the first quarter, over thirty dollars of taxpayer money was saved (Bragdon, T, 2011).

Because there are always two sides to every story, it is important to look at the policy through the eyes of its opponents. The American Civil Liberties Union of Florida is quick to point out in September 2011 that since the drug-testing program began, 98% of those who have taken the drug tests have passed. This would be a failure rate of only 2%, and would not be enough good reason to allow the program to continue as Florida State Statute 411.0652 designed it (American Civil Liberties Union of Florida, 2011).

When comparing this rate of only 2% drug test failure with that reported by the Florida Foundation for Government Accountability, which claims 19% of TANF applicants received a drug related denial, there appears on the surface to be a large discrepancy between the two statistics. When comparing the two statistics more carefully, though, they actually are not contradictory. The 2% of TANF applicants that have taken drug tests and failed only accounts for those who actually completed the drug testing portion of the application. The 19% of TANF applicants who received a drug related denial also takes into account those who were otherwise eligible for TANF benefits but chose not to complete the drug test. It would be pure speculation to say whether or not these applicants opted out of the drug test because they were actually doing drugs, but the fact remains that, in some form or fashion, this policy eliminated 19% of otherwise eligible applicants from receiving TANF benefits in the first quarter of the policy's existence.

Constitutionality of the Policy

Even with the success of the policy, some consider it a colossal failure for constitutional rights. More specifically many believe the Fourth Amendment right to be free from unreasonable search and seizure and the Fourteenth Amendment right to due process are violated by this statute. The issue was hashed out in *Lebron v. Wilkins, 2011*, which looked at the issue on an individual level rather than looking at the constitutionality of the entire statute. The suit alleged that Florida State Statute 411.0652 was unconstitutional under the Fourth and Fourteenth Amendments. The Plaintiff was entitled to a preliminary injunction because the applicant established that he was likely to prevail on the merits of this claim, that he would suffer irreparable harm without such relief, and that an injunction was in the public interest. The court did grant preliminary injunction, and the State could not withhold the TANF benefits from the Plaintiff until the case was decided on its merits. The order in no way addressed the constitutionality of the statute and no further rulings have been made.

My Proposed Changes to the Policy

The Florida State Legislature put a lot of careful thought and planning into Florida State Statute 411.0652, and I believe this shows in the excellent quality of the legislation. The policy prevents Florida's taxpayers from having to give their hard-earned money to fuel others' drug addictions and illegal activity, while also placing only a very small financial burden on the many law-abiding TANF applicants, which is reimbursed in their very first cash assistance check. The program proved in its first quarter that it pays for itself thirtyfold, so additional taxpayer dollars are not being wasted to keep the program going. The policy even provides ways of ensuring that children are not adversely affected by parents who fail the drug tests.

I disagree with policy critics who consider it unconstitutional, and I believe that by choosing to apply for TANF, applicants are choosing to subject themselves to the drug tests. Applying for TANF is voluntary; applicants have a choice whether or not to apply, and subsequently whether or not to take the drug test. Their constitutional rights are not taken away from them; rather they are choosing to give a small part of them up in exchange for TANF benefits. Although it must be acknowledged that TANF often provides a family's sole source of cash, and TANF benefits are not something that can easily be given up, if the recipient is spending this money on drugs then the money is being compromised anyway. This being said, I propose that the policy be both expanded and adopted as a federal policy.

First, I recommend that Florida's policy for drug testing TANF applicants be adopted as a federal policy. Currently, the TANF program is administered at the state level through a federal block grant with certain guidelines attached. I am simply recommending that a provision be added to require that each state drug test their welfare applicants. Further, I suggest that there

should be general guidelines given by the federal government for the required drug testing provision. These should at the very least include provisions for drug treatment programs and methods of ensuring that children with caregivers who lose benefits due to drug use are still able to be administered their benefits.

I believe it is important to keep TANF as a program that is administered at the state level, and the new provision for drug testing that I am proposing should be no different. Each state should have its own specific criteria to meet that states particular needs. If done in this manner, the drug testing programs, like the current TANF programs, will be able to be diverse and fit the needs of the individual states. This policy, which is custom-fitted for Florida, may not be ideal in other states. If the details of the program are left to the discretion of each individual state, we will be left with policies that are best for the areas in which they are implemented.

As the policy in Florida has proved to be achievable within the limits of the current block grant allocated for TANF, the same should be true with the policies of each individual state. Applicants should pay for their own drug testing at approved locations, and those who test negative will be reimbursed by their state's TANF program. If the results are similar to that of the TANF drug testing policy in Florida, the cut in payout of tax dollars to these programs will more than cover the cost of reimbursing those who pass the drug tests. This being said, making this a nationwide program should place no additional costs on taxpayers, government agencies, or any level of government, as the funds that are no longer being paid out to those who fail the drug tests will be more than enough to cover the costs of implementation. If results mirror those of Florida's TANF program, there will still be great savings of the money allocated to each program even after paying for implementation of the program from these funds. The only people who will incur a cost from my proposed policy are those TANF applicants who take and fail a drug test.

Second, I recommend that the policy of drug testing TANF applicants be expanded to include drug testing of applicants to all public assistance programs nationwide. To do this, I first recommend that all public assistance programs that are currently federally administered continue to be federally funded through block grants and administered at the state level as TANF is currently. If the money spent on running these programs at the federal level is allocate to the states to run the programs in ways that best fit their particular needs, there should be no additional costs of benefits. The only additional costs would come from operating costs, including buying or renting offices, payment of utilities at the offices, upkeep of the offices, and payment of employees.

Administering all public assistance programs at the state level would ensure that these programs are all specially designed to meet the needs of each state effectively. There would, of course, need to be some federal guidelines, which brings me back to the guideline I have proposed of drug testing all public assistance program applicants.

Public assistance programs are based on the concept of safety nets. They make sure that citizens receive basic services to keep them above the poverty level. They are designed to be short-term programs to help citizens who have fallen on hard times to get back on their feet and in a position to contribute to the American economy (Karger and Stoesz, 2010). Because of the purpose of these programs, it is important to make sure their recipients are using the money they do have to achieve this purpose. Although it would be nearly impossible to keep track of everything that people receiving public assistance spend money on, ensuring that it is not spent on drugs is a step in the right direction.

Cash assistance programs, such as TANF, should continue to require drug testing, as is done in Florida to ensure that taxpayers are not being forced to directly fund some recipients' drug habits. One might wonder why recipients of in-kind benefits, such as food stamps and Medicaid, should also be required to submit to a drug test, when these are non-cash benefits that cannot directly be used to buy drugs. It is because the money they are hypothetically using to buy drugs could be going toward the things (such as food and medical care) that the taxpayers are paying for. These recipients would be at least somewhat less likely to need public assistance to pay for those things if their cash income was spent on them rather than drugs.

It is important to note that I do not recommend that this policy should expand to include social insurance programs. Social insurance is a system in which people are obligated to insure themselves against their own poverty, which may come through retirement, job loss, death of the family breadwinner, or disability.

These programs basically allow the government to hold the worker's money in trust, and then the money is there for the worker's use (or that of his or her family) upon the worker's retirement, death, disability, or unemployment (Karger and Stoesz, 2010). Because these programs are funded by money that the worker has earned, I see no reason that the recipients should be held accountable for what they do with it. It is their own money, not that of the taxpayers as it is in the case of public assistance programs. I believe that asking these recipients to submit to a drug test would be roughly equivalent to one's bank requiring a drug test to withdraw money from his or her savings account. It would be nearly impossible to justify.

Assessment of Political Will Regarding the Policy

It appears that the American people are already split on the issue of drug testing welfare applicants. Many groups will be opposed to my proposal, as it extends a policy that has already acquired great opposition. Specifically, the American Civil Liberties Union (ACLU), which believes the original policy violates applicants' Constitutional rights, would argue that my policy violates these rights to an even greater degree. Some groups, though, will likely give it great support.

Along party lines, it is reasonable to generalize that Republicans would be most likely to favor my proposal, while Democrats would tend to oppose it. This can also be drawn from support for Florida's original bill and subsequent legislation, which was sponsored by ten representatives, all of whom are Republicans. Of the 38 nays the bill received in the Florida State House of Representatives, only two of those were from Republicans, and of the 11 nays the bill received in the Florida State Senate, all were from Democrats (HB 353, 2011).

I believe that to get my policy passed it will have to be broken down into two separate policy proposals. I think that my proposal of making drug testing a nationwide policy would be better received in initially keeping with Florida's plan and only attempting to get legislation passed to allow drug testing for TANF applicants and current recipients. I think that a closer look into the success of Florida's policy will garner more support for the program nationwide, and make passage as a federal statute more likely.

After policy for drug testing TANF applicants nationwide has been put into effect, then the second part of my proposal can be considered. If the drug testing for TANF applicants proves to be successful, those who initially supported that idea may take the next step and propose drug-testing programs for all public assistance programs. This separate proposal would likely incur some of the same support and opposition as the first; however depending on the success of the first policy it may differ.

Also, to make any part of this policy happen, the people who support it must speak out. Representatives, at any level of government, cannot represent their constituents' views on an issue if they are unaware of them. Those who want to see this change made will need to write and their representatives, help educate others on the issue, and even protest or form a petition.

References

American Civil Liberties Union of Florida. 2011. *ACLU Files Suit in Federal Court Challenging Mandatory Drug Testing of Temporary Assistance Applicants* http://www.aclufl.org/news_events/Index.cfm?action=viewRelease&emailAlertID=3946&print=true (March 3, 2012).

Bragdon, T. 2011. Florida Foundation for Government Accountability. *Florida's Drug Test Law for Welfare Cash Assistance: First Quarter Facts.* http://www.floridafga.org/2011/10/floridas-drug-test-law-for-welfare-cash-assistance-first-quarter-facts-2/ (March 2, 2012).

Bragdon, Tarren. 2011. Florida Foundation for Government Accountability. *The Impact of Florida's New Drug Test Requirement for Welfare Cash Assistance.* http://www.floridafga.org/2011/09/the-impact-of-florida-new-drug-test-requirement-for-welfare-cash-assistance (March 2, 2012).

Florida Code §§ 414.0652 (2011).

Florida State Congress. House. Drug Screening of Potential and Existing Beneficiaries of Temporary Assistance for Needy Families. HB 353. (May 31, 2011).

Goldberger, Bruce, et al. 2011. "Drug Overdose Deaths--Florida, 2003-2009." *JAMA: Journal of the American Medical Association* 306 (September): 1318-1320. EBSCOhost (March 3, 2012).

Karger, Howard Jacob, and David Stoesz. 2010. *American Social Welfare Policy: A Pluralist Approach.* New York: Allyn & Bacon.

Lebron v. Wilkins, 2011 U.S. Dist. (M.D. Fla., Nov. 9, 2011)

TRANSFORMATION OF SOCIAL SECURITY AND PROPOSED REFORM

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Abstract

This paper will detail the transformation Social Security policy has taken from its origins stemming from the Social Security Act of 1935 to the amendments made to the original policy. There are three major policy-making areas Social Security hones in on: coverage, benefits, and financing (Dewitt 2010, 7). This paper will detail the evolution and transformation of the three policies. It has been roughly seventy-seven years since the Social Security Act was first introduced. Although it has undergone many changes, how else will it evolve in the future? Included in this paper will be my personal suggestions of how to improve the Social Security system over the next two decades.

History

The Social Security Act of 1935 established an economic insurance program that we simply refer to today as Social Security. While we know it simply by that moniker, the bill to pass Social Security into legislation was an "ominous bill containing seven different programs" (Dewitt 2010, 4). The original sevens programs in this bill were: Old-Age Assistance, Federal Old-Age Benefits, Unemployment Insurance, Aid to Dependent Children, Grants to States for Maternal and Child Welfare, Public Health Work, and Aid to the Bind. These seven programs will be explained in detail later.

It is important for people to know about this policy because it affects so many different types of people. This policy affects those who are financially stable and unstable, those who are unable to work because they suffer from a disability, those who need assistance with medical expenses, those who have worked, but have become unemployed, and those who have children, but cannot afford to provide for them. Social Security has become so popular and such a mainstay in American politics that those running for office almost consider the policy untouchable because they know it is so important to millions of people that if the program is cut or reformed drastically they could lose their voting base (Blahous 2010, 42).

One major piece of history people should be informed about is the fact the original Social Security legislation excluded agricultural and domestic workers from the program (Dewitt 2010). What this meant was that over half of the jobs in the United States were excluded from this program therefore half of the working class could not have this form of security once they were due to retire.

Some scholars have argued that this was done because of race. A majority of African Americans worked agricultural or domestic jobs. Many believed these two exclusions were done so that African Americans would not receive the benefits of the Social Security program. Others argue that the reason these two fields of work were excluded were due to funding of the program (Dewitt 2010). It was not until 1954 that all domestic and agricultural workers were included in the Social Security program (Dewitt 2010).

Amendments

As mentioned previously, the Social Security Act was passed in 1935 and included seven programs. A brief description of each program follows. Title I, Old-Age Assistance: "Federal financial support and oversight of state-based welfare programs for the elderly," Title II, Federal Old-Age Benefits: "The Social Security Program," Title III, Unemployment Insurance: "National unemployment insurance, with federal funding and state administration," Title IV, Aid to Dependent Children: "State based welfare for needy children (what some would call AFDC,)" Title V, Grants to State for Maternal and Child Welfare: "Federal funding of state programs for expectant mothers and newborns," Title VI, Public Health Work: "Federal funding of state and public health programs," and last,

but not least, Title X, Aid to the Blind: "Federal funding of state programs to aid the blind" (Dewitt 2010, 5).

When the economy began to fall and workers no longer had jobs, there became a need for social insurance. Many of these people were able-bodied; the problem was that there were no jobs. Others who had jobs were not making enough to sustain living for themselves or their children. Social insurance is defined as "the insurance principle under which a group of persons are "insured" in some way against a defined risk, and a social element which usually means that the program is shaped in part by broader social objectives, rather than being shaped solely by the self-interest of the individual participants" (Social Security Online 2011).

While the country was in the midst of the depression, President Franklin D. Roosevelt proposed the notion for a Social Security Program. The Committee on Economic Security (CES) was created which was comprised of five top cabinet level officials (Social Security Online 2011). The CES brought together a small group of experts in the field of economic security. They studied the issue as a whole and even studied Europe's trials and tribulations on the matter. It was on January 17, 1935 that President Roosevelt proposed the Social Security Program to the Senate and House of Representatives. The program was heard in the House Ways and Means Committee and the Senate Finance Committee throughout January and February.

While there were some close calls with some provisions to the bills passing, the bill passed in both houses in its entirety by an overwhelmingly large number of votes. With more deliberations to be made, the bill was finalized and sent to President Roosevelt. The Social Security Act officially became a law on August 14, 1935 (Social Security Online 2011). While there were several provisions for "general welfare, the new Act created a social insurance program designed to pay retired workers age 65 or older a continuing income after retirement" (Social Security Online 2011).

The original Social Security Act, while providing many benefits, fell short in the area of disability and medical coverage. The bill was so large at the time that there would have to be changes in the future to perfect this bill. There were two major provisions that affected the elderly. Title I, Grants to States for Old Age Assistance which were state welfare programs for the elderly and Title II was the social insurance program that we have come to know as Social Security. These two programs were major provisions to the already enacted legislation. Not to discount the effects and need for Title I, but Title II was very important because it rewarded those who worked. The workers themselves were the ones who funded this program. Title II addressed many of the long-term issues of social insurance programs because it worked in this manner.

The major difference between Title I and Title II was that Title I was a welfare program. A person did not have to contribute to the system to receive the benefits of said program. Title II, however, was a system in which the workers paid into and received a retirement benefit once they were eligible. Sixty-five was the age set forth in the legislation for a worker to be able to retire and receive benefits. President Roosevelt made a further distinction in that Title I was to be a temporary relief program that recipients could collect from for a certain amount of time. He felt that the program itself would disappear once more people were able to gain Title II benefits.

Another important provision to the act was the creation of the Social Security Board (SSB) in September of 1935. The Social Security Board included three members, one of which would report directly to the president. Throughout the first year of existence of the SSB, they were presented with the job of "providing employers, employees and the public with information on how earnings were to be reported, what benefits were available and how they were to be provided. In addition, sites for field installations had to be chosen and personnel to staff these offices had to be selected and trained" (Social Security Online 2011).

While the Social Security Act had been enacted, there was still the issue of determining who was eligible to receive benefits. Along with that, employers and employees had to be registered within the database so that they could begin obtaining credits towards their Social Security benefits. Workers and employers had to be registered by January 1, 1937 (Social Security Online 2011). The SSB was short on funds to efficiently accomplish this task therefore they teamed up with the Post Office Department to administer the applications. Once the applications were retuned they were assigned a Social Security Number (SSN). Thirty million SSN cards were issued among the early days of this legislation.

In order for the system to work correctly, there had to be special trust funds set aside so that payments could

be disbursed to eligible recipients. "The first Federal Insurance Contributions Act (FICA) taxes were collected beginning in 1937" (Social Security Online 2011). The money collected was then paid out to recipients. The trust has collected over 8.7 trillion dollars, and has paid out more than 7.4 trillion in benefits. The remaining funds are on reserve.

Once the program began to generate funds, payments began. The original way payments were dispersed was in lump sum amounts. From 1937 to 1940 payments were made in this manner. The money collected to make these payments was known as the Payroll Tax. The reason for this was that some people would not be participants of the program long enough to receive monthly benefits. In 1942, by law, monthly benefits were to begin. The period from 1937 to 1942 was "used both to build up the Trust Funds and to provide a minimum period for participation in order to qualify for monthly benefits" (Social Security Online 2011).

Amendments to this act were made in 1939. The original act only provided benefits to workers, but the new legislation extended those benefits. Two new categories were added: "payments to the spouse and minor children of a retired worker (so-called dependents benefits) and survivors' benefits paid to the family in the event of the premature death of a covered worker" (Social Security Online 2011). This fundamental change altered the system from being a retirement program to a family-focused program.

Once again, in 1950, more amendments were made. From 1939 to 1950 there were practically no changes made to the Social Security Program. There was one change during this period of time, though, that was very important. In 1946 the SSB was disestablished and the Social Security Administration (SSA) was created. Whereas the SSB had three members, the SSA was headed by a single person. Another fundamental amendment was that the benefits to beneficiaries were increased.

In 1954 a provision was made to the act adding a disability insurance program. On August 1, 1956, the Social Security Act was changed to provide benefits to those workers who were disabled and aged fifty to sixty-four and disabled adult children. President Eisenhower signed a law in September of 1960 extending the benefits to disabled workers of any age and to his or her dependents (Social Security Online 2011).

The Social Security Act saw a tremendous amount of change throughout the 1960's. In 1961 an amendment was made that would change the age at which men were first eligible for old-age insurance. It was changed from sixty-five to sixty-one. Because of this change, the number of beneficiaries doubled from the years 1961 through 1969. One of the biggest changes to the program was in 1965. President Lyndon B. Johnson signed the Medicare bill on July 30. This added another layer to the social insurance program because now the government would be providing medical benefits.

Keeping stride with the 1960's, the 1970's saw its fair share of changes and amendments. A new program, Social Security Income, was implemented. The adult categories which were for the "needy aged, blind, and… needy disabled individuals" were added to the list of responsibilities of the SSA (Social Security Online 2011). President Nixon pushed hard for this reform. He consulted Elliott Richard who, at the time, was the Secretary of Health, Education, and Welfare.

In 1972 two more important amendments were made to the Social Security Act. With these amendments came the creation of SSI and Cost of Living Allowances (COLA's.) When SSI was created there were also provisions included that would increase the benefits to certain beneficiaries. This would include aged widows and widowers. Also included in this amendment was:

"a minimum retirement benefit; an adjustment to the benefit formula governing early retirement at age 62 for men, in order to make it consistent with that for women; extension of Medicare to those who have received disability benefits for at least two years and to those with Chronic Renal Disease; liberalized the Retirement Test; and provided for Delayed Retirement Credits to increase the benefits of those who delayed retirement past age 65" (Social Security Online 2011).

An issue formed when COLA's were introduced. It came to be known as "The Notch." What this meant was that some beneficiaries would receive more in benefits than their gross salaries. Eventually, in 1977, this problem was corrected through amendments. COLA's would account for inflation therefore benefits would adjust to accommodate the change. This also meant there would be annual changes to COLA's and there would not need to be legislative approvals for this change (Social Security Online 2011).

The goal of the amendments in 1977 was to tackle the issue of financing. As was apparent with "The Notch" issue, funding problems were beginning to arise and needed to be dealt with immediately. Short-term and long-term funding faced issues. The weakness of the economy instigated the short-term issues, but the baby boom caused financing issues in the long term.

When the baby boom happened and those who were part of that era began working there was a mass influx of people paying into the system. The funds for Social Security were at a high because of the fact that so many people were contributing. The long-term effect of this was even though there were so many paying into the system, eventually those people would reach the age where they could collect on those benefits.

The baby boom era was the time when the United States saw the highest amount of people paying into the system which meant inversely that they would be the ones taking out the most when it came time to collect. The amendments in 1977 "increased the payroll tax from 6.45 percent to 7.65 percent, increased the wage base, reduced benefits, and 'decoupled' the wage adjustment from the COLA adjustment" (Social Security Online 2011).

There were many changes in the 1980's to the disability program. There were work incentives added to Social Security and SSI (Social Security Online 2011). A major change to the disability program was that there would now be on-going evaluations performed for recipients in the program to make sure they were, in fact, still eligible for benefits. Because of the workload, the evaluations were stopped and changes were made, and in 1984 the Disability Benefits Reform Act was passed by Congress (Social Security Online 2011).

During the early 1980's there was another short-term financing crisis. President Reagan created the Greenspan Commission in order to combat these issues. Those on the commission were to study the issues and find solutions. With the final bill being signed into law in 1983, there were many changes made to Social Security and Medicare programs. Whereas there was not a tax on Social Security benefits before, after this amendment there was. Also, this was the first time federal employees were included in Social Security. There was also an increase in the retirement age into the 2000's.

There were five legislative changes in 1996 and 1997. The first was the Contract with America Advancement Act of 1996. The major change here was that those applying for Social Security or Disability SSI could no longer receive benefits if drugs or alcohol were a factor in his or her life. The Personal Responsibility and Work Opportunity Act of 1996, also known as "welfare reform," ended the Aid to Families with Dependent Children (AFDC.) This law also terminated benefits to those who were non-citizens. The third change, known as the Omnibus Consolidated Rescissions and Appropriations Act of 1996, required all federal payments to be made electronically. No longer would there be paper checks. The Department of Defense Appropriations Act of 1997 stated that there needed to be a counterfeit-proof Social Security card and federal standards for state-issued birth certificates. Last, but not least, The Balanced Budget Act of 1997 restored SSI eligibility to certain groups of non-citizens whose benefits would have been revoked during "welfare reform" (Social Security Online 2011).

When President George W. Bush took office in 2001 he spoke to strengthening and reforming the Social Security system. He wanted to restore its financial footing and preserve the funds that were in place for those who were to be retiring soon. At the beginning of both of his terms he spoke to this reform, but throughout his presidency there was little change. While there was little change, it was change nonetheless. The law to do away with deemed wage credits to those members of the uniformed services was passed along with the Farm Security and Rural Investment Act of 2002 which provided federal funding of up to five million dollars to outreach projects (Social Security Online 2011).

President Barack Obama has also taken a stand with Social Security. In 2009 he passed the American Recovery and Reinvestment Act of 2009 which added one billion dollars to the Social Security Administration's administrative budget of five-hundred million. The bill also provided a "one-time economic recovery payment of $250 to adults who were eligible for benefits from one of the following: Social Security, Railroad Retirement, Veterans Disability, and Supplemental Security Income (SSI)" (Social Security Online 2011). President Obama also passed legislation known as "No Social Security Benefits or Prisoners Act of 2009" which prohibited "the payment of any retroactive Title II and Title XVI benefits to individuals while they are in prison, are in violation of conditions of

their parole or probation, or are fleeing to avoid prosecution for a felony or a crime punishable by sentence of more than one year" (Social Security Online 2011).

The change of the program has been that of exponential growth. When the Social Security Act of 1935 was passed there were roughly 220,000 people receiving benefits. Today there are over fifty million people who receive benefits. Along with the Social Security Program, SSI has grown as well since it was first introduced in 1974. With this growth means more people are paying into the system, but it also means that more people are collecting benefits. It is such a widely popular program that reform to it to reduce cost would be receiving negative reactions. Not only has there been a change in the number of people that benefit from Social Security, there has also been numerous legislative changes that have been detailed throughout this paper.

There are three ways in which Social Security is funded: workers and employers, investment income from Social Security's reserves, and taxes from beneficiaries that pay on their benefits (Social Security Online 2011). Workers and employers account for nearly eighty percent of the total that is funded. The investment income accounts for almost fifteen percent and the taxes that beneficiaries pay make up the last five percent of funding. In the Fiscal Year of 2011 Social Security took in 849.2 billion dollars. That same year it dispersed 783.1 billion dollars. This left a 66.1 billion dollar surplus. This cost is derived from Fiscal Year 2011 Summary of Performance and Financial Information (Social Security Online 2011).

The policy is implemented at the federal level and states have some control in that they may differ on some benefit levels stemming from the seven programs of Social Security. Social Security has not been privatized and the government does not contract with agencies to implement the program. The government is solely responsible for implementation of this policy. The cost of Social Security differs year to year, but earlier in this paragraph the cost for FY 2011 was discussed.

The problems that exist with the policy are that the funds are rapidly draining (Goss 2010, 111). As mentioned previously, once the babies from the baby boom generation were of age to retire and collect benefits the funds started depleting fast because there were so many of them. There were so many collecting and not enough contributing that there has been a real scare that in the future the funds will not be there (Blahous 2010, 48). Another factor is that families are not as large as they once were. Thirty and forty years ago it was not uncommon to have a household of five or more which meant eventually there would be that many people contributing to Social Security. Today families are much smaller thus leaving less people to contribute.

Proposal

My proposal for Social Security is short, but effective at keeping the trust fund full. I propose that beneficiaries only be allowed to collect what they have put into the system. By allowing beneficiaries to only collect what they have contributed that will help to stabilize the funds in the trust. For example, say a person begins paying into Social Security at age thirty, and retires at age sixty-five. They have accrued thirty fives year of Social Security benefits. With advances in modern medicine, in the future it is plausible that a person could live to be one hundred years of age or older. If said person were to live past one hundred their benefits should be cut because they have maxed out what they paid into the system. While this will most likely not affect a majority of people, for those that it does affect it is a way of regulating the system.

People should not be allowed to collect more than they have contributed. If it is a factor that they could live past their benefits then they should take it upon themselves to set aside money for savings. I have no problem with people receiving benefits from Social Security. What I do have an issue with are people who collect more than they have paid into the system. This change would be implemented by cutting off benefits once they have been maxed out.

Also, I propose that if a beneficiary is not able to receive the full amount that they have paid into the system before becoming deceased then that money should stay in the general fund and not be dispersed to his or her spouse. The only time it should be dispersed is if the beneficiary has children under the age of eighteen. This would help to rebuild the funds and generate more money. Another way this extra money could be used is putting it toward the national debt.

While some will say that this proposal takes the "security" out of Social Security, actually it does not. I am not proposing that workers pay into a system that they never receive benefit from. All those who pay into

the system should be able to collect only the amount they have contributed. That is still security.

Due to the workload of evaluations of disabled recipients to keep track of whether they were still eligible for benefits, evaluations were done away with. I propose they be enacted again. It is of the utmost importance that only those who are eligible to receive benefits do so. The Social Security budget would stand to save a lot if those who are not eligible to receive benefits are cut from the program. Also, there should be a pay grade based on disability.

Assessment of Political Will

Action needed to have a successful adoption of my proposals would be for legislation to be enacted to reform the Social Security System. It would take the power players in the political realm to advocate for such policies and make known what the benefits are of cutting parts of Social Security. When people hear that a program is going to be reformed or cut they tend to get defensive, but even though this would cut funding, it is not unfairly taking away a person's benefits. It is simply making sure those who have contributed are only getting out of it what they have put into and that those who may no longer qualify for disability because they have been deemed free of disability are not receiving benefits.

Groups likely to support my proposals would be those who are fiscally conservative. Those who want to cut, tighten, and eventually balance the budget would be on board for these proposals. Those who would be against these proposals would be the elderly, those who could borderline being disabled, and low income workers who won't be able to support themselves. It is not likely that my proposals will be adopted in this current political climate because nobody will touch Social Security if they want reelected.

Conclusion

One can ascertain that Social Security is much more complex than it seems on the surface. Many of us have come to think of Social Security as one program, but it is actually multiple programs bound together under one title. Social Security is an important social insurance program that began in 1935 and has flourished ever since. Yes, there have been issues with the system, but each president has taken it upon himself to try to better the system. Without Social Security many people would not have enough to provide for themselves or his or her children, but because of this program that is possible.

My proposal to cut benefits at a certain point and to begin evaluations of disabled persons is one I find important because we have to start somewhere if we want to see a positive change. The budget should always be in the back of our minds and this is no different. Not only will the budget improve if cuts are made, but we can even begin to dig ourselves out of the whole we are currently in.

References

Blahous, Charles. 2011. "The Social Security Challenge." *Policy Review* 164 (January): 1-20.

Bonnet Florence, Ehmke, Ellen, and Hagemejer, Krzysztof. 2010. "Social Security in Time of Crisis." *International Social Security Review* 63 (June): 1-25.

Dewitt, Larry. 2010. "The Development of Social Security in America." *Social Security Bulletin* 70 (August): 1-27.

Dewitt, Larry. 2007. "Financing Social Security, 1939-1949: A Reexamination of the Financing Policies of this Period." *Social Security Bulletin* 67 (December): 1-20.

Goss, Stephen C. 2010. "The Future Financial Status of the Social Security Program." *Social Security Bulletin* 70 (August): 1-16.

Hansen, Erik. 2008. "A Legislative History of the Social Security Protection Act of 2004." *Social Security Bulletin* 68 (December): 1-14.

Mamun, Arif, O'Leary, Paul, Wittenburg, David C., and Gregory, Jesse. 2011. "Employment Among Social Security Disability Program Beneficiaries, 1996-2007." *Social Security Bulletin* 71 (August): 1-25)

Martin, Patricia P., and David A. Weaver. 2006. "Social Security: A Program and Policy History." *Social Security Bulletin* 66 (March): 1-16.

McKinnon, Roddy. 2010. "Promoting the Concept of Prevention in Social Security: Issues and Challenges for the International Social Security Association." *International Journal of Social Welfare* 19 (October): 1-9.

Orton, Ian. 2010. "The Impacts of the Crisis on Social Security Administrations: A Review of the Findings of an ISSA Survey." *International Social Security Review* 63 (June): 1-16.

Social Security Administration: Social Security Online. 2011. *Historical Background and Development of Social Security.* http://www.ssa.gov/history/briefhistory3.html (December 5, 2011).

REFORMING THE NO CHILD LEFT BEHIND ACT OF 2001

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Abstract

My proposed topic of research is a mix between a state and federal policy, but focuses mostly with how states handle their educational systems. My research will deal with the importance to retain the *No Child Left Behind Act* with dramatic changes made across the board. One issue that will be examined is creating a baseline for a school using a standardized test made by an independent party with no affiliation to the state at hand. With that baseline at the K-12 level, this allows the state to see its true growth per year. Under the *No Child Left Behind Act* in previous years, "an artificial goal of proficiency that encouraged states to set low standards to make it easier for students to meet the goals [was created]." Every year a county sees growth in its schools, funding is increased for that school system to reward everyone involved. The *No Child Left Behind Act* has brought about sweeping changes throughout the United States educational system and many of the same systems have struggled to cope with the demands the Act has set forth (Lagana-Riordan, 135). As a result of such legislation being passed in 2001, more changes on how to reform the policy and the repercussions for doing so will be further addressed in my research paper.

History

Although the *No Child Left Behind Act* was signed into law in 2002, the policy has a quite extensive history and can be dated back to 1981 when the National Commission on Excellence was given the task to "review and synthesize the data and scholarly literature on the quality of learning and teaching in the nation's schools, with special concern for the educational experience of teen-age youth" (Hoffmann, 2003). The Commission's findings were quite telling. Taking two years to complete the report, the Commission found that the promise of equality within a given school system, "regardless of race, class, or economic status," was being compromised. The 1983 report included several specific indicators of risk, too. Among the indicators listed, the following are some of the most telling. First, of all seventeen-year-olds in the United States' school system, "about thirteen percent [were] functionally illiterate, while functional illiteracy among minority youth" may [have run] as high as forty percent. Secondly, as measured by the College Board's Scholastic Aptitude Test (SAT), students' scores had been consistently declining in "verbal, mathematic, physics, and English sections." Lastly, and the most important, the Commission found that remedial mathematics courses had "increased by 72 percent and [then constituted] 25 percent of all mathematics courses" taught in four-year public college institutions (Hoffmann, 2003).

The Commission, then, offered its advice in articulating four aspects of the educational process needing to be fixed: content within the school system had become diluted, homework and less-demanding courses were being offered, much less time was being spent on homework, and the teaching profession was not attracting enough "academically-able students" (Hoffmann, 2003). The Commission recommended that high school graduation requirements be strengthened, more rigorous course be adopted, more time be devoted to schoolwork, and the teaching profession be more rewarding—in the end, the report "promised lasting reform through demanding the best effort and performance from all students, whether they [were] gifted or less-able" (Hoffmann, 2003).

As previously mentioned, National Commission on Excellence's report *A Nation at Risk* brought about drastic change in the United States' school system. There was a movement beginning to move toward a more "standard-based education and assessment" programs with the passage of the *Improving America's Schools Act* of 1994 (IASA).

Improving America's Schools Act of 1994 (IASA). This Act reauthorized a piece of legislation "designed to

focus federal funding on poor schools with low achieving children and was originally enacted as a part of President Lyndon B. Johnson's War on Poverty" (Hoffmann, 2003). With the reauthorization of the *Elementary and Secondary Education Act* of 1965, the needs of all students were the focus, not just the students who were disadvantaged or at risk of school failure.

The Elementary and Secondary Education Act of 1965 (EASA). The redesigned *Elementary and Secondary Education Act* "encourage[d] states and school districts to connect federal programs with state and local reforms affecting all children, while retaining the focus on educational equity for children with special needs" (Hoffmann, 2003). According to Pearson, the ESEA gave states and local school districts more flexibility to design and operate their own federally funded education programs, while the Act's other themes were having higher standards for all children, having a focus on teaching and learning, and having partnerships among families, communities, and schools.

This nation then began to see a shift to standard-based assessments in the mid-1990s. It seems, though, that there was more of a competition amongst companies developing the standardized testing materials and less of a focus on the children within the school system. During this time, standardized testing started becoming more prevalent and, as a result, the states demanded excellence from these publishing companies. By 2000, "48 states had received approval from the Department of Education for their content standards development processes" (Hoffmann, 2003). The stage was set and, once again, ready for another cataclysmic event—the signing of *No Child left Behind* in 2002.

The No Child Left Behind Act of 2001 (NCLB). President George W. Bush signed the *No Child Left Behind* Act of 2001 on January 8, 2002 and, again, reauthorized *Elementary and Secondary Education Act* "in dramatic ways." Deep investments in the American educational system were definitely needed with the passage of *No Child Left Behind.* "NCLB brought considerable clarity to the value, use, and importance of achievement testing of students in kindergarten through high school" (Hoffmann, 2003). The cornerstones of the educational system within the United States were quite clear: responsibility or liability, local control, parental involvement, and funding what actually works. *No Child Left Behind* requires that we find out why, if our children were underperforming and options being made available to schools that are underperforming as well. NCLB made it a point to see every child in America—"regardless of ethnicity, income, or background—achieve high standards" (Hoffmann, 2003).

No Child Left Behind Regulations. NCLB demands that states track the progress and achievement of all students by building assessment systems. The states track these students against a certain set of standards. One feature of NCLB is that education reform "cannot be driven solely through new funding formulas and regulatory requirements, [rather] it must be driven by direct public accountability for individuals student learning" (Hoffmann, 2003). Furthermore, knowing that school districts and the schools within work best when flexibility is given, *No Child Left Behind* allows for this flexibility to be given by the school districts and schools being given control over their own teaching methods. These schools, however, will also be held accountable for results.

Tests based on what states call "challenging" must be given annually to third-through-eighth grade students in the subjects of reading and mathematics. Moreover, once results from these tests are computed, they will be made accessible for anyone to track any school in the United States. Also, "improvement among disadvantaged children must be demonstrated under the Adequate Yearly Progress (AYP) provisions of NCLB." AYP is the term NCLB uses "to explain that your child's school has [or has not] met state reading and math goals…the school district's report card will let a parent know whether or not the child's schools has made AYP" (Facts and Terms). Schools unable to demonstrate this "yearly progress" will be provided both assistance and a course of action to correct the issue at hand. All states, though, are required to submit plans or drafts to the United States Department of Education that "describe their achievement standards, aligned assessments, reporting procedures, and accountability systems" (Hoffmann, 2003).

With regard to the use of federal funds that *No Child Left Behind* provides to states, schools are encouraged to use funds anyway they please: "funds can be used for teacher retention, professional development, and technology training that best suit [the school's] needs without having to obtain separate federal approval" (Hoffmann, 2003). If, for some reason, a parent is not happy with the way a school is being run, it

is an under-performing school, or it is unsafe, the parent has the option under NCLB regulations to have his or her child transfer to another school or receive tutoring. Children being left behind, however, "must be identified and states have the responsibility to provide the resources to teach every child how to read, to apply mathematics, to study, to learn, and to succeed" (Hoffmann, 2003).

Funding

Congress, through the Appropriations Committee process, has the primary responsibility for funding the *No Child Left Behind* Act of 2001. As a result, United States taxpayers are the individuals ultimately paying the price for the program. Any advocacy group criticizes the President and Congress when they do not fully fund programs geared toward their liking, but there is a stark difference between authorization levels and appropriation. The authorization level is the maximum amount, or the cap, in which Congress may fund a given program each year. Appropriation levels, on the other hand, are the amounts of money Congress actually spends on said program. In fact, "Congress has never appropriated the maximum authorized funding level for Title I since *No Child Left Behind* was enacted in 2002" (Budget History).

Policy Implementation

Once *No Child Left Behind* was funded by Congress in 2002, the implementation of the policy began to take shape. As mentioned previously, each state had to submit, by the 2002-2003 school year, a plan indicating a baseline of achievement and explain how they will move from that baseline to attain the final goal of 100 percent student proficiency by the 2013-2014 school year. Also included in this plan was "how much schools must raise test scores each year in order to make Adequate Yearly Progress on tests administered by the state" (Bracey, 2005). All students must be tested annually in grades three through eight, while also being tested in high school only one of the student's four years. The tested subjects are reading, math, and science, which was implemented in 2007.

Sanctions also come with the *No Child Left Behind* program. Adequate Yearly Progress is required of all "subgroups of students": the subject tested, grade, gender, ethnicity, socio-economic status, special education status, migrant status, English Language Learner status, and percent of each group who took the tests. To meet the law's requirements, 95 percent of the students in each of the aforementioned groups must take the test. However, "states do choose, with the U.S. Department of Education approval, the minimum number of students in a subgroup for the group to be reported for NCLB purposes" (Bracey, 2005). This can put a school in a quagmire. According to Educational Policy, for example, one school in Maryland failed to make AYP because its twelve special education students failed to make AYP. In Virginia, a school made AYP even though its 24 special education students failed to make AYP. "At the time the minimum number for reporting in any subgroup was five in Maryland, but [fifty] in Virginia. Furthermore, if any one of the previously mentioned subgroups fails to make AYP, "the entire school is labeled to be 'in need of improvement'". In other words, the school fails and is sanctioned.

Schools not meeting their growth outlined in their plan are put in an even more precarious position by being sanctioned which "increase in severity with each successive year of failure. *No Child Left Behind* sets forth a five-year window of possible sanctions if a school were to violate the law. At the end of the first year and a school fails to make Adequate Yearly Progress, "the school is placed on a 'watch list' and must develop another plan to improve." The schools are placed on a watch list mainly because it is understood that a school cannot undergo change in just one year. After the second year is where it begins to hurt the school, though. The school must offer all students the option to transfer to a different or "successful" school within the same district—if a student chooses to transfer, the sending school must pay for transportation costs for him or her. At the end of the third year, "supplemental educational services" (SES) must be offered by the school. Typically, these services consist of: after-hours programs, individual tutoring at the school, or online instruction at the school or at the student's home. At the end of year four, "the school must opt from a variety of corrective actions" such as: replacing the school staff who are responsible for the failure, putting a new curriculum in effect, decreasing management authority at the school, appointing outside experts to advise the school, extending the school year or the school day, or restructuring the internal organization of the school. Finally, if at the end of the fifth year a school does not

meet AYP, the school must again "opt from a variety of corrective actions" such as: reopening as a charter school, replacing all or most of the staff who are responsible, contracting with an outside entity to operate the school, or instituting other significant governance and staffing change that are likely to improve the school at hand (Bracey, 2005).

Policy Cost Per Year

The *No Child Left Behind* Act has received funding since 2002 and one of the major programs within NCLB is the *Title I Grants to Local Educational Agencies*. *Title I* is the part of NCLB that "supports programs in schools and school districts to improve the learning of children from low-income families…the U.S. Department of Education provides *Title I* funds to states to give to school districts based on the number of children from low-income families in each district" (Facts and Terms). The appropriated money given to this program is then given to the states, school districts, and schools. Answers to how the money is distributed and how much money is given "varies with the number of years that a school or district has been labeled as 'failing' (Bracey, 2005). In fact, the amount of money a school is eligible for under *Title I* depends on the level of poverty within the school district. Schools who do not receive these *Title I* funds do not have to test and, as a result, cannot have sanctions imposed upon them by failing to make Adequate Yearly Progress. According to Educational Policy, only a few schools have refused to take part in NCLB, meaning they also forfeited whatever *Title I* money they would have received.

According to the U.S. Department of Education, in fiscal year 2011, over fourteen billion dollars was dedicated to *Title I Grants to Local Educational Agencies* (also the largest NCLB program). In fact, many different programs are under the umbrella of *No Child Left Behind* and the following table shows the major programs in the Act and fiscal years 2005 to 2011:

Major Programs in No Child Left Behind ($ millions)							
	Fiscal Year						
Program	2005	2006	2007	2008	2009	2010	2011
Title I Grants to Local Educational Agencies	12,740	12,713	12,838	13,899	14,492	14,492	14,463
Improving Teacher Quality State Grants	2,917	2,887	2,887	2,935	2,948	2,948	2,468
Impact Aid	1,244	1,228	1,228	1,241	1,265	1,138	1,136
21st Century Community Learning Centers	991	981	1,081	1,131	1,131	1,166	1,154
English Language Acquisition	676	669	669	700	730	750	734
Safe and Drug-Free Schools and Communities, State Grants	672	569	577	513	295	-	-
School Improvement Grants	-	-	125	491	546	546	535
State Assessments	412	408	408	409	411	411	390
Reading First State Grants	1,042	1,029	1,029	393	-	-	-
Education Technology State Grants	496	272	272	267	270	100	-
Math and Science Partnerships	179	182	182	179	179	180	175
Teacher Incentive Fund	-	99	200	97	97	400	399
*Excludes economic stimulus funding under the American Recovery and Investment Act.							
Source: U.S. Department of Education							

Assuming these costs are accurate, the *No Child left Behind* Act of 2001 cost an estimated $21.5 billion.

Problems With Policy

Although there are myriad of problems with the *No Child Left Behind* Act, one of the significant problems with the Act is its focus on the academic aspect of school failure. One of the goals of NCLB is to "close the achievement gap between white, economically advantaged students and those considered at risk for school failure" (Lagana-Riordan, 136). Although poor academic performance contributes to school failure, some of the most significant factors that contributes to said failure are social factors. For instance, there is an ecological perspective—the interaction between person

and environment. Ecological perspective risk factors for poor school performance "are linked not only to school factors, but also to factors within the community, neighborhood, family, home, and personal characteristics of a student" (Lagana-Riordan, 136). One can come to the conclusion of why there are large gaps between reading and mathematics scores for African American, Hispanic, and low-income students and those of higher socio-economic status and whites. Although it is a gross generalization to make, the former are children with a harsh, rocky upbringing, while the latter are children with stability in his or her life and pushed by their parent to work toward being set for life. Statistics back up this generalization with the dropout rate for young people with "family incomes in the lowest quartile range of 17.9 percent being substantially higher than that for young people with family incomes in the low middle of 11.5 percent, high middle of 7.1 percent, or upper quartile income ranges of 2.7 percent" (Lagana-Riordan, 136).

Another problem with the *No Child Left Behind* Act is the transparency. Although some data from NCLB studies show some state-by-state achievement gap decreases, "national indicators reveal that poor urban schools and children in at-risk subgroups continue to severely underperform in comparison both with national averages and with their white and affluent counterparts" (Lagana-Riordan, 136). Moreover, the new accountability measures the NCLB began to implement to make states, school districts, and schools become more responsible for students' scores, may actually be widening the achievement gap for those students considered to be "at-risk."

The Proposal

It seems as though *No Child Left Behind* does leave children behind. Under the most visible option, the schools must test each third-through-eighth grader annually and each high school student once while also showing the results from the test—if the schools do not show the score, they face a loss of federal funds (Alexander, 2008). Furthermore, and just as important, the same schools must also display the scores of African Americans, Hispanics, English-language learners, and special education or learning disadvantaged students. This further separates the haves from the have-nots as these minorities' under-performing results are often masked by the white students who do well on the test. Instead of further damaging a school by sanctioning it, with the full five-year process outlined previously, why not help the school by providing it with the necessary tools to be successful.

The Change and Implementation

A state needs to provide statewide conferences, held at a central location and accessible to every teacher within, to assist teachers in honing his or her skills to then pass on to students of the schools. As stated previously, one of the main reasons Congress reauthorized the *Improving America's Schools Act* of 1994 (IASA) and the *Elementary and Secondary Education Act* of 1965 (EASA) was because college-level students did not find the teaching profession to be rewarding enough. As a result, a state was left with not having enough qualified or "able" instructors to teach America's students. America does offer mediocre salaries to some of the most important individuals within our society. These teachers instruct America's youth—our future. That task is a heavy load in of itself.

Since it is on our teacher's shoulders, let us make the profession more attractive. The starting pay for teachers will be raised. Salary bumps will be accelerated for older instructors to keep up with the newest generation of teachers' effectiveness to get tasks done. Also, additional responsibilities will be offered to teachers who want to make extra money. For example, a teacher could make "x" amount of dollars to mentor or tutor children after school hours. Although teachers would be monitored to weed out the weak or less-than-qualified ones, these aforementioned incentives would be made available to those teachers who are the best at what they do. We need to reward those individuals who are instructing America's children for the future.

Second, doing away with the Adequate Yearly Progress is essential for reforming *No Child Left Behind* and our educational system as a whole. As it is now, too much focus is on making or failing to make AYP measuring reading and mathematics levels. This seems to be a distortion and narrowing of school curriculum. Too much focus is being made on these two subjects in school. While both subjects are very important, why not focus on writing, science or health, civics and government, and English and grammar. Providing a standard test (to be discussed in a moment) with these subjects would make the student well-rounded with a higher chance to succeed because not every student does

great in the same subject as everyone else—one student could find civics and government more appealing, thus more successful in that subject. In the end, the AYP hurts the schools more than anything does as eighty percent of schools will soon fail those standards based off the way it is structured.

Lastly, "each of the fifty states crafts its own annual test and curriculum standards" (Alexander, 2008). Before, states would, in essence, dumb-down its own tests and curriculum standards in hopes of its schools meeting Adequate Yearly Progress—the state and its schools would then receive federal funds for being "successful." However, what does this do for our American youth. We have put ourselves in this predicament and we can blame no one else. As a result, the curriculum and standardized testing will be drastically changed. As each student in each state has different needs, there will not be an across-the-board standardized test administered from the U.S. Department of Education. Rather the states will devise a plan increasing standards in statewide testing; there will be no more dumbing-down the American youth. There will be an independent agency not affiliated with the state in any way looking the tests over to see if they are adequate in testing our students' true knowledge. After the first year's scores come out, the baseline will have been set for each school district. Every subsequent year, a school is not to go below its first-year scores for any two consecutive years. A school, then, is to receive an extra sum of money for every year they do not drop below its first year standard.

Cost and Derivation of the Proposal

In terms of increasing the pay for teachers, there are too many variables to play with in order to come to an exact figure. If the starting pay were to be increased, salary bumps were more accessible, and having more opportunities to make money by tutoring students after school one could estimate that the cost would be exorbitant. There are about fifty million children in about 100,000 schools in the United States (Alexander, 2008). For a safe estimate, let us assume there are twenty *teachers*, not faculty, per school. The average salary for a teacher in the United States is about $39,000 per year with the average salary after 25 years being about $67,000. As of now, based on the $39,000 per year average, teachers in the United States make an estimate $78 billion combined. Bumping pay to equal $50,000 per year with twenty teachers, on average, in each of the 100,000 schools would cost $100 billion or $22 billion more—also a 22 percent increase.

There will be a significant cost increase of the standardized tests as well. The United States' General Accounting Office (GAO) estimates that the total state expenditures containing only multiple-choice questions costs $1.9 billion. However, with the aforementioned proposal, testing students on array of subjects with a mix of multiple-choice, open-ended, and essay questions, the U.S. GAO estimates that state expenditures will come to $5.3 billion (General Accounting Office).

With the 22 percent increase in teacher salaries, the $3.4 billion increase in the distribution and grading of the standardized testing, and paying the third party, independent agency to review the standards the state sets forth, one could safely estimate that this proposal would cost the American taxpayers around $27 billion.

Assessment of Political Will

Support and Opposition

Of course, with every piece of legislation, there are groups who support it and groups who oppose it—often there are many reasons for doing so. Groups to likely be in support of this proposal would be those who advocate for a better environment for students to learn. Obviously, the U.S. Department of Education would be in favor of this proposal as the Secretary of Education, Arne Duncan, has been a huge proponent of significantly reforming, if not doing away with *No Child Left Behind*. Another group to be in favor of this proposal would be one who advocates for fostering low-income, first-generation students and giving those types of students an opportunity to succeed—one such program that comes to mind is TRiO. Also, one cannot forget about the teachers. They would absolutely love the fact they will be getting paid, on average $11,000 more than what they were originally.

With groups who support any type of legislation, there are also groups of individuals who would oppose this proposal. Two particular groups of people come to mind. A first group is any that is opposed to giving federal funds to schools with a low socioeconomic status—such as that of an inner-city school. One other group that would be opposed to this proposal is the American taxpayer. The additional $27 billion increase in the *No Child Left Behind* Act would cause quite a stir

among the taxpayers—no one likes a tax hike. The President and Congress, if the proposal was to be approved, would be villains for enacting such legislation.

Political Action Needed

As with every piece of legislation, there is a reason why it passed; it all comes down to support within Congress coming from lobbyist groups and overall approval from a Congressman or woman's constituents. There, too, is the money factor—the proposal would cost, at least, an additional $27 billion. It would need the backing of the American people (i.e., various members of Congress holding town hall question and answer meetings with his or her constituents during the health care debates).

Current Likelihood of Adoption

With the current political climate the way it is, there is a slim chance this proposal gains the necessary backing of the American people; however, one should still remain optimistic. Although the extra $22 billion does not come under my proposal of a new *No Child Left Behind* program, it does count as part of the reform process. Also, although a $27 billion price tag is an exorbitant amount of money, it will most certainly help the student in kindergarten through twelfth grade, thus establishing the foundation and building from the ground up for America's future.

Conclusion

This proposal should definitely be enacted as I think it would absolutely help reshape America's educational system. There are definite holes in the current *No Child Left Behind* Act, but after implementing the proposals set forth in this paper, I feel it could positively change how people look at this law. Making the teaching profession more attractive by increasing the salary, making salary bumps easier to access, giving the opportunity to make extra money for those willing to help a student after school, getting rid of the Adequate Yearly Progress report, and having an independent body reviewing a curriculum making sure it meets high standards are all the proposals outlined in this paper to make a better program in *No Child Left Behind*. In the end, although the costs are quite high, the $27 billion proposal would not only help teachers become motivated, thus increasing effectiveness and efficiency while teaching, but it would also help those who deserve it the most—the students in America's educational system.

References

"Budget History Tables." U.S. Department of Education. http://www2.ed.gov/about/overview/budget/history/index.html (accessed March 6, 2012).

"Characteristics of Tests Will Influence Expenses; Information Sharing May States Realize Efficiencies." U.S. General Accounting Office. http://www.gao.gov/new.items/d03389.pdf (accessed March 7, 2012).

"Department of Education Budget Tables." U.S. Department of Education. http://www2.ed.gov/about/overview/budget/tables.html (accessed March 7, 2012).

"Facts and Terms Every Parent Should Know About NCLB." U.S. Department of Education. http://www2.ed.gov/nclb/overview/intro/parents/parentfacts.html (accessed March 7, 2012).

Alexander, Lamar. "A Better Way To Fix No Child Left Behind." New York Times. http://www.nytimes.com/2011/09/27/a-better-way-to-fix-no-child-left-behind.html?_r=1 (accessed March 6, 2012).

Bracey, Gerald. "No Child Left Behind: Where Does the Money Go?" Education Policies Studies Laboratory. http://nepc.colorado.edu/files/EPSL-0506-114-EPRU.pdf (accessed March 7, 2012).

Hoffmann, Jenny. "History of the No Child Left Behind Act of 2001." Pearson Education. http://www.pearsonassessments.com/NR/rdonlyres/D8E33AAE-BED1-4743-98A1-BDF4D49D7274/0/HistoryofNCLB_Rev2_Final.pdf (accessed March 6, 2012).

REMEMBERING A LEGEND

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"Memory has its own story to tell." ~Tobias Wolff

I pieced together a word quilt, queen-sized, a portrait of my grandmother, "The Legendary Lottie Belle." Each piece a salvaged square, memories begged and borrowed from my mother, my brothers, my cousins. Each keystroke was a tiny stitch, the page the quilting frame. Our family is full of different kinds of artists; my craft is storytelling. My sister-in-law makes quilts of cloth, my brother quilts of wood, but mine… mine are made from letters.

Memorializing Mommaw—a tiny and feisty, practical and creative woman full of steel and grace—was an assignment for my college Creative Non-Fiction class. As I gathered stories from our family, I realized that our idea of her (or at least, my idea of her) was collective. Much of what I know about Mommaw was not part of my own experience. I have these memories that are not my own. Most of the time, I was not remembering her so much as I was remembering others' memories of her.

~

The three sisters looked at each other. All three of them—Evadene, Gail, and Joann—were scared. Their bedroom had an outside door, and someone was rattling it, trying to break it down. The door only had a button lock, so they didn't have much faith it would hold. The Depression was making men desperate, and folks knew that their father was working out of town. Who was trying to break in? What did he want?

Her pistol already loaded, Lottie rounded the corner into her daughters' room. She pushed the girls behind her as she crossed the floor.

"You've got three seconds to get out of here, and half that's already gone!" She didn't hesitate for the rest of the count; she pulled the trigger. The bullet ripped through the door.

He ran.

~

My mother, Gail, was married two days before her seventeenth birthday, so she was sixteen or younger when this happened. It is legendary, this memory that speaks to me about the kind of woman my grandmother was. *A momma bear protecting her cubs. A forceful presence.* I also know, from other family legends, that the would-be intruder was not the first man at whom she shot. She previously shot through the floor and hit a coal-thieving neighbor in the shoulder. I have heard—and told—these stories many times. Yet, when I gave my first draft to my mother to read, she corrected some of my factual errors. (I've corrected these now, in the retelling.) How did I get the details wrong? In remembering my mother's memory, I had changed the pistol to a shotgun. I had the words that Mommaw growled at the prowler wrong. The story does not need embellishing, not just because it is true, but also because it is dramatic enough on its own.

If my memory doesn't match reality, does that make it wrong? False? A lie? William Paul Young, author of *The Shack* said something like "Just because it didn't happen, doesn't mean it's not true." But, he was talking about fiction, about a modern parable. I am chagrined that I had the specifics wrong. These stories are about a real woman, someone that I knew and loved.

~

"We have to burn the car; Mom can't keep going to the junkyard every day."

"Mark was her baby. She'll never stop grieving for him. God, he was only 19."

"If we don't do something soon, it's not going to just be our brother we lose. We'll lose Mom, too. She can't keep doing this."

Her baby. If she could have sat in the car to be with what was left of him, she would. But the car was torn in two, the interior coated with blood and bone and brain.

He was so full of life. How could this be all that's left? She couldn't stay away.

~

I was seven when my Uncle Mark died. He was younger than my brothers. My memories don't match reality here, either. He died near Buffalo; I always thought he'd been killed on Dead Man's Curve in Point Pleasant. I had other details wrong, too, the most startling of which was my picture of Mommaw sitting in that wrecked car mourning for Mark. I was surprised to find that it hadn't been possible. Where did I get that idea? My imagination changed "she went to the car" to "she sat in the car." Was that just the latent storyteller in my childhood self-filling in the blanks of a story I pieced together?

I care about the details. I was livid when Disney's *Pocahontas* came out. "Who do they think they are, mucking about with history like that?" The liberties the cartoon took with historical fact were atrocious. I spent some time as a journalism major, and those values of accuracy and truth are ingrained deeply. Remaining true to my memories of these stories is important because, even if I remembered astray, those memories shaped my views, my life. Remaining true to what really happened, though, is not only valid, it is intrinsic to who I am. To the kind of writer I want to be. *The truth will set you free.*

~

"Okay, kids, we will be back after we are done at the grocery store. Mind Mommaw. And DO NOT slide across the living room floor this time. The coal stove is in there; we don't want you to get hurt." Wendell hugged his daughter, and tousled his son's hair. "We'll be back soon, Mom," he said, kissing her on the forehead.

Wendy giggled as the kitchen door closed behind her father. Mommaw winked.

"Shane, go get the sliding shoes I made. They are in the closet in the front bedroom."

He brought back three pair of crocheted house shoes—one pair for himself, one pair for his sister, and one pair for his 60 year old grandmother. As they slipped them on, Mommaw asked, "Who wants to go first?"

"You go, Mommaw! Show us how to spin around like you did last time. Please?"

Mommaw took a run at it and dropped to her knees to spin. She got in a couple of laughing 360's before reaching the end of the long living room. "I think if I wax the floor before you come next time, it'll be even better," she smiled.

~

When I knew what I wanted to write about for the writing assignment, I sent out a call for stories from the ranks of Mommaw's nearly one hundred descendants. Grateful responses came sure and fast, full of love and adoration for our just over five foot tall matriarch. She impressed our souls and influenced our lives with her love and laughter. As I read the memories that were not mine, new stories I'd never heard, I was struck by an envious ache. Growing up, I had no idea that my cousins were spending more time on the ridge than I. Some of my cousins went to her house every day after school. Spent long summer days with her. *What else had I missed?* I was content before with my own memories, but in seeing life through my cousins' eyes, I felt left out. A little ashamed that my personal memories of Mommaw were so scant in comparison. She's gone, and I miss her, and suddenly I think most of the memories I have to fill the emptiness are borrowed.

I wonder how many other anecdotes have been embellished over time, shimmering memories become family lore. These vignettes of moments with Mommaw are scenes and dialogue imagined, visualizing the stories I was given. *Stories of Mommaw that were shared with me in hopes that I would bring her to life on the page.* Without the dialogue and description, the portrait would fail, falling flat in endless exposition. Aren't these still true pictures of her, capturing the spirit of the woman and the essence of the events?

~

"What do you want for breakfast tomorrow?"

"Oh, fried apples! Your fried apples are the best ever, Mommaw!" Surely my eyes sparkle. Her fried apples are cinnamony, buttery, sweet… Of course, these aren't store bought apples. They were grown at Mommaw's house; picked or gathered by her; cleaned, cut and canned by her. Unpeeled, because the true golden delicious rough and spotted skins are full of taste and texture.

"Do you have your pajamas on? It is time for bed."

Poppaw pulls out his worn, black leather Bible, and we kneel by the couch where I'm going to sleep as he reads a story. I know he'll pray before I'm tucked in; he always prays, every night, for all of his children and grandchildren by name. It's a long prayer.

True to Mommaw's promise, I wake up to my favorite fried apples, the scent of cinnamon filling the house.

~

It seems strange that none of the stories my family sent me about Mommaw have any mention of our grandfather. My mother's memories of him are mixed. Through the years she's told me of his alcoholism and abusiveness. She has also shared moments of sweetness, of kindness, of talent. He could be tender when she was a child, and he softened as he grew older. *She still calls him Daddy.*

I wonder how my family will react when they read of Poppaw's treatment of Mommaw, especially the younger cousins who, like me, only saw the gentle side of him and the loving way Mommaw cared for him through the long illness that ended his life. It is not his story, but how can I leave out the details of a fifty-two year marriage and still be true to who my grandmother was? If I skip over the abuse, I also skip over her responses to it. And it is her responses that are testaments to her character, part of what I love about her. *She fought back.* Her courage is not only part of who she was, but is now part of who I am. *Part of who I want to be.*

Without shadows, a portrait has no depth. *I have to show her life for what it truly was.* A life of joys and sorrows, of births and deaths. Love. Loss. Laughter. All of our memories, imperfect and inaccurate, are nonetheless part of who she was and who we are becoming. Whether or not our memories match, we will not forget the legendary Lottie Belle,

LESSONS MY FATHER TAUGHT ME

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Prologue

"Come here, son, so that I might teach you an important lesson about our faith. From now until the day you die this room is no longer where your mother and I sleep, it is where we will pray as a family. There on the wall is a shawl, it represents the *qiblah,* the direction of Mecca. When we pray we shall always do so in this direction. Know that every time you look upon it, you look upon the city of God, so be sure to show the proper respect.

"Come here, son, and watch me as I begin my prayer. You will do as I do, say as I say. Where I stand, you, too, shall stand beside me; when I bow, watch as I bend at the waist until my palms can reach my knees. Straighten up, because Allah hears those who praise Him. When beginning the *Sujiud,* the prostration, you must go and press your bare forehead, your palms, your knees, even the pads of your toes on the floor. We do this to show Almighty God the proper respect.

"Come here, son, and know that you have earned my respect this day. Remember the lessons I have taught you, take them with you wherever you go and never betray them. Understand that if you were ever to do so you will have betrayed *me*, and I cannot let such a thing stand. Now go and be a child again.

And always remember, my son, that God will grant you mercy, but I will show you none."

Lessons My Father Taught Me

Lesson 1: Appearance is Everything

My father, Mohsen was born in Cairo, Egypt to an upper middle class family. Throughout his life he only had two dreams; to become a physician and to come to America. Egypt in the early 80s was a time of transition. The country's president, Anwar Sadat, had been murdered by Muslim extremists. His successor, Hosni Mubarak, began strengthening the security agencies and cracking down on liberties. I'm told my father grew worried about the political climate and began to look for a way out. So desperate was Mohsen to escape his homeland he was willing to leave his family, his friends, and his entire life in exchange for a better one here.

It was around this time that he became pen pals with a young lady from West Virginia named Malinda Miller. They fell in love and got married, though there were a parade of differences between them. For example, my father was, when they first met, an agnostic, and my mother was a Christian. After marrying, they moved to New York City in 1983.

After getting into a good school, my father had to work nights as a cab driver just to help keep him and his wife afloat. He did as any stranger in a strange land might do; he reconnected with fellow Egyptians and returned to his Muslim faith. The appearance that he was living the "proper" Muslim and Egyptian lifestyle became important to him.

I'm told my father did not want children; they were expensive, they were troublesome, they were loud. He wanted to be able to make it as a doctor and having a child would complicate things. So you can understand how the news that my mother could never have children thrilled him beyond measure. It was quite the contrast as my mother would lay on the bed holding her stomach silently crying while my father would whistle through the streets of Brooklyn going up to random strangers and kissing them on the cheeks while proclaiming "GOD IS GREAT!"

The contrast returned when my mother received word that she was pregnant with me. He became quiet and withdrawn. My mother jumped for joy and shouted "Thank you, Jesus!"

My father didn't give up hope, though, because he soon learned that one of the many things America had that Egypt lacked was better, safer abortion clinics.

Excited at the prospect of my demise, I'm told my father talked to my mother about it for weeks.

"A simple procedure," he told my mother. "You will be in and out like it was nothing."

"No," she told him.

"Come on, Mindy, read the brochures!"

"No."

"We are too young to have children!"

"I'm 32, you're 28!"

"We will have another child when I have become a rich doctor, and you will not have to work anymore!"

"Mohsen!"

"Look, I am going to the clinic tomorrow, Mindy, and so help me, Almighty God, you are coming, too, and that is final!" He used his "don't push this" voice.

And so they went to the clinic.

My father only wanted my mom to consider her options, he told her as they waited for someone to talk to them. He hoped that once she saw how easy it was that she'd come around to his way of thinking.

My mother was a Christian, and she believed abortion to be no more than the pre-meditated murder of an unborn child. Just as someone was coming to talk to them about how safe and easy my death would be, my mother had had enough.

She rose up and looked down at her husband. "Mohsen, if you don't get me out of this place right now, I promise I am going to stand on this chair and start preaching the Gospel!"

My father looked at my mother for a few moments while everyone else at the clinic shifted uncomfortably. Finally, he got up and put his hand on my mother's shoulder and said, "Of course we don't have to have the procedure. I just wanted you to consider your options, my darling."

He squeezed her shoulder once, his little warning that they would speak of this again, and then apologized to the decent, hardworking folks at the abortion clinic for wasting their time.

He kept a cold, detached smile on his face all the way home. Once they were inside the apartment, he quietly whispered in Arabic, "You little bitch."

He hit her so hard she bounced against the wall.

While she crawled around on the floor crying, my father gently took his shoes off and then went over to her and began slamming his forearms against her back.

"You want to embarrass me?" He kicked her in the ribs. "Huh? You will learn proper respect!"

He beat her for a half an hour, much longer than the last time. He knew he was finished when she told him she'd never do it again.

The lesson I learned when my father told me this story was you could have everything: money, fame, power, and glory eternal. But if you don't have the appearance of respect from those who are supposed to love you…what do you really have, truly?

She crawled until she was in the bathroom. Five minutes later my father knocked on the door to inquire about dinner.

Lesson 2: The Thing about Religious Intolerance is…

I was born on July 6th 1985, and my parents weren't sure what to call me. My father wanted to call me Abraham, which if you've read the Bible was the guy who God commanded to kill his own son as a sign of obedience and faith. My father had a wicked sense of humor….

My mother wanted to call me Anthony, however, she confessed it just sounded pretty. They settled on Samir Ali, which if you put the middle name first means "Most High Entertaining Companion."

My parents agreed from the moment of my birth that they would not influence my religious belief until I was old enough to understand the concept and decide for myself which faith I wanted to follow. I believe they even pinky swore.

Like most mature, responsible adults they lied, each teaching me the tenets of their beliefs behind the other's back. Beyond that, Mohsen pretended that both faiths had equal weight; the reality became something else entirely. In my father's house, Christianity was banned. There were no Bibles allowed, no crosses, nothing at all. If my father caught my mom preaching or talking to the neighbors about Jesus…the punishment was quite severe.

However, my mother would not be deterred. She knew the Bible quite well and when I was about to go to sleep, she would tell me the story of Jesus Christ and recite her favorite verses and tell me the path of Christian salvation.

My father would teach me the Muslim prayer and the five pillars. He believed I was a Muslim already; I was supposed to be a Muslim because my father was a Muslim. I had no choice.

So you can imagine his surprise when he tiptoed to his son's bedroom door and listened in.

"Jesus died for our sins, do you know what that means?"

I was five, so of course I didn't. "Yes, mom!"

"Okay, well, when He died for our sins, He claimed us as his own. Nothing we do, no matter how bad we are, no matter what, we can go to Heaven if we just ask forgiveness for the things we've done wrong."

"Okay, Mom."

"Now Satan thought he had beaten God when Jesus died, because how could God be all powerful if He died? But God had the last laugh…and you want to know why?"

"Because Jesus came back!"

"Yeah! He came back. And do you want to know what happened next?"

The thing is I really did want to know what happened next. Unfortunately, my father had heard enough. He kicked the door open and screamed at my mother and then attacked her. He hit clubbing blow after clubbing blow and fought her on my bed…while I was underneath the covers. I remember my mom's frantic cries for my father to stop beating her so I wouldn't have to see it. I remember my father yelling that I *needed* to see it.

My father believed if I saw the punishment of what it meant to be a Christian I would come back to my senses and forget about this whole "Jesus Freak" thing. He didn't want to have to admit to his friends he had a Christian for a son.

I realized the thing about religious tolerance is…if we want to be free to believe what we want, we have to let others worship in the way they want…even if we disagree on a fundamental level. My father taught me that.

Later when I did become a Christian, I realized the amount of risk my mother took for me to teach me the lessons of our faith. I remain ever thankful but full of regret that the lesson came at such personal cost.

Lesson 3: Pouncing

When I was four we moved to Staten Island. It was like the suburbs but much more cramped. After work, my father would come home, take off his clothes till he was in his white too tight undershirt and his white underwear and just lounge on the couch waiting for my mom to make him supper.

He took five showers a day; one in the morning before work, one when he came home, another before dinner, after dinner, and one before bed.

My father's favorite television show was Tom and Jerry. Cartoon Network would air some classic episodes and my father would sit on the couch and watch them while I played our favorite game.

Pouncing.

We didn't call it that. I got the name from the Lion King where Mufasa teaches Simba the kingly sport of pouncing on Zazu.

I would attempt to sneak attack my father and catch him off guard and "take him down." He watched the cartoons and no matter how many times I jumped my father, he always saw me coming and managed to swat me away. A few times he would give me instructions.

"Sammie, you're making too much noise, attack me again, but be as silent as you can be," he would lecture me. It felt like one of those Kung Fu movies about the old master and his upstart apprentice.

My father never played with me in the conventional sense. Toys bored him, pretending to be an evil monster that I, the brave knight, had to vanquish made him feel uncomfortable. So he taught me pouncing. When you're a little kid and your too busy dad takes the time to teach you how to fight…you do whatever you can to make him happy.

Those were the happiest memories of my father. Learning to beat the crap out of people.

The lessons came in handy as my father and his friends had a favorite past time. They would get all their sons together and get us to fight one another. A little prepubescent Fight Club.

We met informally whenever the men could get away from their wives. My father would give me instructions on how to take out my next opponent.

"Take his legs out of from under him, Sammie," he told me. "Do not be afraid to beat them when they are on all fours."

"Yes, Dad."

"I mean, really let him have it, son."

"I'll try, Dad."

"He deserves it, he called you a wimp."

He did? Time to bring the pain.

My father had neglected to tell me that the boy I would be fighting was twice my size. I don't remember his real name but let's call him Abdullah the Butcher.

Abdullah's father had been telling him the same thing my father told me…that I called him a wimp and a loser and all the mean things kids call one another. I believe he planned on eating me.

I got into my battle stance. Abdullah did, too.

I charged. So did the Butcher.

I tried going for his legs, and…well, I can't actually remember what happened after that…I believe I saw pretty birds flying around my head and this pain

coming from my mouth. I was crying and my head had a lot of blood. My father's friends were all laughing and pointing at my mouth making jokes. It was then that it dawned on me…

That fat bastard knocked out my two front teeth.

As my father picked me up and carried me to the bathroom to stop the bleeding he complimented me.

"(Abdullah) is ten years old, and you are only seven," he said excitedly.

"I almost had him!"

"Yes, my son, now hold still."

Fight night got cancelled when my mom came home and found her little angel's teeth knocked out. We had a few more "unsanctioned" fights but eventually that fizzled out.

The lesson I learned from pouncing is that it's important to look before you leap…especially if it's at the world's largest 10 year old.

Lesson 4: Speaking Your Mind has Consequences

After I retired from my glamorous life as a child prize fighter, my father and his friends would hang out at the house and watch movies, play games, and insult my mother in Arabic while smiling to her face.

My mother worked evenings at her job, and my father was left to watch over me while I played with my toys and assorted action figures. On this night a few of his friends were over and I was made to be a server for them. I would go and fetch them something to drink, grab food from the kitchen. I was rarely beaten, so I developed an overconfident attitude towards my father.

I got tired of being their servant and mouthed off to him in front of his friends. He grew quiet and asked me, "Sammie, don't you want to help your father's friends?"

"No! I want Mom!"

His friends laughed at me. My father only smiled. "Your mother is at work."

"I want my mom!"

"Are you not happy here with me?"

"No!"

His friends howled at that. "Be careful, Mohsen," one of them crowed, "he'll tell your wife and then you'll really be in trouble."

My father laughed along with his friends. "Come here, son."

I knew I was in trouble because my father was using his quiet voice. He only used this tone when something bad would happen.

"No!"

He laughed again. "Come here, son."

"No! I hate you! I wish mom were here!"

And he didn't laugh. Neither did his friends. Everything, everyone became still. I knew I spoken out of turn. But I didn't know what to say to fix things. It's a reoccurring problem.

"Come here!" He shouted this at me suddenly. I jumped into the air. After I landed, I approached my father with my head down. He put his hand on my shoulder and squeezed. "You have nothing to be afraid of, my son." I looked up at him, my hazel green orbs searching for mercy in his brown eyes. He walked towards our door and forced me to walk along with him.

"You want your mother, yes?"

"Uh huh."

"She will not be back until very late. Here, why don't you wait for her?" Then he opened the door and threw me outside. My hands hit the cement ground and before I had gotten back to my feet, my father had shut the door and locked it behind him.

"Dad!" I yelled. "Dad! I'm sorry! Daddy, I'm sorry! Please let me back in! Please! I promise I won't talk back any more!" I punched the door and kicked. I yelled and I yelled. Silence greeted me.

New York's winters could be very cold. At night, even more so. I was barefoot, clad only in my thin pajamas. Every time a car would drive by I thought maybe it might be my mother. But it wasn't. After every disappointment I would then pound on the door screaming for my dad.

After a couple of hours, my father's friend, Adel, took pity on me and let me in. My father looked up from the table where he and his friends were seated. "Have you learned your lesson, Sammie?"

I nodded and kept my head down.

"Good, now off to bed."

The lesson I learned was that if you are going to speak your mind, you must be ready to deal with the consequences. And there will always be consequences.

I obeyed my father, and it was years before I ever spoke back to him again.

Lesson 5: Sadness Fades, Tragedies Linger.

I always wanted a little sibling. It didn't matter if it were a brother or a sister, I suppose I was hardwired to want to protect and care for those I love.

This story is told to me by my mother.

A few months after my last lesson, my mother discovered she was pregnant again. She felt blessed and told all she could of it. My father's reaction I burned into memory. Silence. He retreated into the bedroom and shut the door behind him.

I remember telling everyone about my baby brother. I was so sure the baby would be a boy, you see. Sexist of me, probably, but I was a child. I imagined how I would divide my toys. I would probably let him play with the ones I didn't like anymore.

Most of all, I remember being happy.

My mother knew this pregnancy would be different. My father's beatings had left her body weaker. She had to take things slower, stop working so hard. She began to gain more confidence in speaking up for herself. She believed my father wouldn't hurt her while she was pregnant. She told me that while she knew Mohsen would beat a woman, he would not endanger the life of a child.

She was wrong.

My father sat on the couch and watched the television. My mother did her chores and tried to juggle cleaning the house and raising a rowdy son with preparing dinner and making sure she didn't push herself to exhaustion. During this time my father insulted her, and she talked back to him.

He screamed. He beat her. He attacked her with such ferocity and such hatred, my mother believed her husband was going to kill her. In the end, what he took from her was far worse. My mother lost the baby. She told everyone, once her jaw had fully healed, that she suffered a miscarriage.

I was too young to fully understand what had happened. I remember walking up to a neighbor who knew my parents. She asked me how my mom's pregnancy was going. I told her "my mom lost the baby because Dad beat her." The woman's stunned silence seemed strange to my child sensibilities. I believe that was the first time I realized that my family life was different from the norm. I did not discuss my sibling's death with anyone for a long time after that.

Years would go by before I could really grasp what my father did. Now, though, that single act of brutality stays with me. Every time I see a large family, or listen to a friend talk about how his or her sibling is bothering them, or see a woman walking down the street holding the hands of her daughter and son, I am reminded of what my father stole from my mother. And from me.

The murder of my sibling shaped how I view so many things. Life, death, God, abortion, the unfairness of existence, and how whenever one is happy something will come to take that happiness away.

The lesson I learned from this event was life is full of sad things but defined by tragedies. Sad things are minor and insignificant when compared to the moments and seconds that make up our lives. They are bruises, they make us frown and then we move on, unchanged. Tragedies are scars. They linger. And even when others think they've disappeared, we never really heal from them.

Lesson 6: Sometimes the Only Way to Say 'I'm Sorry' is to Say 'Goodbye'

I was almost nine when my father had gotten a new job opportunity in Pennsylvania. My mother took this opportunity to tell him she was divorcing him and taking me with her.

My mother and I moved to West Virginia to be closer to her family, the only one I've ever really known. My father would pop up from time to time, and my mother found a new husband, Tom.

My father's job in Pennsylvania didn't work out and eventually he moved to Morgantown. He made a deal with my mom…if he got once a month visiting privileges he promised not to kidnap me and take me to Egypt. My mom agreed.

I hated driving up to Morgantown to spend the weekend with him. I made him work for it, however. Going to mall? I didn't just get a new toy. I got a dozen. Going to go see a movie my dad really wanted to see? Nah, I decided we were going to watch a movie I had already seen with my mom and one my father had no interest in seeing whatsoever. I had a decade's worth of aggression I needed to get through. I imagine if I had played my cards right I could have gotten college out of it.

When I was eleven and getting ready to start middle school my father mailed me a card.

Sam, I am moving back to Pennsylvania so I won't be able to see you once a month. I'll be sure to send you lots of money, because I know this is what you truly care about. Hope to see you soon,

Your Dad

I remember not feeling anything when I read his little card. I didn't feel anger. I didn't feel like I had been abandoned. I didn't feel free or victorious. I simply went

along my way and played with some toys and did some story writing and called it a day.

If anything I'm angry he got away with it.

I suppose one could call it a happy ending because that card was the last time I ever heard from my father. I just call it an anticlimactic one. Sometimes I wonder what I would say if I saw him again. "I hate you," "You're scum," "Thanks for the mocha complexion," but I think I wouldn't be able to say anything. Perhaps it's for the best that I never see him again, and a large part of me is okay with that.

I'd like to think Mohsen realized that he needed to let me live my life and let us go completely. That his abandoning me was his way of saying "Hey, son, sorry for the mess. Have fun in therapy."

In writing this story, I realize there are so many things I don't know about him. How could someone take so much pleasure in someone else's pain? How could someone beat a woman he claimed to love and then turn on the television and laugh as a cartoon mouse and cat attempted to kill one another? How could kill a child and still be able to laugh? I suppose every son thinks his father is his nemesis at some point or another. I guess mine is just a bit more literal than others.

There are so many memories that come back to me as I write this. Things I can't talk about because I'm not ready, others that would take too many pages to explain. I doubt I will ever see my father, I doubt I will ever be able to ask him "Did you feel any regret? Any remorse?" Not all questions get answered.

And I'm okay with that.

TAPA IN OCEANIA: AN ANALYSIS OF TAPA AND CULTURE IN THE PACIFIC

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Abstract

The purpose of this research is to examine and explore Oceanic culture by analyzing and describing in detail four Tapa Cloths in Marshall University's ethnographic collection. Goals included: 1) exploring Oceanic culture through the lens of the tapa cloths, 2) to attempt to identify exactly which island in Oceania each cloth originates from, and 3) provide to information on comparable materials. I also explored the manufacture and use of these cloths, as well as how they fit into the culture. Tapa cloths are beautiful pieces of culture, by examining them I provide a better understanding of Oceania. Oceania contains an array of rich cultural heritages, of which Tapa Cloths play an important role for the people who made and used them.

Tapa, also called Bark Cloth, was made on several islands in Oceania. In examining them I will provide a better understanding of how and why these items were made as well as the significance to the cultures that made them. This research adds to the existing body of research about the cultures of Oceania. There are three main procedures that were performed. The first is a full description of the artifacts. Accession/catalogue numbers, photos, measurements, and a verbal description of the raw materials, construction, and form. The next step was to research provenience. Research on the tapa cloths' cultural context was conducted to understand the artifacts importance. This included establishing a chronology, discovering manufacture and use of the tapa cloths, how they fit into the culture, and research on comparable materials.

Introduction

"Formerly, the sun always hurried across the sky. It went so rapidly that Hina's tapas did not have time to dry. So her son, Maui, went to the place of sunrise, caught the sun's first ray, and broke it off. Ever since, the sun has traveled more slowly" (Quoted in Whistler and Elevitch, 2006, p. 5)

This lore from Hawaii is about Hina and her son Maui. Tapa was an important aspect of culture for many in Oceania. This Hawaiian lore shows the importance of tapa in Hawaii. The sun was moving too fast, and Hina's tapa cloth could not dry. Maui goes and breaks off the sun's first ray, and then the sun begins moving slowly enough for the tapa to dry. This story shows that tapa, at least in Hawaii, is the reason the sun moves at its current pace across the sky.

Marshall University's ethnographic collection contains four tapa cloths which have Oceania listed as their provenience. Originally part of the Sunrise ethnographic collection, these tapa cloths represent the cultural heritage of many who reside in Oceania. Tapa cloths are a fascinating and important part of Oceania's cultural heritage; they can vary in size, shape, and decorative style. The manufacture and use of tapa was, and still is in some areas, an integral part of the concepts of wealth, prestige, and ceremony. Tapa cloths were made and used in many cultures in Oceania, despite the fact that the area is home to a wide variety of people and cultures. These particular cloths came only with Oceania listed as their provenience, therefore I began my research with the aim of exploring Oceanic culture and discovering what these tapa cloths were for, who made them, and why.

Data

Documentation of each tapa cloth in Marshall University's ethnographic collection was carried out in the Archaeology Lab. Each of the four tapa cloths was

documented using photography, measurements, and a verbal description. The artifacts are wrapped with acid free paper, and were carefully unwrapped for the purpose of data collection. Each piece is very fragile, and care was taken not to damage or otherwise harm the cloth. After having been stored rolled in the acid free paper, each artifact does have curling around the ends or as in the case of Tapa 4 throughout its length.

I have assigned each tapa cloth a number (1-4) to make identification throughout this paper more accessible for the reader. Each tapa cloth in Marshall University's collection was donated from the Sunrise museum's ethnography collection. Photographs of a comparable tapa cloth from the Huntington Museum of Art were taken at the Huntington Museum of Art, and measurements for this cloth, (HMA tapa cloth from now on) along with curation history, and catalog number were provided to me by the museum staff.

Below is a photograph of each cloth, with assigned number and accompanying description. I have devoted a full page to the two largest cloths (tapa 1 and 2) and half a page for the two smaller cloths (as a full page was not necessary to show the cloths in their entirety). After the four Marshall University tapa cloths, I show two photos of the HMA tapa cloth, which is very long and in order to show full detail I chose a picture that displays the length of the cloth, and then a picture that shows the detailed decoration at the tapered end of the cloth.

Tapa 1

Tapa Cloth 1 is a large piece, measuring 3 meters and 46 centimeters in length and 1 meter and 82 centimeters in width. A diagonal measure from corner to corner of 3m 87cm indicates that this cloth is most likely squared, though due to some curling at the ends of the cloth a more accurate measurement is not possible at this time. This tapa cloth has a repeating background with a repeating over painting design, which indicates the use of *upeti,* a Samoan board or a comparable design board, used to decorate the background. This background design can be seen on the underside of the tapa cloth as well. The dyes used here are a black or dark brown, and a lighter rust colored brown. There is some wear on the very edges of this tapa cloth, but that is to be expected since they are very fragile artifacts. Probably constructed from the bark of the paper mulberry tree, and decorated with dyes, most likely from plant material as well.


Figure 1 Tapa Cloth 1

Tapa 2

Tapa 2 is a fairly large piece measuring 2 meters and 51 centimeters in length and 1 meter and 75 centimeters in width. A diagonal measure of 2 meters and 97 centimeters indicates that this cloth is most likely squared, but as with Tapa 1 there is some curling of the ends. Tapa 2 has a repeating design, which is bordered by a crisscrossing line pattern on either side. Unlike Tapa 1, Tapa 2 does not display a background design. This cloth has been decorated with a dark brown outline of the design. What appear as green and yellow dyes have been used to fill in the pattern. Tapa 2 displays some wear along a tear in the cloth. Constructed by the bark of the paper mulberry tree, and likely decorated with dyes made from a plant material. Despite the wear and tear seen on this cloth it is still in overall good condition considering how fragile barkcloth is.

Tapa 3

Tapa 3 is a smaller piece measuring 1 meter and 50 centimeters in length and 1 meter and 41 centimeters in width. A diagonal measure of 2 meters indicates that this tapa cloth is squared, but as with Tapa 1 and Tapa 2 curling along the edge makes an accurate measurement difficult. Tapa 3, like Tapa 1, displays a background

Figure 2 Tapa Cloth 2

design likely made by *upeti* as well. It has a repeating pattern of wedge shapes and a four "leafed" pattern. The dyes used are a dark brown-black and a lighter brown for the wedge shapes. The background design is a very light brown, and can be seen on the underside of the cloth. Constructed by the bark of the paper mulberry tree, and likely painted with dyes made from plant material. This cloth is in very good condition, curling at the ends being the only flaw.

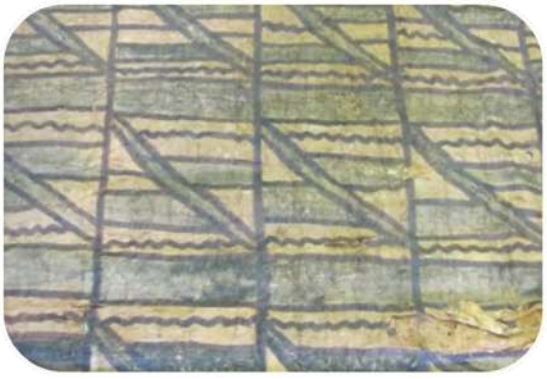
Figure 3 Tapa Cloth 3

Tapa 4

Tapa 4 is a small cloth measuring 1 meter and 45 centimeters in length and 1 meter 28 centimeters in width. A diagonal measure of 2m indicates that the cloth is squared, but as with the others curling interferes with an accurate measurement. This cloth has a background design, most likely done with an *upeti* board, which can be seen on the underside of the cloth. The design is symmetrical, the two outer sections are the same, and the two inner sections are the same. The inner sections of design match with the outer designs, where the triangle shapes meet and form a diamond together. The dye used to decorate is a dark brown-black color, and the background design is a lighter brown. Constructed from the bark of the paper mulberry tree and likely decorated with dyes derived from plant material. This cloth has been damaged which can be seen in the photo above, it has a hole near the center, one at the top left corner, and one in the lower left hand side. There also appears to be a white spatter on this cloth, which is of unknown origin.

Figure 4 Tapa Cloth 4

Tapa 1



Tapa 2

Tapa 3

Tapa 4

Figure 5 Detailed views of Tapa Cloths

Figure 6 HMA Tapa cloth

The tapa cloth from the Huntington museum of art is a piece from the 19th century which measures overall: 77.5 x 365.8 x 0.4cm. Its place of origin is listed as Polynesia and it was a gift from Misses Ruth and Carolyn Robinson. The accession number is 1957.53. It has a "fish shape," and minimal decoration. Likely made from the paper mulberry as well, and the dye used is a dark black/brown color. The decorations include circles with continue up the center of the cloth, with diagonal "leaf" patterns forming a rough diamond shape. The edges of this piece are decorated with intricate line work. The end view, visible in figure 7, shows a crisscrossing hatch pattern, along with bolder diamond patterns.

Figure 7 HMA Tapa cloth end view

Methods

To obtain data, each cloth was photographed and measured. In an attempt to identify origin of the Marshall Tapa cloths, I tried to contact someone from the Sunrise Museum, however the Sunrise Museum was closed and the Clay Center took its place. I was unable

to contact anyone who may have more information about the collection. We acquired the ethnographic collection from the Sunrise Museum in 1997. In the original list of the items donated, there were two of our four cloths listed as: "63.118 tapa cloth" and "63.119 tapa panel from American Samoa (20th century) – Earle Collection". After my initial attempt to contact someone from the Sunrise Museum, I attempted contact through email a second time, but with specific mention of the "Earle Collection," however, no reply came back. Therefore, while we do have two catalog/accession numbers, the cloths that those numbers are attached to are unknown. As for the remaining two cloths, the catalog/accession numbers are also unknown.

The Huntington Museum of Art provided measurements and curation history for the HMA tapa. Research on comparable materials was found through online databases and in previous works on the subject of Oceania and tapa cloth. Personal communications with a museum curator, Fuli Pereira at the Auckland War Memorial Museum was established so that the help of an expert in the subject of tapa and Oceanic culture could provide insight on where the cloths may have originated. I also examined the design patterns on each cloth and searched for comparable designs to determine origin of Tapa 1-4 and the HMA tapa cloth.

In this exploration of Oceania through the lens of tapa cloths, I discovered that one challenge to my goal in understanding where the tapa cloths in question come from was limited information on the subject. Working through this constraint, as well as the constraint of tapa having not been well researched in some areas of Oceania, namely Melanesia, I have chosen to provide examples of certain islands briefly, and others in greater detail, where information was readily available to me. I have conducted research into many facets of tapa cloth, the materials used to make them, how they are manufactured, how they are decorated, and their cultural fit into the societies that manufacture them.

Though this project is titled Tapa from Oceania, which I originally used since the Marshall Tapa cloths had Oceania listed as their provenience, I discovered in the course of my research that some areas of Oceania do not produce tapa (Micronesia and Australia) and these regions have therefore been excluded from my research. In light of this, my report focuses on Polynesia and

Figure 8 Map of Oceania from "The world factbook"

Melanesia, since these are the regions where tapa was produced in Oceania.

Background and Theory

Oceania

Oceania is a large group of islands located in the Pacific Ocean. It is commonly broken up into four regions, Polynesia, Melanesia, Micronesia, and Australia. Oceania is home to many Islands, each with their own distinctive cultures. Many of the cultures in Oceania participate in tapa making, though not all do. Neich and Pendergrast (1997) write that "With such a huge variety of tapa patterns and functions in evidence, it is no surprise that the first Europeans who arrived in the Pacific soon came to regard tapa cloth as one of the most obvious symbols of a Pacific identity" (p. 11). Thus, tapa making in the Pacific became an easily recognizable part of life and culture in the Pacific.

Tapa

The term *tapa* is a blanket term which has come to encompass barkcloth from all over Oceania, and even other parts of the world. Its origin comes from a part of Oceania designated Polynesia. Neich and Pendergrast (1997) note that "The word is derived from the Samoan word *tapa* for the uncolored border of a barkcloth sheet and the Hawaiian *kapa* for a variety of barkcloth" (p. 9). Though each island culture in Oceania has its own designation for tapa, the term was brought into use, to name all barkcloth in the pacific, by Europeans. Serge Tcherkezoff (2004) notes that tapa "… became part of the Pacific vocabulary of the Europeans, and was used indiscriminately, irrespective of local usage" (p. 161). Table 1 displays the terms that Kooijman (1988) notes for several islands in the Pacific (p.15). Though names may be different, the plants used to make barkcloth and the general process of manufacture is remarkably similar across Oceania.

Table 1: Terms by Island (terms from Simon Kooijman, 1988, p. 15)

Island	Term
Samoa	Siapo
Hawai'i	Kapa
Marquesas	Hiapo
Tahiti	Ahu
Tonga	Ngatu
Fiji	Masi

The paper mulberry tree and other plants used for Tapa

Tapa in Oceania is predominantly made from the bark of one plant: Broussonetia papyrifera, or the paper mulberry. Other plants were used, such as the Artocarpus also called breadfruit and certain types of Ficus. Use of these plants was less extensive for tapa making and the paper mulberry was the most common material for making barkcloth (Neich & Pendergrast, 1997, p. 9). Whistler and Elevitch (2006) explain that the paper mulberry "…is native to Japan and Taiwan and is an ancient introduction across the Pacific as far east as Hawai'i" (p.2). The paper mulberry made a long journey across Oceania, from Japan to Hawai'i, and became part of the cultural tradition of tapa making.

All of the paper mulberry trees in Oceania are "male clones" which means that they cannot propagate on their own; they must have help to grow new plants (Whistler & Elevitch, 2006, p. 2). The people in Oceania have several ways of propagating the paper mulberry trees that they tend. Whistler and Elevitch (2006) list several of these methods "Root shoots (suckers), cut matted roots, stem cuttings, or sections of 'second growth' stems" can be used (, p. 6). Since they are all male clones the plants in Oceania do not flower or make seeds, but their use for tapa making made them important to tend and harvest (Whistler & Elevitch, 2006).

Paper mulberry trees grow the best on the high islands, Simon Kooijman (1988) explains that "The plant was unable to maintain itself in the poor natural environment of the atolls and could flourish only on the high volcanic islands with their fertile soils and abundant, regular rainfall" (p. 16). Islands that have this type of environment can successfully grow the paper mulberry. The paper mulberry was not grown extensively in Micronesia, Whistler and Elevitch (2006) note only two examples from Pohnpei and Yap, but they say that "…it is virtually unknown there now" (p. 2). Thus, tapa making in Micronesia is unknown because of the absence of material for manufacturing it. Yet for the other regions of Oceania, Polynesia and Melanesia in particular, who did produced tapa cloth it became part of their lives and was a culturally significant activity.

Figure 9, shows a paper mulberry tree with original caption from Whistler and Elevitch (2006) with the "side branches removed" (p.6). Leonard and Terrell (1980) explain that "Side branches are carefully pruned

away to avoid holes in the bark" (p. 13). The tending of the paper mulberry plant in important, since holes in the bark would leave holes in the cloth it is to become (Neich & Pendergrast, 1997, p.13). Just as tapa cloths themselves play an important role in the cultures that made them, the paper mulberry, as an important part of the tapa making process played a role as well.

Figure 9: Paper Mulberry (Whistler &Elevitch, 2010, p. 6)

The tapa making process

The tapa making process has several general steps. First I will discuss the basic steps that are used to process the raw bark into a tapa cloth. Then, I will examine several variations of this process on different islands in the Pacific. The islands I briefly overview were selected based on two criteria which are: how much research is available on the island and how much variation from the general process actually occurs.

There are several steps in the tapa making process. The making of tapa starts with the raw material: bark. Whether from the paper mulberry, breadfruit, or other plants this process remains roughly the same. As I have already discussed, the paper mulberry tree is the most common source for making tapa cloth in the pacific. The first step to making tapa cloth is to remove the inner bark, called bast from the outer bark (Leonard & Terrell, 1980, p.13). Only the inner bark is used for tapa, the outer bark is scraped away from the inner bark and then the material would be beaten on an anvil (Neich & Pendergrast, 1997, 13). The inner bark was often soaked in water, and sometimes the inner bark was allowed to ferment which served to "soften and macerate the fibers" (Neich & Pendergrast, 1997, p. 13). Once the inner bark has been isolated, the tapa maker would set to pounding the cloth with a beater.

Figure 10: Mallet and Beaten Cloth" (artist unknown from ArtStor)

Leonard and Terrell (1980) note that "Most bark beaters have one to four surfaces that have been grooved, serrated, crosshatched, or (occasionally) carved with some kind of more elaborate surface pattern" (p.13). Figure 10 shows an image from ArtStor of a bark cloth beater beside a piece of beaten cloth. The cloth and beater are both resting on one of the anvils used to pound the cloth on. The beating of tapa is a very important part of processing the bark to make it into a more cloth like material. In order to get a bigger tapa cloth, the smaller and thinner sheets can be "felted" together or even glued together (Neich & Pendergrast, 1997, p. 13). After the tapa cloth was beaten and either felted or glued to obtain the desired size of cloth, it would then be laid out to dry before it was decorated and set to its purpose (Neich & Pendergrast, 1997, p. 16). Each culture that produced tapa cloth had its own variation of the tapa making process; however these are usually only slight variations of the general process.

Examples of Variation in Tapa Making

Each Island did have its own variation of the general process, some more than others. Below are

examples from Samoa, Tahiti, and Hawaii from Polynesia along with some examples from Melanesia including New Guinea to demonstrate some of the variations that are seen on each Island.

Samoa

On Samoa there was not very much variation from the general process. Sometimes the scraping step was skipped if tapa cloth was needed very quickly; however, Neich and Pendergrast (1997) write that scraping produces a cloth of superior quality (p. 14).

Tahiti

Tahiti did not deviate much from the general process, though they did have their own unique ideas surrounding the process of making tapa. Neich and Pendergrast (1997) explain that on Tahiti the paper mulberry was "preferred" for making tapa and that "Large plantations of it were cultivated, to produce the favoured cloth of the upper classes (p. 85). " Great bales of tapa, frequently nearly 4 meters wide and hundreds of meters long, were a principle measure of chiefly wealth and were units of exchange, tribute, and religious offering. Each household had its own cloth-making shed" (Leonard & Terrell, 1980, p. 21). That each household on Tahiti would have its own shed specifically for cloth making speaks to the importance of tapa. Everyone needed a space to make the cloth, and it was used for a variety of purposes.

The longer lengths of tapa would be beaten by "groups of two to three hundred women under the supervision of the wives of the chiefs" (Kooijman, 1988, p. 17). Tahiti had a highly stratified society, the breadfruit plant served to make the tapa of "commoners," and it also fell to the commoners to tend to the plantations (Neich & Pendergrast, 1997, p. 85). Simon Kooijman (1988) notes that the "Tapa made from the Artocarpus and Ficus trees was not as white and soft as the aute tapa and was mainly worn by people of lower rank" (p. 17). As I discussed earlier in the paper, the Artocarpus (breadfruit) and ficus were sometimes used for tapa making, but the paper mulberry (here aute) made some of the best quality tapa, and on Tahiti it was reserved for those of a higher rank.

Hawaii

On Hawaii, as with Tahiti, the best tapa was made from the paper mulberry (Leonard & Terrell, 1980, p. 24). During the manufacturing process the Hawaiians subjected the bast to a preliminary beating using a round beater (hohoa or hoahoa) and to a final beating with a square beater (Leonard & Terrell, 1980, p. 24). The tapa made from the paper mulberry would also be soaked in salt water, but for other tapa fresh water was used (Kooijman, 1988, p. 24). Simon Kooijman (1988) writes that the salt water soaking gave the tapa a whiter color, which one of his informants told him "well-made tapa must be clearer than moonlight, clearer than snow on the mountains" (p. 24). Neich and Pendergrast (1997) explain that Hawaii was "one of the very few areas in the Pacific where a stone anvil was used for the first beating of the cloth with a round-sectioned beater (p. 91).

Tapa beating on Hawaii would take place in "specially built houses, the size of which depended on the number of workers (Kooijman, 1988, p. 25). This is similar to the household sheds for tapa making on Tahiti that Leonard and Terrell write about.

Melanesia

Limited information is available on Melanesian tapa making, and Leonard and Terrell's book *Patterns of Paradise* is one of the few resources on the subject. Leonard and Terrell (1980) note of tapa making in Melanesia that "The diversity of the islanders in this part of the world stands out vividly in their bark cloth creations" but that "Technical information on the craft itself is scattered and often uninformative" (p. 35). One interesting change in Melanesia is that men would also produce some types of tapa. Leonard and Terrell (1980) point this out writing that "While making tapa clothing is often women's work, many types of tapa are made by men especially that used for rituals" (p. 35). It is very interesting that men would participate in tapa making at all, in Polynesia it is considered women's work, but in some areas of Melanesia men could also work with tapa.

Papua New Guinea

Like information about Melanesian tapa making, there are limited resources for tapa making in Papua New Guinea, or New Guinea at all. Neich and Pendergrast are two of the few authors who have written on the subject. They note that "Only some of the cultural groups of Papua New Guinea make tapa cloth, and there are few connections between those that do" (Neich & Pendergrast, 1997, p.133). This is likely the reason for the scattered information regarding Melanesia and New Guinea tapa cloth. Like Leonard

and Terrell's general description of tapa making in Melanesia, Neich and Pendergrast (1997) explain that men played a role in Papua New Guinea "While women usually make the tapa for ordinary clothing as in the rest of the Pacific, a major feature of Papua New Guinea tapa is the prominent role of male craftsmen, especially in the making and decorating of tapa that will be used on ritual occasions, as dress-clothing and for masks and figures" (p. 133). So, Papua New Guinea is one of the areas where men would participate in making tapa.

Decorating the Cloth

Most cloth in Oceania is decorated in some way, as with the Marshall tapa cloths, and the HMA tapa cloth. They can be decorated with dyes, by rubbing over an *upeti* board (or comparable design board), and/or painted over. The amount of variation in Oceania is awe inspiring and beautiful, there are as many ways to decorate tapa cloth as there are people in the Pacific. First, I will relate the general process and dyes/paints typically used to decorate tapa. Then, as with the variation seen in the tapa making process I will discuss some variation by island, which includes the same selective criteria as I used for the variation by island seen in the tapa making process: how much research is available on the island and how much variation from the general process actually occurs.

Figure 11: Design elements Blackened with color for Highlighting" (Artist Unknown, image from Artstor)

One form of decoration involves the use of a design board. If used, this would occur before any other decorating or over painting. The design boards go by different names, depending on where they are from. Table 2 shows the terms for design boards by island discussed by Leonard and Terrell (1980, p. 29-30). Figure 11 is an image from ArtStor where the background design done by a design board can be clearly seen. The tapa maker in the photo is over painting the pattern with a darker dye. There is a remarkable similarity between the terms for design boards. Three of our Marshall Tapa cloths feature this specific type of decoration (Tapas 1, 3, and 4). The background design is made by placing a length of tapa over a design board, and then rubbing it with a dye (Leonard & Terrell, 1980, p. 18). As with the three Marshall cloths showing this type of patterning, the design is often repeating, and is usually showing through both sides of the cloth (Neich & Pendergrast, 1997, p. 16). The picture of tapa 3 and tapa 4 clearly show the patterning used by a design board, as well as the fact that the dye shows through both sides of the cloth. There are many dyes and methods of decorating the tapa cloth.

Table 2: Design board terms by Island (terms from Leonard & Terrell, 1980, p. 28-30)

Island	Term
Samoa	Upeti
Tonga	Kupesi
Fiji	Kupeti
Futuna	Kupetsi

Yellow dye comes from turmeric and Leonard and Terrell (1980) explain that "Turmeric-dyed tapa has commonly been reserved for persons of rank, secular as well as sacerdotal, and its golden hues turn up time and time again at such solemn occasions as childbirths, marriages, initiations, preparations for war, mourning, and death" (p. 17). Tapa 2 has what looks to be a yellow dye used in its decoration, though it is possible that aging could have changed the coloring and tint of the original dye. It is still likely that turmeric was involved.

There are many sources for black and brown dyes. The candlenut pant is used for its sap as a brown dye, or if the nuts are burned it will make a black dye (Neich & Pendergrast, 1997, p. 14). Tapas 1, 3, and 4 along with the HMA tapa cloth all have significant black/brown pigments that were used to decorate the cloths and even tapa cloth was outlined in such a dye. Red ochre is also a common dye, along with other "earthen pigments", Leonard and Terrell (1980) write that "The Elema peoples of the Papuan Gulf used pink and red ochres, yellow clay, and gray soapstone—in addition to charcoal and burnt lime—to color the fantastic masks of their splendid *hevehe* cycle of ceremonies" (p. 18). Tapa

makers in the Pacific had many colors to choose from when creating a tapa cloth. In the next section I will explain some of the variation of actual design patterns that can be seen on selected islands in the Pacific.

Examples of Variation in design

Each Island did have its own patterns to use. Below are examples from Samoa, Hawaii, and Fiji to demonstrate the types of variations that may be seen on tapa from each island.

Samoa

On Samoa, several patterns are based on things seen in nature. For example, "breadfruit leaves, pandanus leaves, pandanus bloom, fishnet, trochus shell, starfish, worm, centipede, and footprints of various birds" are all common motifs (Neich & Pendergrast, 1997, p. 15). Use of the upeti design board appears to be fairly extensive based on my searches for comparable materials. The board used to be made from pandanus leaves and other natural materials, but this type of leaf upeti is no longer used, a carved has replaced it since these are easier to use and create the upeti pattern with (Leonard & Terrell, 1980, p. 28). Leonard and Terrell (1980) also comment that the "pleasing brown colors of Samoan bark cloth decorated on upeti are achieved with a dye called 'o'a (or koka in Tongan) made from the sap of Bischoffia javanica, often mixed with candlenut soot or ochre to alter its shade and tint" (p.28). Indeed, the majority of the Samoan cloths I have looked at have a brown/black pigment like those of Tapa 1, 3, and 4.

Hawaii

Tapa making on Hawaii had a very interesting feature. In addition to freehand designs, tapa makers would also use a bamboo stamp to decorate their tapa (Neich & Pendergrast, 1997, p. 92). Simon Kooijman (1988) notes that printing was used in Tahiti, "by means of leaves dipped into a dye and pressed on the cloth" but that the type of printing used in Hawaii was "unique in Polynesia" (p. 30). Another interesting style of decoration in Hawaii was grooving. Leonard and Terrell (1980) explain that "Tapa ribbed in this way was called kua'ula and was in great demand for loincloths (malo) and skirts (pa'u)" and that this style of decoration was done by men, not women (p. 24). That men participated in the tapa making process is rare in Polynesia, but it seems that in some areas they participated in the decoration of the cloth.

Fiji

Fiji also has unique methods for decorating their tapa cloth. In addition to a design board, stencils would also be used to decorate the cloth, these are either cut from a leaf or X-ray film if it is on hand (Neich & Pendergrast, 1997, p. 97). Fijians also made a type of roller, which worked a little like a design board. Neich and Pendergrast (1997) explain that the rollers had different types of grooves and that "When the bamboo with the fine ridging is used, the patterning is so intense that some parts may appear to be plain black or brown until it is held to the light when the subtle variation of colour and pattern can be seen" (p. 100). Indeed, these patterns do appear very busy and intricate, but they make bold and striking tapa cloths.

How Tapa is used

Tapa cloth has a wide variety of uses which can range from practical to ceremonial. Probably the most practical use of tapa was for clothing. Fanny Veys (2009) notes in her article Materializing the King that "The first historical records to mention barkcloth date from 1616 when the Dutchmen Jacob Lemaire and Willem Shouten described the Tongans wearing ngatu as a skirt or loincloth" (p. 134). Figures 13 and 14 show some of the ways that tapa was worn. In figure 13 a man is wearing tapa as a lavalava, in figure 14 the women are wearing tapa as dresses. In Samoa tapa cloth was used for both ordinary and ceremonial clothing.

Figure 12: "Tongan bedchamber on display at the Polynesian Cultural Center on Oahu" (Buck, Photographer, 2010)

For clothing it was "worn as lavalava by men and women, wrapped around men's heads like a turban, as a loincloth or girdle by men, and in strips as a belt over

fine mats or other sheets of Tapa" (Neich & Pendergrast, 1997, p. 19). Other functional purposes include bedspreads, room dividers, wall hangings, and protection from mosquitoes (Neich & Pendergrast, 1997, p. 20).

Figure 13: "View of Samoan Ceremony Orator" (Unknown artist, image from ArtStor)

The giving of cloth as a gift was also an important use of tapa cloth. Serge Tcherkezoff (2004) explains that "It is mandatory to give cloth in Polynesia and eastern Melanesia" and that "In contemporary Samoa, if a household does not make any contributions to ceremonies involving the extended family or village (for births, marriages, funerals, or other important events) this is taken as a sign of their withdrawal from the family or village circle" (p. 164-165).

Tapa cloth can be given on many occasions but especially at weddings and funerals. A recent newspaper article tells the story of Brisbane couple Christopher Andrews and Sonya Sevele. In honor of the bride's heritage her family had placed tapa wedding mats at the entrance to the church (Stacey, 2007). The bride said that it was a "great privilege to have the tapa mats at the ceremony" (Stacey, 2007). Fanny Veys (2009) writes of funerals that "It seems that ngatu and mats were the most important aspects of material cultural present at a funeral. They were used to wrap the corpse, cover it and support the body before being interred" (p.136).

Figure 14: Samoan Dance Performance (Unknown artist, image from ArtStor)

Tapa cloth also had religious meaning. In Samoa "Until the 1950s a mat or length of tapa could be used to recover the soul, if a person had been lost at sea (or before 1900 had fallen in battle and been beheaded), thus allowing funeral ceremonies to take place" (Serge Tcherkezoff, 2004, p.164). The length of tapa would be laid out either near the sea or near the battlefield and the first insect to walk on it was said to be the will of the lost or deceased person; there are also stories which mention that bones wrapped in tapa could come back to life (Serge Tcherkezoff, 2004, p.164).

In Hawaii tapa plays a large role during the Luakina ceremony, where a chief becomes divine. High ranking women make a special white tapa cloth, and Weiner (1992) explains that "This 'life-giving' cloth sanctified the temple when the women wrapped it around the god figures. Only then did the presence of the god enter the figure. Without the cloth, the image alone had no power, and the ruler could not be sanctified" (p. 86). Life giving properties of tapa cloth can also be seen in the Lau Islands. In his report of a man becoming a chief Serge Tcherkezoff informs that the man symbolically dies in order to become a god: "In order to achieve this he is set apart behind a screen of tapa for four days, the time it takes for the spirits [gods and ancestors] which inhabit the tapa to take possession of him and cause his rebirth as a chief" (Tcherkezoff, 2004, p.165). From functional everyday use, to important ceremonial

occasions tapa cloth served as an important facet of daily life. It could be as simple as clothing, or powerful enough that men needed it in order to be made into a chief.

Figure 15: "Huge piles of barkcloth and mats assembled for distribution at a wedding that took place in the Tongan Capital, Nuku'alofa in 1915" (Weiner, 1992)

Meaning in Cloth

Fanny Veys discusses the idea of material culture, she writes that "the starting point for any anthropological and theoretical consideration of material culture begins with an appreciation of material in its most mundane expression of what the term might convey (quoted in Veys, 2009, p. 133). I have represented this expression of mundane material by examining the paper mulberry and other sources of bark for tapa making in the Pacific. Bell and Geismar (2009) write that "As the discipline of anthropology developed, a 'museological; view of 'primitive' society was established (quoted on p. 9). In this view culture was seen as a type of artifact itself, and people felt a need to save it, Bell and Geismar (2009) explain that "The frailty of cultural artefacts and practices in the face of colonial and missionary interventions was often interpreted as an indication of an inherent weakness of Primitive Society itself' (p. 9) The people and culture of the Pacific were commonly seen as 'primitive', there are even books about "Primitive Art". Tapa making isn't due to any inherent weakness though; it's about heritage, and cultural meaning, but also about functionality.

Schneider and Weiner (1986) write about a conference called "Cloth and the Organization of the Human Experience. They explain that cloth has several characteristics that the conference considered "its aesthetics, the labor of its production, the fact that it is malleable and can be shaped, tied, or cut (Schneider & Weiner, 1986, p. 178). Of these concepts the conference thought that "These properties, it was felt, add to the potency of cloth as a symbol, allowing it to 'say' things that words cannot. Just as it reveals and documents, cloth can also mask. Above all, it is flexible, transmitting different, even contradictory messages all at once" (Schneider & Weiner, 1986, p. 178).

Cloth comes packaged together with many connotations and even denotations. When reading about these theories of material culture, even after examining the tapa cloths several times, I asked myself what is cloth? Without thinking, I immediately pictured my favorite pajama pants, worn and soft from surviving repeated washing, and made of cotton. If I were to ask a Polynesian or Melanesian at the time of European contact though, would they picture cotton, or tapa? There is meaning in cloth, and that meaning can be powerful.

Analysis

Based on the design, styles, and my research of the Marshall University cloths I have determined them to be from Samoa. Fuli told me that he believed they were all siapo tasina. "I would say that they're all siapo tasina – Samoan tapa with pattern applied initially by *upeti* rubbing then select areas over-painted using a darker dye" (Personal Communication with Fuli Pereira). Though Fuli also said that what I call Tapa 2 could be "a large Futuna siapo; could be a siapo mamanu (Samoan free-hand tapa); or a very unusual Tongan ngatu as Samoan tapa does not usually have the undecorated strip along the side edges" (Personal Communication with Fuli Pereira).

Neich and Pendergrast do make a point of noting that "Even where the locality of collection has been carefully recorded, this does not always mean that the item was made there. This is especially true for such a portable material as tapa cloth, which was traded and exchanged around the islands…" (p. 155). Pinpointing exactly where these cloths are from without a curation history can—and has been— extremely difficult. Based on my research into comparable materials, Tapa 1, 3, and 4 all look like Samoan tasina, which as Fuli explained to me is made with the use of the *upeti* board. Even Tapa 2 is most likely from Samoa, as I have a

comparable picture from Margot M Wright's *Barkcloth: Aspects of preparation, use, deterioration, conservation and display*. In this picture is a cloth with a strikingly similar design pattern to that of Tapa 2.

Tapa 1 has the characteristic Samoan brown/black pigments, and a repeating background pattern that indicates the use of a design board. Tapa 3 and 4 have very intricate background designs, but Tapa 1 displays a more open design. This could be due to a carved design board being used, rather than an older leaf upeti. Figure 16 shows examples of carved design boards from Neich and Pendergrast. These create a block like pattern and it is likely that Tapa 1 was made using a similar carved board. Figure 18 is a Samoan tapa, and it displays a similar heart shaped design motif to that of Tapa 1. Tapa 1 also appears to be sectioned; there are areas where the pattern is not seamless. This occurs in the center of the cloth, and runs the full length; there are also sections like this than run across the center forming 8 smaller sections on each side of the cloth (16 total). This probably indicates that the pieces of the cloth were assembled by gluing them together. The overall repeating design itself, the heart, diamond, and spade shapes are probably leaf patterns that can be found in nature.

Figure 16: Tapa design boards (Neich & Pendergrast, 1997, p. 15

Tapa 2 is a freehand design (no design board was used). As I have already noted the yellow dye is most likely turmeric, but aging has caused it to appear more of a yellowed brown, and a golden yellow. This is the most difficult piece present in the collection to pinpoint its origin. It does not fit typical Samoan designs, though freehand painting and designing was present in Samoa, but it was also present on many other islands that produced tapa. Based on comparable material I have narrowed down possible origin to two islands, Samoa and Futuna. This assessment is based on comparable images of similarly designed cloths. Figure 17 shows the similar tapa cloth that I mentioned earlier in the paper. Comparing the design of this Samoan cloth to the design of Tapa 2 shows that Tapa 2 is likely Samoan as well.

Figure 17: Samoan tapa cloth with a similar design to that of Tapa 2 (Wright, 2001, p.84)

Tapa cloth 3 is Samoan, the background design is characteristic of a leaf upeti board. The dyes used are the dark brown/black pigments common on Samoa, and the 4 patterned leaf design is comparable to other Samoan motifs. This cloth, like Tapa 1, shows an area that looks like it was glued together. This divides the cloth into two equal sections. The over painting covers this area on the front part of the tapa, but when looking at the folds of the end curl, it is noticeable. Looking at figure 13 again, the Samoan man wearing a lavalava, we can see that the design is very similar to that of Tapa 3 and Tapa 4. There is a background design and darker over painted designs.

Figure 18: Samoan tapa cloth (back cover of Neich & Pendergrast, 1997)

Tapa cloth 4 shares similar traits as Tapa cloth 3. It has the intricate background design that indicates the use of a leaf upeti, and the over painting designs use a black/brown pigment. It is difficult to tell if this cloth was put together by gluing or felting as there are no obvious sections. The design pattern in sectioned into four major pieces, where the two end pieces are connected with common design elements.

The HMA tapa cloth is from Polynesia, which narrows down the possible islands that it could be from considerably. This tapa is sparsely decorated, but the designs that are present share a lot in common with Samoan design motifs. The most characteristic is the dark circles with the middle left white. Neich and Pendergrast (1997) write that this was a common design motif in Samoa (p. 32). In analyzing figure 18 and figure 19, along with other comparable materials the designs seen on the HMA tapa cloth closely resemble many Samoan design motifs. In figure 18 there is a similar leaf shaped pattern, as well as the same type of bolder diamond patterns. In Figure 19 we see two cloths with the same basic shape of the HMA tapa, as well as the same sparsely painted designs.

Figure 19: Two cloths from Samoa (Neich & Pendergrast, 1997, p. 30)

Conclusion

Tapa cloth played a large role in the cultures that produced it. From functional everyday use, to important rituals, tapa cloth was a major part of life and death. Today, tapa making is not as prominent in Oceania as it once was though some areas continue to make tapa cloth to stay in touch with their cultural heritage. In Hawaii a recent cultural revival of tapa cloth making has occurred. These women have "re-lernt aspect of the manufacturing process from Tongan, Samoan, and Fijian experts, supplemented by study of old Hawaiian tapa in museum collections and their own experimentation" (Neich & Pendergrast, 1997, p. 92).

Reggie Meredith Malala states in Figure 20 that:

"Making tapa is essential for me as an artist. The tapa process, the material, the dyes, and the symbols mean more than just the mere sight of them; they carry a rich background that not only stems to family members who used to make tapa, but to the network of others who help perpetuate the art form. Its depth lies in these interconnected roots and keeps me grounded as a contemporary artist finding newness in the living art of tapa" (Artstor image with quote)

This quote speaks to the level of meaning that can be placed in the creating and using of tapa cloth. She believes that tapa connects tapa makers by a common bond of the meanings that tapa cloth has. Malala calls the craft of tapa making a living art. Cotton and other

modern materials may have replaced tapa in daily use as clothing, but the meaning of the cloth still persists.

Figure 20: Untitled, siapo mamanu (freehand design)" by Reggie Meredith Malala (ArtStor)

References

Bell, J. A. and Geismar, H. (2009), Materialising Oceania: New ethnographies of things in Melanesia and Polynesia. *The Australian Journal of Anthropology*, 20: 3–27. doi: 10.1111/j.1757-6547.2009.00001.x

Helene, S. (n.d). Just married. Sunday Mail, The (Brisbane),

Kooijman, S. (1988). Polynesian barkcloth. Princes Risborough, UK: Shire Publications LTD.

Leonard, A., & Terrell, J. (1980). Patterns of Paradise: The styles and significance of bark cloth around the world. N.p.: Field Museum of Natural History.

Malala, R. M. (Artist). (2000). Untitled, siapo mamanu (freehand design). [Image of tapa cloth]. San Diego, California; Data from: University of California. Retrieved April 24, 2012, from ArtStor (ARTSTOR_103_41822003728035).

Neich, R., & Pendergrast, M. (1997). Pacific Tapa. Honolulu, Hawai'i: University of Hawai'i Press.

Schneider, J., & Weiner, A. B. (1986). Cloth and the Organization of Human Experience. *Current Anthropology*, 27(2), 178-184. Retrieved March 26, 2012, from Jstor .

Tcherkezoff, S. (2004). 'First Contacts' in Polynesia: The Samoan Case (1722-1848) Western misunderstandings about sexuality and divinity. Canberra, Australia: ANU E Press.

The World Factbook 2009. Washington, DC: Central Intelligence Agency, 2009.

Unknown Artist. Design Elements Blackened with Color for Highlighting. [Image]. San Diego, California; University of California. Retrieved April 24, 2012, from ArtStor (ARTSTOR_103_41822001449394).

Unknown Artist. Mallet and Beaten Cloth. [Image]. San Diego, California; University of California. Retrieved April 24, 2012, from ArtStor (ARTSTOR_103_41822001449311).

Unknown Artist. Samoan Dance Performance wearing tapes. [Image]. San Diego, California; University of California. Retrieved April 24, 2012, from ArtStor (ARTSTOR_103_41822001449493).

Unknown Artist. View of Samoan Ceremony Orator in foreground wears a belt of painted tapa & kilt printed tapa. [Image]. San Diego, California; University of California. Retrieved April 24, 2012, from ArtStor (ARTSTOR_103_4182200144950).

Veys, F. (2009). Materialising the king: The royal funeral of King Tāufa'āhau Tupou IV of Tonga. Australian Journal of Anthropology, 20(1), 131-149. doi:10.1111/j.1757-6547.2009.00007.x

Weiner, A. B. (1992). Inalienable Possessions: The Paradox of keeping-while-giving. Los Angeles, CA: University of California Press.

Whistler, W.A., and C.R. Elevitch. (2006). *Broussonetia papyrifera* (paper mulberry), ver. 2.1. In: Elevitch, C.R.(ed.). Species Profiles for Pacific Island Agroforestry. Permanent Agriculture Resources (PAR), Hōlualoa, Hawai'i. <http://www.traditionaltree.org>.

Wright, M. M. (Ed.). (2001). Barkcloth: Aspects of preparation, use, deterioration, conservation and display. London, UK: Archetype Publications LTD.

DECLARING WAR IN A SYSTEM OF CHECKS AND BALANCES

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Constitution

Since 1787, the Constitution has laid the framework behind governing the United States. The Constitution establishes fundamentals and ideals behind American culture and from this single document developed the concept of American exceptionalism. It is the oldest charter of supreme law to date, and its significance is immeasurable. From the framing of the Constitution until recently, there has been debate as to the level of power the President should have in declaring war. Article II of the Constitution vaguely divides the war powers of the federal government between the Executive and Legislative branches. However, in more recent years, it appears that there has been a rise in Executive power. America has an ideology that there should be checks and balances on such powers. For this reason, it is important for Congress to regain previously lost authority.

Public opinion has asserted its dissatisfaction with modern warfare policies and spending. The American people are tired of fighting wars on several continents simultaneously without clear results. The ends do not justify means in states of affairs like those in Iraq, Afghanistan, Pakistan, and Libya. The American citizens cannot see the objective to continuing hostilities against such countries. The U.S. has "waged war nonstop for nearly a decade in Afghanistan--at a cost of nearly a half-trillion dollars--against a foe with no army, no navy and no air force" (Thompson). Likewise, according to ABC News (2011), 4,482 Americans have been killed, 32,213 wounded, and a grand total of 704.6 billion U.S. dollars have been spent on the war in Iraq. For such high costs, Americans do not see any rewards for the price that they have paid. Throughout the Constitution the Framers established governmental institutions of checks and balances, by allowing each branch of the government to amend or veto acts of the other branches. These institutions were enacted to prevent any one branch of the federal government from exerting too much power. Allocating the right to declare war is another example of these checks and balances within the Constitution. On the surface, the Constitution grants war and military powers simultaneously to both the Legislative and Executive branches of government. Saikrishna Bangalore Prakash states that "under this view, the Constitution's specific grants of war and military powers not only empower a particular branch, but also simultaneously deny those powers to other entities" (307). By his statement, Prakash is reaffirming the Framers' establishment of checks and balances to lessen the power to declare war.

Traditionally, one might think that the Executive branch should possess the right to initiate a war. However, in examining the Constitution, it is evident that the Framers did not intend for the President to initiate war on his/her own. As Article I, Section 8 of the Constitution establishes, it is Congress' right to declare war, not the President's. In fact, as Michael Stokes Paulsen explains, "the Framers took the decision to go to war away from the executive and vested it in the Congress" (116). The Framers' previous experience with kings led them to adopt ideology from Montesquieu, Blackstone, and Locke. Paulsen states that these 18th century philosophers attested the right that a king may declare a war whenever they deemed acceptable.

In relation to the Framer's ideology one can examine constitutional wording pertaining to the duties of Commander-in-Chief. The assigned duties of this position, as stated in Article I Section 10, enable the President to command the armed forces. Also, the Commander-in-Chief is allocated the power to conduct war and protect the nation against sudden (imminent) attacks. Nowhere in the Constitution does it provide the President of the United States the power to declare war. By examining the wording of the Constitution, it is apparent that the Framers original intent was to limit the ability of a President to declare war.

Historical Application of the War Powers

On November 7, 1973, the United States Congress passed the War Powers Resolution (H.J. Res. 542). The

War Powers Resolution aimed to fulfill the original intent that the Framers enshrined within the Constitution by ensuring collective judgment of both Legislature and Executive in engaging the armed forces into war. The Resolution states that the President shall consult Congress before commanding U.S. Armed Forces into hostilities. The exercise of the President's role as Commander-in-Chief is to be implemented only after a "declaration" of war. The Resolution sets forth reporting requirements (50 USC Sec. 1543), particularly a sixty day time limit on the use of U.S. forces under section 1544(b). To date, the War Powers Resolution stands in American history as the first time Congress had enacted a measure placing limits on Presidential war powers. Its creation was partially a response to the turmoil and costs of the Vietnam War. In order to not recreate another war like Vietnam, Congress instated this act as a precautionary measure. As Jacob K. Javits, who played an essential role in forming the Resolution, states: "it was the first legislation in our history to establish a statutory framework in which Congress and the President could function so as to give meaning to the constitutional authority over war" (130).

However, Javits' optimism on this legislation was short-lived. To Javits' dismay, this act did not solve any problems regarding constitutionality and presidential war powers. Since the enactment of the War Powers Resolution there has been a list of Presidents that have broken the rules of the Resolution. First, in 1975, President Ford sent marines to retake the merchant vessel Mayaguez without the consent of Congress. Forty lives were lost in the unnecessary rescue attempt. Second, in 1982, President Reagan disinclined to cite Section 4(a)(1) in order to trigger a sixty day time limit when he deployed U.S. marines to Lebanon. Third, President George H. W. Bush employed the authority of the United Nations to override the Resolutions' procedures during Operation Desert Shield. ("War Powers")

On March 6, 1999, President Clinton submitted a report to Congress announcing the commencement of air and cruise missile attacks on Yugoslavia. President Clinton did not cite Section 4(a)(1) to trigger the sixty day time limit. Under United Nations Security Council resolutions and in conjunction with members of the North Atlantic Treaty Organization (NATO), President Clinton approved air strikes in Bosnia and Kosovo. As a result, Representative Tom Campbell along with other Members of the House filed suit in the Federal District Court against President Clinton. Clinton's charges were that he had violated the War Powers Resolution, since seventy-nine days had elapsed since the start of military operations in Kosovo. Tom Campbell stated that "if the commander-in-chief can initiate a war when there has been no attack on the United States and no attack on a U.S. ally--- as was the case in Kosovo--- then there is very little reason, it seems to me, to have the provision in the Constitution that the Congress shall declare war" (4). Consequently, in *Campell v. Clinton*, the U.S. Court of Appeals for the District of Columbia affirmed in the favor of the President holding that Campbell and other members of the house lacked legal standing. President Clinton also declared that the War Powers Resolution itself was constitutionally defective due to its limitations on executive power.

From President Richard Nixon to President Bill Clinton, the Commander-in-Chief has asserted that the War Powers Resolution infringes on the President's constitutional authority. Ever since President Nixon's initial veto of the War Powers Resolution, presidents have argued it to be unconstitutional for creating limits on their title such as the sixty day time limit in Section 4(a)(1). Recently, President Obama has ushered in a new era of constitutional crisis with military involvement in Libya. Dennis Kucinich pronounces this claim in "President Obama's assertion of the right to go to war without even the pretext of a threat to our nation" (27, 2011). Kucinich is worried that the United States is becoming a nation that only observes its Constitution in matters of convenience, because the Obama "administration deliberately avoided coming to Congress and furthermore rejects the principle that Congress has any role in this matter" (27, 2011). *The Nation* (2011) also concurred with Kucinich's opinion by writing that President Barack Obama made the decision to go to war with Libya "in defiance of the only body of government empowered by the Constitution to initiate war" (1). As a result of President Obama's actions in Libya, Kucinich and nine other members of Congress filed suit against President Obama in hopes of laying the framework for an impeachment trial. Though no congressional action resulted from Kucinich's efforts, his approach to this dilemma needs further examination.

Impeachment

If an elected official uses misconduct while in office, they may be charged by a tribunal for their crimes. This procedure is known as impeachment, and the Constitution defines its uses at the federal level of government. Article II, Section 4 states that the "President, Vice President, and all civil Officers of the United States shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors." In the history of the United States, only two Presidents have had to face impeachment: Andrew Johnson and Bill Clinton. Both Presidents were acquitted. A third, President Richard Nixon resigned before an impeachment could be scheduled.

Andrew Johnson was the first president to face impeachment. The House of Representatives brought eleven articles of impeachment against him as part of a lengthy partisan battle between moderates and radical Republicans. In President Nixon's case, his re-election committee funded burglars to break into and enter the Watergate complex on June 17, 1972. The Watergate complex was being used as the Democratic National Committee (DNC) headquarters at the time. After an attempted cover-up, Nixon resigned from office on August 9, 1974. In the case of President Clinton, he had impeachment charges brought against him for his involvement in a political sex scandal with Monica Lewinsky. In 1998, this extra-marital affair led to a twenty-one day Senate trial for perjury and obstruction of justice.

Proposal

To remedy such quandaries, one should reconsider the application of presidential impeachment as a deterrent from committing U.S. Armed Forces into combat. This recommendation can subdue public outcry about the costs of war by making elected officials accountable for their actions. This proposal aims to offset the current misalignment in executive power through reclaiming original intent of the Constitution. This suggestion is that Congress should further the efforts of Dennis Kucinich, Tom Campbell, and other House of Representative members in filing suit against the next president that disobeys the War Powers Resolution.

In concurrence, the Clinton impeachment was acquitted due to being seventeen votes shy in the Senate. The Clinton-Lewinsky scandal was highly controversial, and during its twenty-one-day preceding, the nation stopped in awe. If the Clinton-Lewinsky scandal would have been Clinton- Kosovo scandal instead, it is possible that President Clinton would have received those seventeen senatorial votes that would have discharged him from office. With regards to the War Powers Resolution, President Clinton did not follow its criteria. For this reason, if Clinton would have had charges brought against him for military action in Kosovo then the verdict would be more straight-forward than the proceedings of the Lewinsky trial.

This analysis's purpose is to reveal why presidential impeachment is a feasible solution to war. Paul Bedard, et. al. wrote an article stating that the impeachment trial cost upwards of $3.6 million to taxpayers. Costs included payroll for the incumbent's defense which included advisers, communications specialists, and defense attorneys. Correspondingly, Kenneth Starr, an independent counsel, directed an investigation on the affair that cost a total upwards of 30 million dollars according to the Government Accountability Organization (GAO). In comparison to the war in Iraq alone costing upwards of 704 billion dollars, the price of not repeating another middle-eastern engagement is cheap. The Clinton impeachment only lasted twenty one days, while the War in Iraq has lasted a span of nearly ten years. In comparison, the cost to hold a presidential impeachment trial is economical commonsense opposed to initiating another war abroad.

Political Will

At face value, it appears that the solution to pleasing the American public is easy. However, in application, presidential impeachment may not be an easy choice to make. Every impeachment trial has been acquitted thus far. Therefore, Congress does not have history to aid in its decision making process. It is uncertain on the ramifications of such actions, and it is unclear what full consequences could result from discharging the Chief Executive from office. One thing is certain: impeachment ruins the man/woman in office. In the case of President Nixon, resignation did not save his credibility. His reputation was tarnished in 1970's, and it has never been recovered.

Impeachment would also possibly have grave consequences on morale nationally and internationally. For example, the office that Presidents hold confers dreamlike expectations. As Richard E. Neustadt illustrates, everyone now expects the man to do something about everything. Likewise, what we once deemed extraordinary actions of past Presidents, are expected to be routine practice in the current one. With such high standards, destroying one's political career through impeachment would be devastating.

According to *The Economist (2010),* the American public is in fact displeased with recent executive military decisions, but a presidential impeachment is not worth losing all credibility in established political institutions. Like the dreamlike expectations in the man that holds the office, part of fundamental American ideology is full faith in credit in the established electoral process. In impeachment, the citizenry would bifurcate. The public would divide into those who support and those who oppose the President's impeachment. This bifurcation could potentially be devastating to democratic accountability. It is possible that public opinion would go from bad to worse; as a result, those who are strongly against the President's impeachment will be very unlikely to vote. Why should people vote when those they choose get kicked out of office by Congress?

Internationally, the United States has been referred to as a beacon of light. Part of its magnetism is that it is viewed as an alone world power that reaches a democratic hand to those in need. The President's words are enchanting, and when he/she speaks, more than just its citizens listen. For this reason, the same devastation suffered at home from a presidential impeachment would also be suffered abroad. After an impeachment, America would lose accountability among international allies. Even worse, it may gain interest amongst its enemies.

Conclusion

In summary, it has been established that the American public is not pleased with military operations in Iraq, Afghanistan, Pakistan, and Libya. In reviewing history, it appears that there has been a rise in Executive power contrary to the original intent of the Constitution. On the principles of checks-and-balances Congress founded the War Powers Resolution in 1973 to keep from having another Vietnam, where end goals are unattainable. In application, the War Powers Resolution has never been enforced. If it were enforced, military involvement in the Middle-East may have been avoided. The premier recommendation that this essay employs is presidential impeachment as a deterrent from committing U.S. Armed Forces into combat.

This proposal aims to offset the current misalignment in executive power through ensuring executive accountability. Then two specific events of President Clinton were examined. The bombings in Kosovo, and the impeachment trial were compared and contrasted to further understanding of this proposal. Under perfect circumstances and by legality, the next President that initiates war should face impeachment proceedings. In considering real world application, likeness of a presidential discharge may not be practical. Presidents' legacies have been ruined from impeachment trials. The long term effects on how America would deal with such an event are unknown. There is a potential risk of losing creditability nationally and internationally.

References

Barron, David J., and Martin S. Lederman. 2008. "The Commander in Chief at the Lowest EBB – Framing the Problem, Doctrine, and Original Understanding." *Harvard Law Review* 121, no. 4 (January): 941-1112.

Bedard, Paul, Warren P. Strobel, and David Makovsky. 1999. "The Price of Spin: $3.6 million." *U.S. News & World Report* 127, no. 1(July): 7.

Bingham, Amy. 2011. "The Cost of War: Iraq by the Numbers". *ABC News* . http://abcnews.go.com/Politics/cost-war-iraq-numbers/story?id=14788211#2. (October 21, 2011).

Boylan, Timothy S., and Karen M. Kedrowski. 2004. "The Constitution and the War Power: What Motivates Congressional Behavior?." *Armed Forces & Society* (0095327X) 30, no. 4 (summer): 539-570.

Campbell, Tom. 2000. "Kosovo--An Unconstitutional War." *Mediterranean Quarterly* 11, no. 1 (winter): 1.

Edelman, Eric S., and Mara E. Karlin. 2011. "Fool Me Twice." *World Affairs* 174, no. 1 (May): 33-42.

Fisher, Louis. 1994. "Congressional Checks on Military Initiatives." *Political Science Quarterly* 109, no. 5: 739

Fried, Amy, and Timothy M. Cole. 2004. "Presidential Impeachment and Institutional Dynamics in the Iran-Contra Affair and the Clinton-Lewinsky Scandal." *Congress & The Presidency* 31, no. 1(spring): 77-98.

"Independent Probes of Clinton Administration Cost Nearly 80 million." *CNN.*
http://articles.cnn.com/1999-04-01/politics/counsel.probe.costs_1_special-counsel-probe-david-m-barrett?_s=PM:ALLPOLITICS (April 1, 1999).

Javits, Jacob K. 1985. "War Powers Reconsidered." *Foreign Affairs* 64, no. 1(February): 130- 140.

Kistler, Cameron O. 2011. "The Anti-Federalists and Presidential War Powers." *Yale Law Journal* 121, no.2 (November): 459-468.

Kucinich, Dennis. 2011 "Obama in Libya." *Progressive* 75, no. 6 (June): 26-27.

McCrisken, Trevor. 2011. "Ten Years On: Obama's War on Terrorism in Rhetoric and Practice." *International Affairs* 87, no. 4 (July): 781-801.

Neustadt, Richard E. 1991. *Presidential Power and the Modern Presidents.* New York: The Free Press.

Paulsen, Michael Stokes. 2010. "The War Power." *Harvard Journal of Law & Public Policy* 33, no. 1(winter): 113-137.

Prakash, Saikrishna Bangalore. 2008. "The Separation and Overlap of War and Military Powers." *Texas Law Review* 87, no. 2 (December): 299-386.

Thompson, Mark. 2011. "How To Save a Trillion Dollars." *Time* 177, no. 16 (April): 24-29.

Turner, Robert F. 2003. "The Supreme Court, Separation of Powers, and the Protection of Individual Rights During Periods of War or National Security Emergency." *Journal of Supreme Court History* 28, no. 3 (November): 323.

Turner, Robert F. 2002. "The War on Terrorism and the Modern Relevance of the Congressional Power to 'Declare War '." *Harvard Journal of Law & Public Policy* 25, no. 2 (spring): 519.

"War Powers" Library of Congress. 29 February 2012.
http://loc.gov/law/help/war-powers.php

2010. "Big Mistake." *The Economist,* August 31.

2011. "Empire or Republic?." *The Nation*, July 18. 3-4.

UNITED STATES AND CHINA TRADE RELATIONS

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Abstract

The United States and Chinese Trade Deficit continues to grow by a large margin for several reasons which include: China gaining renewal of most favored nation status, barriers to American exports, currency manipulation, lack of transparency in Chinese copy right laws, and the outsourcing of American jobs to Chinese markets. These are just a few of the main issues that account for the large trade imbalance between the two countries. There are many ways to deal with the trade deficit; however finding a method that works for both countries can be very difficult. A few examples of what can be done in terms of granting most favored nation status to a country is to be sure that each country this status is granted to has equal trading and tariff reduction. The main problem with most favored nation status is that it is supposed to ensure equal trading that doesn't allow for discrimination or special treatment of a particular trading partner. Types of discrimination include: giving lower tariffs on imports, giving special market access, and placing bans on imports. These forms of discrimination are some of the major reasons the deficit continues to grow and must be addressed by both nations in order to regain a trade balance. The issue of barriers to Chinese markets is one of great concern to many American business owners. This is because China places quotas on the amount of goods that they purchase from American markets. This is the biggest issue on trade with China because they don't operate on a free market system like Americans, which leads to a lot of differences in policy when dealing with the importation of American goods into China. Another big issue is currency manipulation in China that allows for unfair market advantages in terms of cheap labor, cheaper goods, and the ability to prevent outside competition. When China changes the value of its currency it prevents businesses in other countries from being able to compete in the free market system. This issue gives China a large advantage for drawing oversees business, which in turn bleeds the United States of jobs making the trade deficit even larger. The next issue is the transparency of Chinese copy right laws. The problem lies with the Chinese not respecting intellectual property rights and adhering to foreign copy rights regulations. This allows for China to take technology that is copyrighted and produce it and sell it. Some of the infringements include music, movies, clothing, computer software, military technology, automobiles, pharmaceuticals, and electronic technology. This problem allows for China to make a lot of money from illegally selling stolen technology to other countries, while at the same time saturating the market with cheap knock off products, thereby preventing other countries from importing the products they rightfully produced. The next problem is the United States provides money for American businesses to go over to China to produce products. This means that they allow for our businesses to leave and pay cheaper labor costs in China, and get different tax breaks that are not available to American businesses. This issue makes one of the greatest impacts on the deficit because outsourcing of jobs and importing goods that could have been made in the United States to our own country is a large part of why the deficit continues to grow. In the pages that follow I plan to show the implications of current trade policy and how they might be improved to better benefit both nations. To properly understand how China became such an important trading partner we must start with the recognition of China as a nation and a future trading partner. The event that started it all begins in 1972.

Nixon and China

In 1972, Richard Nixon traveled to China to improve diplomatic relations between China and the United States (Beschloss and Sidey 2009). This visit was particularly important because it was the first time China had been recognized by an American president as The People's Republic of China or the PRC. This allowed for the Nixon administration to try influencing the PRC to open up the Chinese market to American goods. The main start of trade with China occurred in 1970 when The White House announced an end to the 21 year embargo on trade with China (Beschloss and Sidey 2009). This allowed for China and the United States to begin talking about the best way to start trading. Once Nixon arrived in China the United States agreed to recognize Taiwan as part of China in order to ensure trade rights and diplomacy (Rosen 1999, 123).

The Implications

The Nixon administration succeeded in starting trade between the two nations once again. The PRC agreed to allow for American goods to reach Chinese markets in exchange for America's recognition of the PRC and as a measure of gaining diplomacy. The biggest achievement of the Nixon administration was the signing of the Shanghai Communiqué (Office of the Historian 1976). The Communiqué allowed for the United States to begin a process of normalization between the two countries. This included reaffirmation that the PRC was the only legitimate government in China, and that Taiwan was an inseparable piece of the Chinese empire. The Communiqué allowed for bilateral trade to grow, however it grew unequally for the next ten years. To improve relations the United States used People's Diplomacy, or a method of negotiations that involved friendship associations to strengthen ties with China (Office of the Historian 1976). Chinese American relations took a bit of a down slide in 1979 when the United States Congress approved the Taiwan Relations Act. The act allowed for the United States to continue to have informal relations in Taiwan, and to continue selling weapons to Taiwan which was against Chinese policy. This act upset the Chinese to the point which they threatened to downgrade diplomatic status between the two countries (Warden 1987, 27). In order to again try to improve relations, the United States agreed to stop selling weapons in Taiwan and agreed to remove all military presence from the country. This helped to keep conditions from getting any worse between the two countries, but the issue of Taiwan would continue to be a problem for rapidly normalizing relations between China and the United States for a large part of the 1980's.

The 1980s

The 1980's were full of issues for the United States and Chinese relations, especially on the issue of Taiwan; however many trade issues became the focus of great dispute. The trade issues included: the limitation of the transfer of American technology to the Chinese market, America limiting the amount of imports from China in terms of textiles, and the lack of American businesses doing business in China (Warden 1987, 35). All of these problems contributed to the lack of equal trade growth between the two nations. To address some of these concerns the United States in 1983 determined that China was a nation that they could safely share technology with, and also made an agreement for the bilateral development of a nuclear energy program in China (Warden 1987, 40). This really helped to foster stronger relations between the two countries, because this showed that the United States and China had more trust for each other. By the end of the 80's the United States was China's third largest trading partner. This would eventually lead to China gaining renewal of most favored nation status in the 90's.

The Renewing of Most Favored Nation Status

The renewal of most favored nation status for China in 1994 was not an easy feat. This was because of the Tiananmen Square Protests in 1989, in which Chinese soldiers opened fire, killing hundreds of civilians in a protest for democracy (Fairbank, 1990). This caused a dramatic shift in the American public's view of China, which put pressure on Washington to have to make a tough decision on whether or not to renew most favored nation status to China. The United States was left with a few options which were to extend most favored nation status to China even though their human rights issues were still a large problem, or to take away most favored nation status from China, which would harm trade and diplomatic relations (Fairbank, 1990). The big problem was that if America took away most favored nation status from China, American businesses in China would lose the progress that they

had made in gaining access to Chinese markets, and the Chinese might increase tariffs on American imports to China. Many people criticized Washington's decision to extend most favored nation status to China because of the human rights issues that were not being addressed by the Chinese government. In order to regain the United States people's confidence, President Bill Clinton issued an executive order that would tie renewing most favored nation status to China on the condition that the issue of human rights be addressed by the Chinese government in a timely fashion (Beschloss and Sidey 2009).

The Result

In 1994 President Clinton renewed most favored nation status to China. The result of renewing most favored nation status included: giving Chinese imported goods the lowest possible taxes; allowing for China to negotiate business policy with other nations markets that were previously unavailable; and setting standard tariff rates on most imports from the United States. The primary result in the renewal of most favored nation status to China was that it allowed for bilateral trade to grow unequally between the two nations (McCoy, 1996). The main problem was that China was sending out far more exports to the United States than the US was sending to China. This was because the ability of most favored nation status allowed for Chinese goods to come to the American market at a fraction of the price, which drove demand for cheap Chinese goods above most American made products. This resulted in many American businesses to start wanting to take their business overseas, in order to be able to produce goods cheaper in China and to avoid higher taxes by staying within the United States (Gordon, 1997).

The change from most favored nation status to normal trade relations

It was in 1998 that that Congress decided to change the law regarding most favored nation status. The only thing that changed about it was the name, because the United States felt that the term most favored nation status could cause confusion and lead to trouble. The new term normal trade relations was established and re-renewed for China in 1998 (Beschloss and Sidey 2009). Once normal trade relations was given to China in 1998, newly opened Chinese markets gave way to American companies being able to send their businesses overseas for higher profits. One of the big problems that came with normal trade relations with China was that the Chinese began a process of currency manipulation, which allowed for the Chinese to have an advantage in the foreign markets. This issue would continue to be a big problem for China and the United States in enabling the Chinese to eventually gain entry to the World Trade Organization.

Chinese Currency Manipulation

Once the Chinese government had normal trade relations reestablished, they moved to keep the Chinese Renminbi (Yuan) artificially low in 1994 (Chou, 1998). China is able to keep their currency low, because they have a vast surplus of foreign assets including: U S treasury bonds, U S Dollars, Euros and Yen. China also doesn't allow their currency to flow freely in the foreign exchange markets. These actions caused many problems ranging from: keeping Chinese imports at lower levels than normal trading relations standards, giving China the upper hand in getting foreign investments concentrated into Chinese markets, loss of jobs in other nations including America, and the unfair advantage of preventing competition in the international market (Chou, 1998). These issues are some of the most important factors considering trade between the two countries. Chinese currency manipulation has caused at least a 100 billion dollar trade deficit alone (GAO, 2002). One of the primary reasons Chinese imports to the country are so high is because of the low cost for Chinese goods. The currency manipulation problem had prompted many American businesses to lobby Congress in favor of passing new legislation that would call for a number of different sanctions against Chinese imports like: raising tariffs on Chinese imports, using a quota system to limit the amount of imports from China, temporarily suspending normal trade relations with China, and raising the cost of United States exports to China (McCoy, 1996).

The Solution

In order to maintain good diplomatic relations with China the United States decided that China had progressed far enough in their economy to possibly bring them into The World Trade Organization. In taking this measure the United States hoped that China would be more likely to adhere to international trade laws, which would prevent them from manipulating

their currency. Some of the other issues that the United States was hoping to target with China's membership into the World Trade Organization included: human rights, greater Chinese market access, lower tariffs for American made goods, and a free market style economy in China (Fraizer, 2000).

China's acceptance into the World Trade Organization

In 2001 China was accepted into the World Trade Organization (Chow, 2002). This membership also gave permanent status of normal trade relations with the United States. In order to gain membership China had to agree to some World Trade Organization terms like: opening Chinese financial institutions to foreign competition, commitment to end currency manipulation, lower tariffs on international imports, human rights reform, and allow for international business to access most Chinese markets (Chow, 2002). The United States wanted to be sure that China would agree to the terms of the World Trade Organization, because this was a significant diplomatic move for the United States in terms of getting China to agree on international trade policies without having to pass any sanctions that would look threatening to China. The relationship with China and the United States greatly improved due to the new membership in the World Trade Organization. China continued to improve tariff rates for imports and made many more business opportunities for America (Chow, 2002). This was a good start for China to begin showing signs of a westernized business practices; however this wouldn't last for many years. The problem is that once China gained entry into the World Trade Organization, they obtained special privileges that allowed for them to gain certain exemptions for being considered a developing county. This would allow China to take more time in addressing human rights issues, currency manipulation, and allow for the stalling of elimination of the quota system. China had made much progress upon joining the World Trade Organization, but the deficit continued to climb between the two counties due to China continuing to manipulate its currency and the stalling of American goods to the Chinese markets (Chow, 2002).

The Various Barriers to American Exports.

There are numerous barriers to American imports in China that include: local Chinese licenses, local Chinese taxes, quotas on the amount of textiles, import quality tests, lack of transparency regarding import and export rules, and a lack of coordination in Chinese customs (Morrison, 2011). These are just a few of the barriers to exports from the United States. These problems have caused the United States to call on China to eliminate policies that are not in both nations' economic interests. One of the main policies that the United States wants to see implemented is a reduction of tariffs in agriculture, information technology, and on raw materials (Morrison, 2011). If China would agree to these terms the overall trade deficit between the two countries could be reduced significantly. The biggest problem between the United States and China is that the transparency in Chinese import laws and licensing regulations is very unclear. This issue eventually was addressed with the U.S.-China Trade Relations Act. This act was going to address many issues between the United States and China in terms of establishing better intergovernmental communications on trade relations.

The Effectiveness of the U.S.-China Trade Relations Act

The U.S. China Trade Relations Act allowed for an American commission to work with Chinese government officials in order to make the laws pertaining to the importation of American goods more clear (Morrison, 2011). This act also prevented local Chinese markets from many of the tax breaks that they were receiving in local providences that were not extended to their American business counterparts. China also agreed that no new local licensing requirements would be required for American imports into the Chinese market. The act also helped American businesses by allowing them to operate in China without having to acquire expensive licenses to build factories. In many ways the U.S.-China Trade Relations Act was a way for China and America to tie their economic interests together in terms of each allowing for the other to have more relaxed laws on imports from each other (Frazier, 2000).

Chinas response

The U.S. China Relations Act really helped to clear many of the issues surrounding the laws pertaining to the importation of American goods to the Chinese market, so in response to this China began purchasing greater amounts of natural resources. This allowed for Chinese manufacturing to continue climbing, which in turn led to more Chinese products reaching American markets than ever before. The influx of Chinese goods into the country continued to steadily increase for the

next few years (Frazier, 2000). China also succeeded in eliminating barriers to American businesses operating factories overseas. This issue would greatly change trade relations with the two countries for many years to come. The reason is that America started losing many of its telecommunications and industrial jobs to cheap Chinese labor, and the question of intellectual and copyright laws become a major growing factor in American and Chinese trade relations. The next couple of years would be a struggle for American and Chinese trade due to the rising amount of infractions over intellectual and copyright laws, as disputes on the transfer of American technology to China continued to rise.

Addressing Intellectual Property and Copyright Law Infringement

China has three different protection policies that include patents, trademarks, and copyrights. The Chinese patent system is very different from the United States' form because they follow a first to file system whereas the United States uses a first to invent method (Department of Commerce 2003). This system allows for businesses in China to be able to take other people's ideas and use them for their own, if the business manages to file for the particular patent on the idea first. This is just one of the problems with the Chinese patent system. The Chinese trademark system is also based on a first to file model, but extra protection is given to the companies that take the time to register their trade mark with the Chinese Trademark Office (Department of Commerce 2003). The main problem with this system is that many Chinese companies had already registered American trademarks into their Trademark Office, which generated many new negotiations to reform China's trademark registration methods. Copyrights were much easier to protect because companies didn't have to register in order to have protection from theft. The only problem with this method is that China only recognized copyrights of countries that they were internationally tied to (Department of Commerce 2003). The best method for protecting a copyright in China still involved registering with the National Copyright Administration; however this didn't guarantee that the copyright would be protected from piracy.

The Problem of Piracy

When China was accepted into the World Trade Organization in 2001, they agreed to the World Trade Organizations policy on Trade Related Aspects of Intellectual Property Rights Agreement (Cheung, 2009). Intellectual property rights can include music artwork, movies, patents, trademarks, and copy rights. The biggest problem is that Chinese companies are using copyrighted materials to undercut foreign competition, which leads to American companies losing millions of dollars to illegal counterfeited goods (Cheung, 2009). The piracy of American technologies alongside the counterfeiting of America goods is one of the key issues affecting trade between the United States and China. The problem of piracy has had many negative effects on both countries ranging from: foreign businesses pulling out of China; loss of profit revenue for both countries; fewer exports from America; costly lawsuits; and countless new rules and regulations (Cheung, 2009). A large part of the problem is that many foreign small businesses in China lack the amount of resources necessary to protect their intellectual property, which

causes an overall lack of competition in the Chinese market. The most pirated items are music, movies, clothing, automobiles, electronics, and computer technologies. The issue of piracy continues to be a major influence on effecting trade between the United States and China.

China's response to piracy

In response to the increasing pressure of The World Trade Organization and international business community, China pledged to increase the protection rights of all foreign trademarks and intellectual property. The biggest problem with the Chinese response is that they only conducted a few high profile raids to make it look like Chinese officials were trying to control the problem of piracy (Cheung, 2009). The biggest achievement for the Chinese combating piracy was the International Intellectual Property Alliance, which allowed for better communications between China and nations that had copyright disputes (Baisheng, 2009). The hope was that China would do more to prevent piracy and for companies to be able to reach negotiations for disputes. A new set of issues would arise as foreign investors looked to the Chinese markets as a means of saving money on labor and production costs.

The Outsourcing of American Jobs to China

The outsourcing of American jobs to China is one of the biggest threats to United States trade relations with China (Pitak, 2006). This issue is one of major concern among many people in the United States because of the loss of jobs that is created by outsourcing. The problem has become more of an issue because of the United States' shift from an industrialized economy to a service economy (Pitak, 2006). The problem is that many factories in the United States have moved to China in order to gain the benefits of cheap labor with little to no environmental regulations on factories. This allows for American businesses to continue keeping prices competitive on the international market; however it damages the economy by raising the number of people that become unemployed by the closing of American factories (Pitak, 2006). This issue has caused many businesses to seek ways to expand into Chinese markets; however due to negative public opinion, businesses may find their reputations at stake when outsourcing their jobs overseas.

The Implications of Outsourcing

Many issues have arisen due to outsourcing, but one of the main factors is negative public opinion of business and government policy towards sending jobs overseas (Mankiw, 2006). Large amounts of negative public opinion have contributed to Congress having to rethink the way business is handled in China. The key issue the public wants addressed is the matter of the United States government providing funding (subsidizing) for businesses to go overseas (Mankiw, 2006). This problem has accounted for the loss of about 1.7 million jobs in the United States since 2000 alone (Mankiw, 2006). The matter of government providing funding for overseas business endeavors has helped the trade deficit between the United States and China grow by a considerably large margin.

The benefits of American outsourcing for China

The Chinese have gained many benefits from American businesses coming to their country. These benefits include: a rise in gross domestic product, more jobs, more money, better technology, a larger share in the international market, and an overall increase in their standard of living (Amity, 2007). All of these things have helped to make China one of the largest trading partners to the United States. The biggest benefit to China is that with more foreign investment, the Chinese can continue to gain more technology that will allow for them to industrialize at a far faster rate (Amity, 2007). As the Chinese continue to industrialize, America may see more and more business go overseas, while the people of China continue to gain more specialized skills.

Conclusion

In closing after much research there needs to be a large amount of reform in regards to Chinese American trade relations. The trade deficit will continue to grow at an alarming rate if both countries fail to take action. The first of many reforms should be addressing normal trade relations in the World Trade Organization. It would seem to me like this policy makes trading unfair in itself because it only applies to countries that are in the World Trade Organization. Furthermore it would seem like that many of the exemptions that China receives as a developing country need to be removed now that their economy has grown so large. Passing higher tariffs on Chinese goods would be one step toward balancing the Trade deficit. Another important reform needs to address the issue of barriers to American exports. It would be necessary to have Chinese and American governments form a joint committee to establish clear rules and procedures for importing more American goods into China. I think that there also needs to be a system that insures a certain amount of American goods reaches Chinese markets each year. This measure would help to bring a balance to the trade deficit. America should also allow for more Chinese businesses to open within our own country. It would be nice to have legislation that required a certain amount of Chinese investment in our country so that both nations could gain benefits. The next major reform needs to be from the World Trade Organization. I feel that since many of the great economies of the world have joined the World Trade Organization that there should be a greater amount of pressure placed on China for manipulating their currency. This issue needs to be addressed immediately because it has very negative effects on the global economy. I feel that this should be one of the World Trade Organization's primary goals with all nations that are participating in this practice. If the United States or the World Trade Organization fails in addressing this issue I feel that we will see other nation's start to engage in this terrible practice. The next reforms have to take care of intellectual property and copyright laws. I feel that it is every nation's responsibility, not just

China's, to see that everyone respects copyrights laws. This is very important because when copyrights are infringed many people who deserve rewards for their accomplishments are denied many of their rightful claims. Infringing on copyrights causes the trade deficit to grow because of the lack of imports due to the market being saturated with counterfeit products. All countries across the globe need to start getting tougher on copyright infringement. The final and most important reform is that of outsourcing jobs. I think that there needs to be new legislation introduced that prevents businesses from going overseas unless they agree to pay the Chinese workers the same minimum wage as Americans receive. I think that this legislation would help to keep business in America because businesses would be unable to continue exploiting Chinese labor. I also think there should be more tax break incentives for business that are going to create more jobs here in America. I believe that the cost of implementing my policy changes could cost tens of millions of dollars. This is because policy makers must be paid to come up with new rules and regulations that could take time and money. On top of paying policy makers I think there would also have to be new international trading staff to oversee successful implementation. In order to have my changes made it would take the president and congress both to achieve success. This is because congress might have to appropriate extra money to have a new department that focuses on improving trade policy with China. I also think that the president might have to pass a few executive orders to get the matter dealt with swiftly and efficiently. Only with the president and congress working together could my plans be achieved. I think many big businesses would be the primary opponents of my changes, because they stand to lose a lot of money and cheap labor. I also think that there could be some opposition from the American public because my new tariffs on Chinese goods would make products cost more. The biggest opponent to my new legislation would probably be China. I think the Chinese will be against making any of their products more expensive in the American market place. I think that the total cost of implementation could cost about seventy five million a year, this included paying for implementation and paying for a new division in the trade department to strictly deal with Chinese trade. The only way to combat the rising trade deficit is for Americans to: save more money, buy less Chinese goods, buy more American made products, sell more products to foreign counties, keep more business in America, and to always remember that we are all connected so we must all work together for the benefit of the World, not just ourselves.

Bibliography

Morici, Peter. 1997. "Barring Entery? China and the WTO". Current History (September) : 45-56.

CRS Report for Congress RL32165 2006 China's Currency: Economic Issues and Options for U.S. Trade Policy. 106th Cong., 1st sess.

Beschloss, Michael, and Hugh Sidey. 2009. The Presidents of the United States of America. White House Historical Association.

Rosen, Daniel H. 1999. Behind the Open Door: Foreign Enterprises in the Chinese Marketplace. Black Stone Group.

Lardy, Nicholas R. 1994. China in the World Economy. Peterson Institute.

Panitchpakdi, Supachai, and Mark L. Clifford, 2002, China and the WTO—Changing China, Changing World Trade, John Wiley & Sons (Asia).

United States, General Accounting Office, 2002, World Trade Organization—Analysis of China's Commitments to Other Members, Report to Congressional Committees, Washington DC, October (available at http://www.gao.gov/new.items/d034.pdf).

US Department of State Office of the Historian Foreign Relations of the United States, 1969–1976Volume XVII, China, 1969–1972, Document 203. Joint Statement Following Discussions with Leaders of the People's Republic of China.

Worden, Robert L. 1987. China: A Country Study. Washington: GPO for the Library of Congress, 1987.

McCoy, Steven A. "Report to Subcommittee of Ways and Means" (June 19, 1996)

Fairbank, John K. Children of the dragon: the story of Tiananmen Square, Volume 1989. Collier Books, 1990.

Gordon White, Riding the Tiger: The Politics of Economic Reform in Post-Mao (Stanford: Stanford University Press, 1997).

CRS Report for Congress RS21951 2004 Changing Causes of the U.S. Trade Deficit, by Marc Labonte.

Bergsten, C. Fred, 2004, "The IMF and Exchange Rates," Testimony Before the Committee on Banking, Housing, and Urban Affairs, US Senate, Washington, DC, May.

Chou, W. L. and Y. C. Shih (1998), "The Equilibrium Exchange Rate of the Chinese Renminbi', Journal of Comparative Economics, 26, 1, 165-75.

Frazier, Mark W. 1999. "Coming to terms with the "WTO Effect" on U.S.-China Trade and China's Economic Growth." The National Bureau of Asian Research. September. http://www.nbr.org/publications/briefing/frazier99/index.html, (21 September 2000).

Chow, Gregory C. (2002) China's Economic Transformation. Oxford: Blackwell Publishers.

Morrison, Wayne M. CRS Report for Congress RL33536 2011 China-U.S. Trade

U.S. Department of Commerce International Trade Administration January 2003. "Protecting your Intellectual Property Rights (IPR) in China"

Cheung, Gordon C.K. Intellectual Property Rights in China. New York: Rutledge, 2009.

Baisheng, An. "Intellectual Property Rights in Information and Communications Technology Standardization: High-Profile Disputes and Potential for Collaboration between the United States and China." Texas International Law Journal 45 (2009): 175–99.

Amity, Mary, and Caroline Freund. "An Anatomy of China's Export's Growth." International Monetary Fund. Research Department, April 6, 2007.

Piatak, Tom. "Outsourcing Threatens American Workers." Globalization: Opposing Viewpoints. Ed. Louise I. Gerdes. Detroit, 2006. 186-190.

Mankiw, N. Gregory, and Phillip Swagel. 2006. "The Politics and Economics of Offshore Outsourcing." Journal of Monetary Economics, 53(5): 1027-1056.

Bernard, Andrew B., J. Bradford Jensen, and Peter K. Schott. 2006. "Survival of the Best Fit: Exposure to Low-Wage Countries and the (Uneven) Growth of U.S. Manufacturing Plants." Journal of International Economics, 68(1): 219-237.

COCA LEAF AND COCAINE PROHIBITION: IS IT TIME TO SACK THE WAR ON DRUGS?

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Abstract

The war on drugs has been implemented for quite a while now worldwide, but the effects of prohibition might foster worse incentives than drug use. In this paper, I hope to outline the history of coca and cocaine, the narcotic this will mainly focus on, and provide useful analysis of the effects that prohibition has made. In order to do this, case studies of Peru, Bolivia, Columbia, and the US will provide classic examples of how prohibition policies have been implemented to fight coca and cocaine. Helping to fuel my policy prescription that I would provide to governments in regard to coca and cocaine policies is the Netherlands "coffee shop" system: since political scientists cannot actively experiment in a laboratory, we must use the real world as our grounds to gauge policy experiments to see if certain policies work or not. By the end of this paper, I hope to have offered a policy that is, at the very least, favorable compared to prohibition practices for coca and cocaine.

Demonization of Drug Users

Throughout history, drug users have been marginalized in a variety of cultures across all periods of time. In order to prove this, I will use some examples that I have found while doing my research for this topic. In early American history, opium use was connected to Chinese emigrants and the American Pharmaceutical Association said that "if they can't get by without their dope, we can get by without them": this shows that Americans viewed the Chinese in a negative manner because of the use of drugs that was prevalent in their culture (Mena & Hobbs 2010, 5). Another case from Mexico, although religious in nature, helps provide an example of support for this theory as well. Jose Antonio Alzate Y Ramirez, a priest from Mexico in the 18th Century, has been reported testifying that marijuana had made him have visions that were inspired by the devil: again, a connection with narcotics use to a negative connotation (Campos 2011, 3). To provide some recent developments on this matter, we should consider the years between 1985 and 2009 when 1504 articles mentioned "drug" and "evil" side by side (Mena & Hobbs 2010, 5). In each of these cases, we see cultures identifying drug use as something bad, or at the very least, something to not be desired. This trend, I believe, has been maintained by prohibitionist policies that attempt to demonize possession or supply of narcotics: these functions in a way that prevents any other recourse of action when it comes to drug policy.

Coca, With a Hint of Culture

Coca, while used as partial payment around the world, is the base plant that is harvested in order to make cocaine (Negrete 1978, 4). Bolivia, Peru, and northern Argentina have about 4 million people who consistently consume coca (Negrete 1978, 4). In this culture, consumption of coca is thought of much like a cigarette or coffee and has minimal social pressure (Negrete 1978, 4). But even before coca is transformed into cocaine, it does have other benefits. In many South American nations, coca chewing is a traditional activity that has been associated with farmers who have cultivated it over generations. When coca is consumed, a "quid" of leaf in the mouth usually lasts for 2-3 hours and can be renewed 3-4 times a day (Negrete 1978, 4). Usually, a quid is around 50 grams of leaves—250miligrams of cocaine—and is generally used it before work (Negrete 1978, 4). Coca leaves release the alkaloid that has cocaine and it gets into the CNS by digestive fluid and is digested in the liver later on (Negrete 1978, 5). This is minimal exposure however. Coca leaves actually contain around .1%-.8% cocaine (Chande 2002, 1). Just because these crops have trace amounts of

cocaine doesn't mean that they are not wildly profitable either. To try to put a "dollar figure" on how profitable coca production can be, 5,000 hectares could end up producing 35 tons of cocaine, which has a multi-million dollar street value (Chande 2002, 1). Coca can yield as many as four crops a year, which helps to also add to its profitability (Farthing & Kohl 2005, 3).

Cocaine

As we have said before, cocaine is derived from coca plants. In the early 1900's, cocaine was used as an anesthetic for many medical procedures but soon found its way into the homes of millions of people (Rojas 2002, 1). Although I was unable to find the exact process for which cocaine is produced, I do have some details on its production. Cocaine is turned from the coca plant into a paste, which is then turned into a base (Salama 2000, 4). In the first part of turning coca into cocaine paste, coal oil and sulfuric acid are used on the leaves (Rojas 2002, 5). In order to properly do this, drug traffickers usually use children due to their size: these children often end up with burns on their feet from the chemicals used in the production process (Rojas 2002, 5). After being turned into base, other chemicals are added to the substance, which turns it into cocaine hydrochloride (Salama 2000, 4). Powder cocaine takes around 20-40 minutes to reach the brain although its effects can take place 1-4 minutes after consumption and last as long as 15-30 minutes (Sabet 2005, 4). Up to 3.7% of people currently use cocaine in Europe and around 12 million have at some point in their lives (Brunt, T. M., Rigter, S., Hoek, J., Vogels, N., van Dijk, P., & Niesink, R. M 2009, 1). In the years between 1989-1993, the world consumed, on average, 571 tons/year (Salama 2000, 6). To put a price on this, a kilo of cocaine, in 1999, cost around $17,600 (Salama 2000, 13). Of this $17,600, it costs around $6,800/kilo to ship, produce, buy corruption, and launder the money—the remainder goes to pay the farmers, chemists, and mafia employees who are responsible for shipping (Salama 2000, 13). In most of the world, coca production is dominated by cartels, which is made possible by the ever increasing demand for cocaine in rich western worlds such as America and Europe (Rojas 2002, 1). For our purposes in this paper, we should consider crack to be an offshoot of cocaine that resembles it in effects and composition with a few extra additives that make it a cheap alternative to cocaine.

Correlations and Effects of Coca Chewing and Cocaine

Geography and Coca Use. There are some correlations that have been found that deal with coca chewing and geographic location. First of all, coca chewing habits have found a correlation between it and high altitudes. Of those who chew coca, 3% chew at sea level, 27% at 3,500ft, and 70% at 11,500ft (Negrete 1978, 2). Scholars have found that the reasoning behind this is that it helps to cope with cold temperatures, helps dealing with lower levels of oxygen, and it helps solve low blood sugar problems (Negrete 1978, 3). For these reasons, there are elevated uses of coca leaves among populations that live high above sea level.

Medical Effects. Coca and cocaine can have potential medical effects that are positive and negative. Studies on coca leaves yield that the ingestion of 100g of leaves would satisfy the dietary allowance for a man or woman of calcium, iron, phosphorus, vitamin A, vitamin B, and vitamin E—these nutritional values disappear when coca is processed into cocaine however (Negrete 1978, 5). At certain levels of dosage, coca leaves (80-100g) and cocaine (3mg/body weight) produced high metabolism, high pulse/breathing rates, hypothermia, hypoglycemia, and inaccuracy in tasks and slower reaction time (Negrete 1978, 3). Coca chewers have also been found to eat less often which could cause malnutrition issues (Negrete 1978, 5). Although enlarged livers have been found among coca chewers, it is thought that this is probably more likely to be correlated with higher levels of alcohol consumption (Negrete 1989, 5). On the flipside, coca leaves and cocaine can help provide stamina and elevate body temperatures (Negrete 1978, 4). Other health risks have been noted however. When coca consumers go without coca leaves, their withdraw may include symptoms of constipation and general malice, but most don't actually have side effects—the same cannot be said of cocaine (Negrete 1978, 4). The breakdown of skeletal muscle and cerebral-vascular effects such as cerebral ischemia and stroke is another effect that cocaine can have (Brunt et. Al. 2009, 1). While there could be more medical effects from coca or cocaine, these are the ones I was able to find in the literature.

Other correlations. Moving away from health related associations and geography; we see that higher levels of illiteracy are prevalent among populations who consume coca leaves (Negrete 1978, 1). Illiteracy is at about 60% among those who chew coca with only 2%

graduating from high school (Negrete 1978, 1). Coca use has also been found to have been correlated with age. The correlation found here has been excused as those who are older having a higher purchasing power than their younger peers (Negrete 1978, 5). Among other correlations with coca use are problems dealing with complex issues in cases of long term use (Negrete 1978, 5). When compared to cocaine use, Negrete said this about coca leaves: "Coca chewing is a case of orderly, moderate, and social use of narcotics. It cannot be equated with the usually individualistic, anarchic and more symptomatic problem of cocaine abuse" (Negrete 1978, 5). This quote provides evidence that cocaine consumption can lead to society problems but no quantifiable evidence was given to this claim: this was one of the problems in Negrete's work. These are some of the correlations that I have found with those who consume cocaine and coca leaves.

Rational Consumption

One possible explanation for coca/cocaine use is that it follows a logical path of rational consumption. Rational consumption is that idea that the person doing something obtains some sort of benefit, no matter how you quantify it, and it justifies the person (at least to them) in participating in that action (Miron 2001, 11). Most of the time, people who fall in this category can still participate in society with minimal impact on their everyday functions. Ultimately, the person who uses the drug decides that they want to do it or that there is a positive exchange in consumption and the risk of consumption. There is no "cost" associated with rational consumption.

Irrational Consumption

Another possible explanation for coca/cocaine use is that it is consumed under the logic of irrational consumption. Irrational consumption is when a case of consumption is causing harm with or without the knowledge of the person who is using it (Miron 2001, 11). People who fall into this category of consumption begin to experience changes in their everyday life functions due to their addiction. This demographic of consumers are the ones that prohibition policy seeks to reform in most cases. There is a high level of cost associated with irrational consumption in the form of externalities.

Cultural Context of Drug Use

After discussing rational and irrational consumption, now would be an appropriate time to talk about cultural context and drug use. Three factors and their interactions play a key role in how drugs affect a person: the drug, the psychological makeup of the user, and the "setting," or the social and cultural context of the drug use (Campos 2011, 5). Each drug has different effects, and since we have discussed the effects coca and cocaine can have, we do not need to explain this any further than to say that if you take coca/cocaine, you should expect an increase in stamina whereas someone who smoked marijuana might "slow down." The psychological makeup of the user is probably the most important of the three factors in my opinion. What Campos is getting at here is that if someone who is likely to get addicted to something begins taking a substance that is highly addictive, we should expect certain results (continued drug use) (Campos 2011, 5). The very psychological strength that each person has is one of the largest determining factors of addictiveness. The setting, is probably the second most important of Campos' contributions. Is the drug used as treat?—a normal behavior?—is consumption happening in an alley behind the dumpster or at the individuals home? Just as much as what the person is consuming, as well as who is doing the consumption, the place and circumstances that a person does the drug matters because it is likely that certain actions will transpire given consumption at certain locations. Not all drug use is the same—there is a very big difference between an occasional user who uses in the safety of his own home, who is not likely to develop a dependency, compared to someone who is using on public streets in an unsafe environment where drug consumption is normal and you are considered deviant if you do not partake. The context of drug use, the drug, and the psychological makeup of the user are all important parts when it comes to considering drug consumption.

Cocaine Traveling Points and How it Gets There

Now that we have explained what coca/cocaine is and the motivations behind its use (as well as a peak into the context of the drug use), we should discuss how cocaine and coca make their way around the globe even through prohibitionist policies are practiced in most of the world. While it is a pretty puzzling question to ask, I

plan to answer this: how does cocaine find its way from Bolivia to theatres such as Europe, Asia, and America?

Who ships, transports, and produces it? Generally speaking, coca trafficking is conducted by organized crime (Salama 2000, 16). Essentially, mafia organizations combine all of the aspects of coca production (growing, producing, shipping, selling) without having to deal with another outside organization (Salama 2000, 16). By doing this, the organization looks to make a larger profit. For the purposes of our discussion, we should think that most trafficking is conducted by organized crime, but this is not the only group who might have their hand in this cookie jar.

Concealing the Cargo. Before I explain transportation, it is important to discuss how the true cargo that is on board is concealed since coca/cocaine is illegal in most of the world. In order to get by customs, sometimes cocaine will be added to another material (Springer Science & Business Media B.V 2010, 6). Materials that cocaine is concealed in can include things as bizarre as beeswax, fertilizer, plastic, clothing, herbs, liquids, etc (Springer Science & Business Media B.V 2010, 6). In order to get the cocaine from these materials, they must go to a "secondary laboratory" where it will be extracted: a "primary laboratory" is where the cocaine is actually put into the materials used to ship it (Springer Science & Business Media B.V 2010, 6). Sometimes, cocaine smugglers just simply try to illegal enter a country will their drugs: other methods have been used such as human mules or straight avoidance of customs agents.

Routes Used. The main entrances to Europe are Spain and Portugal when it comes to the transportation of cocaine, but other cocaine "hotspots" are UK, France, Netherlands, Germany, Italy, and Belgium (Springer Science & Business Media B.V 2010, 3). Considering their original starting point (Bolivia, Columbia, and Peru in the vast majority of cases), the cocaine has to travel across the Atlantic Ocean by boat or flight. Because that is such a long distances, a stop must be made in the Caribbean in order to refuel for the rest of the trip: this also provides an excellent point for shipment of cocaine to the US (Springer Science & Business Media B.V 2010, 3). Of the cocaine circulating through the Caribbean, 40% is estimated to reach Europe (Springer Science & Business Media B.V 2010, 3). One of the most notorious routes is called the "West African Route" and goes through West Africa then to the Mediterranean countries for future shipment (Springer Science & Business Media B.V 2010, 4). In recent years there has been a trend toward eastern trafficking with Albania becoming a "holder" country, or a place to keep the cocaine for shipping to other locations (Springer Science & Business Media B.V 2010, 6). From the literature I have read, these are the best descriptions of how drugs are shipped around the world.

South American Coca Growing Communities & Their Opinions

Coca is critical to the South American economy and I will go over some of the major actions within the region (Peru, Bolivia, and Columbia). In 1995, the US State department estimated that 340,000 people are dependent on the coca market—9.3% of that coca is for legal purposes, 90.7% is for illegal (Rojas 2002, 4). Other estimates of coca's importance have said that coca production is needed by around 1 million people (Rojas 2002, 4). It has also been reported by some coca growing communities that infrastructure jobs sometimes emerge from drug traffickers setting up shop in their village (Rojas 2002, 18). To prove that coca is here to stay in most South American nations, we should note that 56.1% of people interviewed in coca growing communities said that they will only stop coca production when another more profitable alternative emerges (Rojas 2002, 12). Only 27.9% of coca growers acknowledged that drug trafficking leads to violence and that it is not profitable (Rojas 2002, 18). Economic problems, weakening youth, violence, and consumption issues are some of the problems that 57.2% of coca farmers acknowledged (Rojas 2002, 18). Around 56% of coca growers feel that it is the only profitable product that they can produce (Rojas 2002, 18). When it comes to government assistance, only 11.5% think that it should help: 55.4% believe it is the responsibility of the user to quit (Rojas 2002, 19). Some of the trends that we can see developing here are that those coca growers see coca as highly profitable, they want little government involvement, they see the issue as a demand problem and not a supply sided issue, and that violence is a side effect of trafficking under prohibition.

Peru

General History of Coca/Cocaine in Peru. Coca has had a place in Peruvian culture for over 2,000 years,

dating back to the Incas who consider the plant "sacred" (Rojas 2002, 1). With that being said, anti-coca laws originated in Peru as early as 1571 (Rojas 2002, 1). Incentives for coca growing in Peru date back as far as the 1970s when the government was involved in the price fixing of coffee and cacao, which lead to difficulties in exporting due to large supplies (Rojas 2002, 1). Adding on to this effect in the 1980s, the government began subsidizing the imports of rice, wheat, sugar, and maize, which further lead to Peruvians producing coca (Rojas 2002, 1). In 1992, 65% of coca was produced in Peru and it offered over 300,000 people with income in the Upper Huallaga Valley alone (Journal of Interamerican Studies & World Affairs 1992, 1). The main reason that Peruvians produce coca is because it is 3-34 times more profitable than other agricultural alternatives (Journal of Interamerican Studies & World Affairs 1992, 1).

Guerrilla Forces. While the Peruvian government has toed the line of eradication, two guerrilla forces have taken arms to protect the proletariat coca growers: the Communist Party of Peru (Shining Path) and the Tupac Amanu Revolutionary Movement (Journal of Interamerican Studies & World Affairs 1992, 1). The proletariats of Peru view both of these organizations in a positive manner, seeing them as their protectors from the Peru-US backed eradication campaign (Journal of Interamerican Studies & World Affairs 1992, 1). While both have played an important role in Peru, I will focus on the Shining Path. Shining Path started from a professor, Abimeal Guzman Reynoso: Sendero Luminoso is the leader of the Shining Path currently (Journal of Interamerican Studies & World Affairs 1992, 1). The Shining Path controls the Upper Huallaga Valley and makes around $10-100 million from the airstrips that Columbian investors use on supply trails (Journal of Interamerican Studies & World Affairs 1992, 1). The Shining Path has around 5,000-6,000 troops and the support of around 50,000 people and Sendero Luminoso tends to use force for political ends where he uses fear to neutralize the base of society as a mechanism for gaining support—some argue that these actions borderline terrorism (Journal of Interamerican Studies & World Affairs 1992, 1). Because of this localized control by Shining Path, there has been tension between local police and the Peruvian military (Journal of Interamerican Studies & World Affairs, 1). In a twist of events, in 1990, President Fujimori refused $39.5 million in US aid because it didn't help to alleviate economic problems that coca eradication had caused—instead, the money went to Columbia (Journal of Interamerican Studies & World Affairs, 1). By 1995, the Peruvian government began shooting down planes thought to be transporting illegal drugs to Columbia for production (Peceny & Durnan, 12). As we can see, Peru has had a history of coca production as well as attempts at prohibition to eradicate the plant that have resulted in the formation of guerrilla forces.

Bolivia

General History of Coca/Cocaine in Bolivia. Another one of the key countries involved in coca/cocaine production/trafficking is Bolivia. Coca use has a long history in Bolivia, where it dates back over 12,000 years (Chande 2002, 1). Despite this history, Law 1008 gives the state the authority to detain coca farmers without trial for three years (Farthing & Kohl 2005, 4). I should also mention that Bolivia is not what we would consider a first-world nation: it is very much still a developing country, as are Peru and Columbia. To give an idea of the state of poverty that the proletariat of Bolivia lives in, estimates have put their wages at nearly $1,000/year (Chande 2002, 1). In 1971 coca production was about 25% of all agricultural output in Bolivia, but by 1985, it was up to 66% (Farthing & Kohl 2005, 3). Between 1971-1974, Bolivia doubled coca production by double up to 12,000 tons (Negrete 1978, 2) but as of 2002, Bolivia is the third largest producer of cocaine (Chande 2002, 1). To give an idea of what these figures actually mean, I can put it in a monetary value. Estimates have gauged that coca production is thought to be equal to the legal export economy size in Bolivia, which is $450-$635 million, or about 4-6% of their total GDP (Farthing & Kohl 2005, 3). Hopefully this is enough to provide enough of a background story to Bolivia as we further discuss coca within its borders.

Coca Growers and Political Action in Bolivia. From these figures, it is obvious to see that coca production is critical to the local economy, which has created incentives for Bolivian coca farmers to form their own union and one of many traditional grassroots organizations (TGOs) (Farthing & Kohl 2005, 6). This is important because the Law of Popular Participation (LPP) gave power over community development plans to the TGOs (Farthing & Kohl 2005, 7). Because of this development, scholars have argued that Bolivia, the

region of Chapare in particular, now has less corruption and more transparency (Farthing & Kohl 2005, 8). Despite this optimistic approach of allowing coca farmers to unionize, in the 1990's, the DEA offered up to $2,000/hectare cleared of coca and replaced with a new crop (Chande 2002, 1). Unfortunately, this method did not work enough to provide an incentive structure to eradicate coca. Instead, the proletariat farmers moved the coca to a new location and received the free money that the DEA was offering. Following in this trend, the Bolivian government launched Plan Dignidad, also known as "Plan Divinity" (Mena & Hobbs 2010, 6), which was US supported and focused on coca eradication around the Chapare region (Farthing & Kohl 2005, 5). While the operation is considered a success, it created friction between coca growers and their government (Mena & Hobbs 2010, 6). While it seems that coca is critical to the Bolivian economy, the government has a prohibition policy that sets it at odds with its constituents thanks to stipulations of USAID (more on that later under the US section).

Problems in Bolivia Outlined By Elected Officials. Because of the circumstances in Bolivia, I feel it appropriate to pause here to cover what Bolivian elected officials felt like the major problems facing their nation were. A weak productive base, low agricultural productivity and investment, undeveloped animal husbandry, high malnutrition, housing lacking basic services, low educational levels, and weak public administration were the problems that the elected officials gave (Farthing & Kohl 2005, 8). Considering this now would be an appropriate time to pose this question: where should relief be targeted in order to relieve these problems in Bolivia? Certainly fixing these would be more important than eradicating the number one cash crop of a region.

Columbia

General History of Coca/Cocaine in Columbia. Columbia is probably the most famous example of cocaine production but within its borders we see armed conflict emerge among the government, cartels, and paramilitary groups. Although paramilitary groups are formally outlawed in Columbia by the Minister of Defense in 1990, the measure was merely symbolic and has no actual "legs" to execute this law (Molano 2000, 5). In 1993, only 20% of coca was grown in Columbia, but by 1999, it was up to 75% of the world's supply (Peceny & Durnan 2006, 12).

Cartels and Other Important Organizations. If we are to talk about Columbia's history, discussion of the Medellin cartel, Cali' cartel, and the Revolutionary Armed Forces of Columbia (FARC) is probably the best place to begin. In the following paragraphs, I will provide a brief history of their time in Columbia.

FARC, has had a very strange history but as of 2006, FARC dominates the drug trafficking market in Columbia and is considered a narco-guerrilla group that has the support of 15,000-20,000 troops (Peceny & Durnan 2006, 2). FARC finds its origins around mounting tension between the Conservative Party and Liberal Party when its leaders Arenas and Marulanda flee to Cauca (Molano 2000, 2). FARC was created under a Marxist understanding of economics and splintered off from the Liberal Party after they rejected private property laws (Molano 2000, 5). Growing from a small 500 people in 1970, FARC would eventually expand to around 3,000 in 1982 (Molano 2000, 5). Since FARC had grown, it had to expand its resources to cover things such as schools, military code, political programs, etc, but in order to do this, it had to begin selling cocaine, kidnapping, etc. (Molano 2000, 5). Although FARC originally didn't want to grow coca, if they didn't, then they would have lost public support to the authorities and wouldn't have had a profitable crop to keep operations functioning (Molano 2000, 5). By the year 2000, FARC was producing 70% of the world's cocaine, which was around 455 metric tons (Salama 2000, 5). FARC has around $500 million annual budget from drug profits, kidnapping, extortion, and tax on coca growers in the region (Peceny & Durnan 2006, 13). FARC has been able to rally support from the proletariat because the government sprays pesticides upon the people's crops, which hurts their health as well as their livelihood (Peceny & Durnan 2006, 2). In 1984 a ceasefire had been agreed to between FARC and the Columbian government and the political climate seemed on a positive turn as Patriotic Union (UP), a political party, was created under Communist and FARC support—they would go on to win parliamentary seats in the 1986 election (Molano 2000, 5). By 1987, the situation began to deteriorate after the government took to arms against FARC again (Molano 2000, 5). Eventually both sides would resume meeting again for resolution and then M-19 (April 19th Movement—one

of Columbia's smaller cartels), at La Casa Verde, struck decisive blows to the peace making process (Molano 2000, 5). The attack killed over 100 people, including Supreme Court Justices of Columbia (Molano 2000, 5). The negotiations would continue until 1996 when FARC began its onward assault as it began to take cities from government control (Molano 2000, 8). Eventually FARC would go on to trade 60 troops that it had taken in exchange for the Columbian government to fall even further back (Molano 2000, 8).

At the head of the Medellin cartel was Pablo Escobar, the world's most iconic drug dealer (Molano 2000, 5). As can be assumed, the Medellin cartel got its start from drug trafficking and ultimately used some of those resources to fund paramilitary groups in the northern region of Columbia (Molano 2000, 5). The Medellin cartel has been linked to the decimation of UP shortly after their 1986 parliamentary success, which was hardly opposed by the government of Columbia under President Barco's regime (Molano 2000, 5). By killing nearly 3,000 members of UP, the Medellin cartel made their political presence obsolete (Peceny & Durnan 2006, 9). On a reverse note, Pablo Escobar had bought millions in acres of land for cattle grazing, which was helping him become an important figure in agrarian Columbia (Peceny & Durnan 2006, 9). During the 1990 election in Columbia, it is thought that the Medellin cartel was involved in the assassination of three Presidential candidates (Peceny & Durnan 2006, 10). Because of these "fire first" actions, governmental forces decided the Medellin cartel should be the first of the targets in neutralizing the cartels and paramilitaries of Columbia. Ultimately, Escobar would go on to turn himself in 1991 but he escaped in 1992 from the lax jail that he was serving time at: he actually created his own jail with his money and was commonly seen at night clubs in the area (Peceny & Durnan 2006, 8). By weakening the Medellin cartel, the government of Columbia made it easier for FARC to handle the region since that was their military opposition (Peceny & Durnan, 7).

The last major cartel that needs covered from Columbian history is the Cali' cartel. As is the case with most Columbian cartels, the Cali' cartel mainly deals with coca/cocaine production and distribution (Peceny & Durnan 2006, 10). At the head of the Cali' cartel was Gilberto and Miguel Rodriguez Orejuela who would later go on to form People Persecuted by Pablo Escobar (PEPES) (NACLA Report of the Americas 1997, 1). The Cali' cartel and PEPES was also known for its vicious attacks, much like the Medellin cartel, but did things in a more "behind the scenes" manner than the Medellin cartel (Peceny & Durnan 2006, 10). Over 60 members of the Medellin cartel had fallen to the hands of PEPES scholars have said (NACLA Report on the Americas 1997, 1). Bloodshed would eventually tear into the family of Miguel, whose brother William was shot 6 times and his body guard was shot to death by 37 slugs (NACLA Report on the Americas 1997, 1). One of the most important roles that the Cali' cartel played in Columbian history was when they donated millions of dollars to the Liberal Party in exchange for light prosecution on cocaine charges, no extradition to the US, and payment to the political campaigns of Liberal Party members (Peceny & Durnan 2006, 10). Although all of this appears like it could possibly be denied, a cassette recording has been used to justify these claims (Peceny & Durnan 2006, 10). This eventually lead to government action and by 1995, 6/8 of the Cali' cartel elite were captured (Peceny & Durnan 2006, 12). By breaking the hold that the Cali' cartel had in the region, FARC was able to take regions in Columbia and expand their coca production (Peceny & Durnan 2006, 13).

The United States

General History of Coca/Cocaine in the United States. I must also discuss the United States involvement over the years with cocaine policy, even though it is a major consumer, not produce, of cocaine, but let me first focus a brief history of its use in the US. Despite current prohibition policy, cocaine was available in fourteen different forms by the year 1885 (Sabet 2005, 2). But as coca evolved into cocaine and cocaine evolved into crack, the laws regulating it began to change as well. The first law that took action against cocaine in the US was the Harrison Acts of 1914, which decided that it was constitutional for the government to tax doctors who prescribed cocaine (Sabet 2005, 2). Later rulings on the case made it where doctors could not prescribe cocaine for maintaining addicts, thus ending cocaine as a marketable product—it could only be prescribed, but doctors had to deal with being taxed for prescribing it (Miron 2001, 18). If doctors were regulated in a less stringent fashion, then they might be able to maintain an addict's problem by constantly supplying him with a prescription for his "fix" (Miron 2001, 18). Looking

further into history, under the Nixon administration where scholars argue the "war on drugs" began its rapid incline, we see drugs put on a I-V scale with the passage of the Controlled Substance Act (CSA) which went beyond the Harrison Acts (Sabet 2005, 5). Under CSA, the federal government regulates drugs based on danger, medical potential, and addictive potential: this is still the current system today (Sabet 2005, 5). Those who rank lower (Schedule I or II) on this list are regulated by federal authorities such as the DEA and FDA and are generally reserved for narcotics.

The Economics of Prohibition Policies. Prohibition isn't free and actually costs quite a bit to implement. In this section, I will briefly go over some of the numbers I found associated with prohibitionist methods used in the US. The Andean Initiative, which was implemented under George H.W. Bush, gave assistance to governments of Peru, Bolivia, Columbia to fight drug traffickers (Peceny & Durnan 2006, 8). Of the money that was allocated, $65 million went to Columbia (it was supposed to be $11.5 million) and $134.9 million went towards DEA assistance, law enforcement assistance, economic assistance, and military assistance (this was supposed to be $22.8 million) (Peceny & Durnan 2006, 7). In the years of 1997-2002, the US spent $75 million in Bolivia in order to fight the war on drugs—this was on top of the $2000/hectare offered already (Chande 2002, 1). In 1999 alone, the US gave $317M to Columbia for Plan Columbia and in 2000, gave $1B (Peceny & Durnan 2006, 16). This policy was similarly under the terms of George W Bush, who gave $750 million/year (Peceny & Durnan 2006, 16). While it is hard to "pinpoint" down how much it costs to implement prohibition policies, hopefully this gives us an idea of the vast amount of money that we are talking about here.

Differences in Crack and Cocaine Laws. Over the years, scholars have argued that the differences between cocaine and crack laws affect African Americans disproportionately (Sabet 2005, 2). While there is no minimum sentence for powder cocaine, there is for crack cocaine, which lands a person 5 years minimum: these laws apply to federal government only—there are different laws in different states for their authorities (Sabet 2005, 2). There is no other drug besides the "date-rape drug," Rohypnol, which automatically gives a person a minimum of five years (Sabet 2005, 2). To further show the issues with laws on the books dealing with cocaine and crack, we can look at what constitutes trafficking. In 1986, the US federal government passed the Anti-Drug Abuse Act which made a five year minimum sentence for first time offenders who had 500g of cocaine or 5g of crack (Sabet 2005, 6). Since 5g of crack or 500g of cocaine is considered trafficking, this sentencing discrepancy is at a 1 to 100 ratio (Sabet 2005, 2). There have been efforts to curb this discrepancy however. The US Sentencing Commission has recommended abolishing the 100 to 1 ratio, the minimum sentence for crack and cocaine, and adding stipulations to those charged who also had possession of a weapon (Sabet 2005, 7). It should also be noted that weapons are involved in cases with crack more than with cases dealing with cocaine (Sabet 2005, 7). The main reasoning behind the lack of implementation of the proposals is the political climate. The climate in America is not conductive to reducing punishment for drug charges, so at the moment, it is not a very feasible option for the American sphere. While all of this evidence may point toward harsher punishment for a harsher drug, we must consider that 85% of crack cocaine offenders are African American whereas most cocaine users are Caucasian and can afford the extra cost of cocaine (Sabet 2005, 4). In the end, more wealth consumers choose cocaine while peasants are forced to consume cheaper alternatives (Rojas 2002, 10). The laws on the books in America look at crack in a worse light than cocaine and are affecting the African American population at a disproportional rate.

US Impact Internationally. The US has had a strong role in coca prohibition internationally as well. The US has had a policy of putting sanctions on countries without stringent enough drug laws, which creates incentives for some developing nations to prohibit their largest cash crop (Mena & Hobbs 2010, 7). The main mechanism that the US uses to send aid is through the United States Agency for International Development (USAID), but over the years, it has been linked to many human rights abuses in Bolivia during its attempts at coca eradication (Farthing & Kohl 2005, 1). Some authors have said that the US has trained Bolivian troops who have in turn fired upon coca farmers, thus ending their life early in efforts to eradicate coca crops (Mena & Hobbs 2010, 6). We should note here that most USAID assistance that is offered is mainly based at coca eradication and has demonized coca unions in Bolivia (Farthing & Kohl 2005, 4). Some scholars have

argued that USAID has followed a method that focuses on the "stick" rather than the "carrot" side (Farthing & Kohl 2005, 4). What this means is that the USAID program has been focused on ground troops for policing and harassing citizens connected to the coca trade (this is where the civil rights abuses tend to originate). Although most USAID policy is focused on coca eradication, that are some examples that show that it does offer aid to areas such as Chapare that need assistance: the problem is that they offer it to the regions that do not produce coca within that region, which gives no other mechanism for displaced coca workers to function (Farthing & Kohl 2005, 10). Because of the biases of the USAID program, they also refuse to work with coca growing TGOs (if we recall from the Bolivia section).

However, USAID does work with organizations that function alongside coca growing TGOs. Almost expectedly, there are problems with how this actually works. By working with the organizations and not the TGOs themselves, only about 10% of the assistance investment actually reaches the population since some of the co-operating organizations only exist on paper (Farthing & Kohl 2005, 11). Compared to the EU's assistance, the amount of money that reaches these people is puzzling. Under the system that the EU uses to send aid, municipalities are able to receive around 33% of their total funds—that isn't just 10% of the total funds that were sent like USAID assistance, it is literally 33% of their total budget for the year (Farthing & Kohl 2005, 9). The key difference between EU and USAID assistance is that the EU assistance does not have a requirement of coca eradication efforts whereas the US version does (Farthing & Kohl 2005, 9). Perhaps if the US would ease off of its strict anti-coca foreign policy, the assistance that they offer might actually do some good for the people they are trying to help and offer alternative sources of income.

To look at other international efforts outside of USAID, we can look at Operation Just Cause. Operation Just Cause was a US supported military exercise that ousted Panamanian dictator, Noriega, due to his drug trafficking (Mena & Hobbs 2010, 6). Noriega was brought up on drug charges in America and was in the news recently for being transported to France, where he faced similar charges. Although I won't go into great detail, it should be noted that US foreign policy in the war on drugs has not been limited to coca eradication via funding but it has also been linked with toppling governments to achieve policy objectives.

International Efforts at Drug Reform

So far, there have been a few treaties that have been implemented in the international sphere. Of the treaties in effect, the list goes as follows: 1961 Single Convention on Narcotic Drugs, 1971 Convention on Psychotropic Substances, and 1988 Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Mena & Hobbs 2010, 4). Although there are a few, the main intentions of each have been to establish prohibition as the status quo around the world. The 1961 Single Convention on Narcotic Drugs focused on coca leaf and cocaine production (Mena & Hobbs 2010, 4). At this convention, it was decided that cocaine and coca leaves should be limited to only medicinal purposes: an enforcement mechanism was also a part of the treaty as the International Narcotics Control Board (INCB) was created to monitor regulation implementation (Mena & Hobbs 2010, 4). One commission that needs mentioned here is the Latin American Commission on Drugs and Democracy (LACDD). In 2009 LACDD called for a major overhaul in international drug legislation, arguing that the war on drugs is actually a war on the people involved in the trade (Mena & Hobbs 2010, 7). While most international efforts have attempted to establish prohibitionist policies as the *status quo* for world politics, oppositions in this sphere have been few and far between.

Coffee shop System in the Netherlands

Although what I will be discussing here is strictly about marijuana regulation in the Netherlands, it does provide a good case study for political science since our laboratory is the real world: we can't conduct our own experiments so we have to learn from the examples that we can gauge in the world. Since 1976, the Netherlands have adopted a non-enforcement policy on cases of 30g or less (MacCoun 2011, 1). However, by 1995, this stance has retracted to only allow 5g except in the case of businesses who dispense the product: these will be referred to as "coffee shops" (MacCoun 2011, 2). Upon this condition, coffee shops must also follow five other rules: they may not sell more than 5 grams per person per day, they may not sell ecstasy or other hard drugs, they may not advertise drugs, they must ensure that there is no nuisance in their vicinity, they may not sell drugs to persons aged under 18 or even allow them on

the premises, and they are not allowed to have more than 500g in the store (MacCoun 2011, 2). Under these guidelines, around 700 coffee shops operate, employing around 3,000-4,000 full time employees turning in a profit at around 300-600 million Euro for around 50-150 metric tons of marijuana (MacCoun 2011, 2). Assuming this policy is implemented, some might be interested to know what effect this is having on our children as well as "gateway" theory (if you try marijuana, you will move on to harder drugs), which I will cover next.

Survey of 15-16 year olds. In the years 2003-2007, 15-16 year olds were surveyed and responded in the following manner. According to the results, more teens said they had used other illicit drugs in the US than they did in the Netherlands (MacCoun 2011, 4). Also, teens were more likely to end up in rehab for marijuana in the US than in the Netherlands (MacCoun 2011, 7). Furthermore, teen respondents from the US said they had used more on a yearly/monthly/lifetime basis than those in the Netherlands (MacCoun 2011, 4). On the reverse, more teen respondents said they had started as early as age 13 when it came to their drug use in the Netherlands compared to the US (MacCoun 2011, 4). MacCoun suggest in his study that perhaps the reason for marijuana fluctuation use in the Netherlands has been due to the opening and closing of dispensaries as well as commercialization theory (as a product is made legal, more will use it) (MacCoun 2011, 5). Here, commercialization theory might predict higher users at the start because of the newfound legality status of the substance, but eventually it would level off and only the "hard" users would remain. It is estimated that the Netherlands spends around 9,200 Euro/bad user in rehab costs (MacCoun 2011, 7). From legalizing cannabis, these were the results that the Netherlands experienced and should provide enough of a background for reference throughout this study.

Prohibition's Effect on Quality

Adulterated Cocaine. Turning to the Netherlands for another example more relevant to our study on coca and cocaine, we can look at what The Dutch Drugs Information and Monitoring System (DIMS) found in cocaine that was submitted to them. We should note that the Netherlands does not allow for cocaine to be bought and sold like marijuana, so it provides a proper analysis of what unregulated black market cocaine might look like. DIMS is an organization that the Netherland government created to monitor the quality of illicit drugs in the region (Brunt, T. M., et. Al. 2009, 2). The organization receives drugs from its citizens and monitors what additives (substances added to cocaine in order to maximize profit) are being added to their supply in order to differentiate the effects of cocaine from the additives that could cause the effects (Brunt, T. M., et. Al. 2009, 2, 6). DIMS found this in cocaine obtained in the Netherlands;

Previous research has identified caffeine, lidocaine, benzocaine, diltiazem, procaine and phenacetin as adulterants in cocaine samples [14–17]. More recently, hydroxyzine and levamisole were also identified in seized illicit cocaine shipments [18,19] and in one case, poisoning with cocaine adulterated with atropine was described [20]. Lidocaine, procaine and benzocaine are all common local anaesthetics [21]. The other adulterants described are prescription medicines with various applications: diltiazem is used in cases of cardiac arrhythmias or ischaemia [22]; phenacetin has been used as analgesic [21], but it has been removed from the pharmaceutical market because of renal toxicity and alleged carcinogenicity [23]; atropine is also indicated for multiple clinical purposes, such as toxicity by nerve agents or eye surgery [24]; levamisole is used as an anthelmintic (medicines used to expel parasitic worms) and as an adjuvant in malignant disease [21]. Adverse effects to most of these substances have been well described (Brunt, T. M., Rigter, S., Hoek, J., Vogels, N., van Dijk, P., & Niesink, R. M, 2).

Obviously, none of these ingredients are cocaine and it is of increasing importance for a few of reasons: one, cocaine is not being sold to the people who are trying to buy it and it is putting them at risk (Brunt, T. M., et. Al. 2009, 3), two, there are more cases of adulterated cocaine than before. In 1999, 6.5% of cocaine submitted was adulterated: in 2007, it was 57% (Brunt, T. M., et. Al. 2009, 3). Lastly, more adverse effects were reported from donors who consumed adulterated cocaine than from cases where there were few adulterants founds (Brunt, T. M., et. Al. 2009, 5). This has a variety of effects. This could be diluting our information we are gathering on the effects of cocaine—if we can't trust our information now, it is harder to base policy decisions on the issue. Another effect this information can have is that it poses the question of whether or not cocaine should be illegal—perhaps it

would be better if we regulated it as to decrease risks that could be obtained from consuming adulterants that are added to cocaine in order to maximize profit.

Externalities of Drug Use and Prohibition Laws

When assessing prohibition, we must consider the externalities of drug use compared to the costs of regulation to reduce them as well as the unintended consequences. Externalities, as it is meant here, is the impact that drug use has on the rest of the society, not the individual alone: examples of this may include driving a vehicle under the influence, effect on a fetus, and etc (Miron 2001, 11). While some of these externalities may be widespread, we have to consider the costs of reducing them as well. Would it be cost effective to spend $100 million on making sure that CD cases have a certain kind of wrap on them?—probably not. We have to consider the aspects of drug prohibition in this light as well. While moving on we need to think about the unintended consequences. An example of this might be the rapid spread of HIV due to drug laws having a tightened control over needling sharing policies (Miron 2001, 11). While some of this might fall under the effects of prohibition, I feel it is important to think about these things when we consider the goal of prohibition policies.

Effects of Prohibition

Overall, if we consider the goal of prohibition type policies, they revolve around the feature that supply will be reduced by making possession or purchasing of a product illegal (Miron 2001, 3). While the goal of prohibition is to eliminate the supply aspect of drugs, it does tend to have some unintended consequences. For this reason, if consumers respect the law, prohibition works—if consumers violate it, the law is merely an obstacle that can be easily overlooked (Miron 2001, 3). We should also add that there has been absolutely no evidence that proves the "forbidden fruit" effect, or a spike in consumption due to a newfound illegal status of a commodity (Miron 2001, 3). On the other side of things, for those who argue prohibition curbs drug use, we can cite Portugal as another case study where decriminalization has not resulted in a higher volume of consumption of illicit narcotics (Mena & Hobbs 2010, 10).

The World Drug Report from the United Nations. According to the World Drug Report in 2009 from UN, there are 5 consequences of drug control: black markets emerge, policy displacement (resources are drawn from areas such as public health), geographical displacement (producers go to where their practice is not illegal), substance displacement (move on to something legal, despite effects it may have), and marginalization/exclusion of drug users (felons can't vote for example) (Mena & Hobbs 2010, 7). All of these are fairly serious problems and don't really need an explanation for their relevance, so I will move on to more pressing issues.

Incentivizing Violence. Furthermore, under prohibition, there are no other avenues for problem solutions other than violence. Because of the illegal status of their occupation, commodity they use, or other areas prohibition creeps in the lives of citizens, those involved in the black market with grievances have no other revenue to resolve their problems other than resorting to violence (Miron 2001, 6). Qualitative evidence that also proves this is crime rates before and after alcohol prohibition: before and after the years of prohibition crime was lower than it was during it (Miron 2001, 6). Also, if we consider our Brazil example, we can see how drug prohibition leads to violent activity—it is not the drugs themselves that foster incentives for this type of behavior, instead, it is the policies we have erected that assist the use of force as a method for conflict resolution (Miron 2001, 6). If drugs were at least legal, those with grievances would be able to use the court system in matters of conflict resolution. We will look at a case study in Brazil to help show this.

Brazilian Case Study Showing Correlation with Violence. If we seek other effects that are caused by prohibition, we should turn out case study to Brazil. In Brazil, criminalization has caused gang control over certain regions and they tend to be typified by higher levels of homicide (Mena & Hobbs 2010, 11). In Brazil, there is a homicide rate of 26.1/100,000 people; in Europe, this rate is as low as 2.1/100,000 people (Mena & Hobbs 2011, 11). Adding further onto this evidence is that 25%-52% of the homicides in Brazil are thought to be gang related, at least to some extent (Mena & Hobbs 2010, 11). To try and put these numbers in perspective, if we assume 25% are murdered due to gangs, then it would still be more people than have died at the terrorist organization Lords Resistance Army in Uganda; if we assume 52%, then that figure makes the death total more than those who died in Afghanistan between 1991-

1999—keep in mind these figures are for Brazil alone (Mena & Hobbs 2010, 11)! Another mounting problem in Brazil is that police are involved in 1/5 of homicide cases according to the Human Rights World Watch Report in 2009: this is certainly a sign of corruption, as the UN alluded to earlier (Mena & Hobbs 2010, 11). In 2007, 3,866 people went to the hospital because of illegal drugs and 64 (91 from legal drugs) died in Brazil: on the flip side, over 12,000 young men were shot there, potentially creating more deaths from the drug war than the drugs actually did to the people who consumed them (Mena & Hobbs 2010, 11).

Can We Even Catch Drug Users? Another aspect to consider under a prohibition system is whether or not it is likely that funds used to regulate the commodity will result in any real deterrence of use. Some scholars have argued that deterring use in this manner is unlikely for a few reasons, but in particular, they argue this because of the odds that a drug user will get caught (Miron 2001, 4). In most drug related arrests, the people who were arrested were caught because they violated another crime such as prostitution, speeding, etc (Miron 2001, 4). Most drug arrests are found because the criminal violated another law yet it is still such a large part of national budgets around the world.

Is Prohibition Worth Deterring Rational Consumption? Another impact prohibition has is that it deters rational consumption. Rational consumption is a positive thing and a deterrent to rational consumption would be a cost rather than a benefit (Miron 2001, 11). If the person who consumes a product receives a benefit from it, then limiting that product would be negatively impacting that individual. Since prohibition focuses on the supply side, their real target is curbing irrational consumption because the use of the drug, in this scenario, is toxic. Although prohibition might have its heart in the right place when attempting to curb irrational consumption, it is actually a cost to society to curb rational consumption.

Pricing. There have been other quantifiable developments that have emerged due to the coffee shop system installed in the Netherlands; among them is differences in pricing. Interestingly, the US has a lower price than the Netherlands when we structure cost on a per gram of marijuana basis (MacCoun 2011, 9). On the reverse side, the Netherlands has a better "purity adjusted" price than the US—this means that the Netherlands marijuana has a higher potency than marijuana found within the US (MacCoun 2011, 9). While this is not causation, does this mean that there could be a correlation with quality if a product is legalized?—could it originate with the transparency that regulation provides? In the Netherlands example, I believe we have found evidence that might just prove that point.

While some scholars argue that prohibition makes drugs cheaper, other scholars argue that prohibition cannot be correlated with price fluctuation (Miron 2001, 6). Drug prices could have two possible realities given prohibition: higher prices lead to lower consumption or lower prices leads to higher consumption—either way, the directionality of the price of drugs under prohibition cannot be quantified (Miron 2001, 6). To say it differently, we can't prove whether drugs are more expensive under prohibition or not. On a reverse note, some authors argue that as more participate in the illegal drug trade, prices will fall (Campos 2011, 1). Other scholars even argue that if drugs were made legal, they would lose some of their profitability (Peceny & Durnan 2006, 5). All in all, the literature is very mixed on whether or not we can attribute prohibition to lower or raising the cost of illegal narcotics.

Expenses For Drug Traffickers/Producers. Moving from the actual cost of drugs themselves, we move to a new area of cost—expenses. The lack of some expenses is probably a better way to think prohibition's effects. Under prohibition, traffickers do not have to advertise, which leaves manufacturing, transportation, and dispensing as the three expenses of drug trade: we discussed how much this costs in the cocaine section at the beginning of the paper (Miron 2001, 5). Since we are talking about an illegal market, other areas besides advertising that can be overlooked in order to maximize profit are labor laws, taxes, etc (Miron 2001, 5). Because a lot of the money that drug dealers make is illegal, they cannot formally file it under their taxes since they have no valid explanation of where the income originated—this creates a dilemma where the drug dealer has to spend his money in avenues that cannot be traced, but I will go over this in more detail in the next paragraph (Salama 2000, 9). Because of the illegal nature of narcotics under prohibition policy, there are fewer expenses for those who participate in the black market compared to those who work in the legal economy.

Money Laundering. Since drug traffickers pay no taxes on their income, they have to find a way to turn

the "dirty" money into clean money" in order to pay taxes on their income and have a way to "justify" the profits. In order to turn this dirty money into clean money, drug traffickers most commonly invest in real estate, cattle raising, and financial speculation since these are highly volatile markets and can easily conceal profits originating from drug trade (Salama 2000, 9). One of the methods of laundering money that drug traffickers have been using is repatriating laundering. Repatriating launder is when a person takes profits made in one currency and switches them to another currency such as is the case with selling drugs in America and turning that money into Pesos to take back to Mexico (Salama 2000, 10). There are three different avenues to do this: contraband, foreign investments, and over/under bidding. Over/under bidding is when a company will pay either too little or too much to a company so that the currency of the money is switched—the over/under billing is on purpose just to switch the location of the money. Foreign investments help facilitate repatriation laundering by tangibly investing in another nation—private American dollars going to finance a road in Bolivia for example (Salama 2000, 10). Contraband can be a little more tricky however and I will need to use an example to better explain it. In Columbia there are shops called "San Andreas" shops (Salama 2000, 10). These shops are stores set up that people send contraband to in order to be sold for a higher profit margin than can be realized in other parts of the world (Salama 2000, 10). These are just some of the effects that prohibition has had on the way money is used by drug traffickers.

Buying Corruption, Respect for the Law, Costs of Enforcement. Corruption, undermining respect for the law, and costs of enforcement are some of the other effects of prohibition that I found in the literature (Miron 2001, 8). While money use may be different for those who traffic drugs, another way that they may use their funds is to buy corruption since it is an ideal place for a drug dealer to invest. Not only does the dealer spend some of his dirty money, he buys protection for himself in the form of corruption. Through corruption, a lack of respect for the law is realized in the population—the law doesn't apply to those who can buy their way out of it. Lastly, in order to enforce prohibition, it costs money, and as we have discussed, most drug arrests only happen because of the violation of another crime. Also, it is worth mentioning again that prohibition has another cost in a reduced rational consumption even though it is targeted at stopping irrational consumption.

Health Concerns Raised By Prohibition Practices. Poor health may result from prohibition policies of eradication: I won't focus on it for long since its implications are obvious. In order to eradicate coca production, the US and other nations have used pesticides and herbicides that can harm those who are producing the product (Rojas 2002, 4). While these substances are meant to eradicate drug plantations or hectares, they can impact the lives of the people who grow them by giving them health problems such as lung disease (Rojas 2002, 4). If pesticides and herbicides were not being sprayed upon coca growing populations, there would be fewer cases of health hazards associated with coca growing.

Push Down-Pop Up Theory, AKA Balloon Theory. A "push down-pop up" pattern can begin to emerge when nations begin adopting prohibitionist policies. Push down-pop up means that when a government tries to eradicate production in one region of the world, another area will come to meet the supply needs of the world (Peceny & Durnan 2006, 5). To say it another way, if you stop coca growing in one country, another one will start growing it. If we want a real world example of this we can consider when Chapare went through its "hard times" for coca eradication, Columbia picked up where they couldn't meet. Although this sounds very simple, it is trying to explain that if you tackle the supply side of this problem, another place will just begin to supply the drug that was just stopped in another part of the world.

If Not Prohibition, Then What?

While I have briefly discussed some of these ideas throughout the course of this paper, the mentioning of a few other systems that can replace prohibitionist policies is adequate to our needs: these systems I will discuss include a sin tax system, treatment system, and public education campaigns.

Sin Tax System. A sin tax system is used when a government wants to deter demand for a product by raising its cost through an additional tax (Miron, 2001). The idea here is that by making a product more expensive, there will be less future consumption of it. In order for this system to work, the tax cannot be so extreme that it forces consumers to resort to an

underground black market (Miron 2001, 14). If consumers are moving to an underground market, it would defeat the whole point of legalization with a sin tax added on—the point is to make the process transparent, safe, and generate revenue in order to offset the externalities that might result (Miron 2001, 14). In order for a sin tax system to work, the tax must be small enough so that it does not deter consumers from resorting to getting their product from a black market.

Rehabilitation/Treatment System. A treatment system is another possible course of action to take instead of prohibition. In a treatment system, the government would help provide assistance to the "bad users" of society in order to get rehabilitation. One problem that this system might run into is that it may cause the public to perceive the government as rewarding or encouraging drug use (Miron 2001, 16). By funding rehabilitation costs to "bad users," people may begin to see the government as supporting the habit, or, at the very least, acting as an encouraging actor for drug use to its citizens. Treatment centers may be seen as the government supporting or encouraging drug use some scholars argue.

Public Education Campaigns. Lastly, public education campaigns are yet another potential route to go instead of prohibitionist policies. The main idea behind a public education campaign would be to get the "truth" about drug use available to the public, promote rational use instead of irrational use, and inform of the potential side effects drugs may have (Miron 2001, 18). The problem that this system runs into is that it is too hard to attempt to quantify the results of these types of campaigns (Miron 2001, 18). If public money is going to be going to a project, we want our money to go toward something that we can gauge and evaluate based on numerical data—this is one of the only ways to see if a program is actually working for what it was designed to solve. Public education campaigns may sound like a great idea but they run into problems when it comes to quantifying their accomplishments.

My Coca/Cocaine Legalization Policy

What Action is Required for My Policy to be Implemented?

In order to achieve this policy, legislative branches would have to enact legislation that made possession, production, and distribution of coca and cocaine legal.

This is at the domestic level: internationally, things are slightly different. Regulation will need to be provided for by government as well as a budget in order to finance it. As we will see, my policy promotes a cost shifting policy in order to not have to generate new money for the project—this will also be helped by taxes on the product. Internationally, treaties condemning the practice of prohibition should be constructed in a hastily fashion. These treaties should also seek to establish goals that are similar to the goals present at the domestic level: treaties should seek to ensure that production, possession, and distribution are not demonized or prohibited by law.

What Policy Do I Propose?

Just Legalize it Under Doctor Supervision. As we have seen, there have been some negative effects of prohibition policy that created incentives that were arguably more harmful than what the policy was intended to prevent. By adopting a policy where coca growing, cocaine, and other narcotics are a legal product, we can take some of the power away from institutions such as FARC. With this being said, qualitative evidence may suggest that it would be naïve to think that there would be no negative results from implementing this kind of policy: quantitative evidence has been shown in commercialization theory, as we have previously discussed, that we should expect higher consumption based upon the new found legality of the product (MacCoun 2011, 5). Legalization would shift incentives to make the market adopt practices that reflect current legislation such as labor laws, conflict resolution through the court system, and etc (or else they might be black-balled from the market completely). With that being said, this does not mean that legalization of coca and cocaine doesn't need a system of checks at the domestic level to attempt to make up for externalities that might result—it might be too hard to micro-manage these situations internationally although international assistance is an option that should not be considered off the table.

How Would This Deter Irrational Consumption? My policy would also reflect this understanding: legalization does not mean that you should be able to go to your local store and buy cocaine like a person would purchase vitamins. Radicalized drug use, or irrational consumption, is the major externality that needs controlled for and is the focus point that prohibition

policies are based on. Since doctors have an expertise and it is beneficial to keep experts on tap, it might be a wise idea to have doctors regulate cocaine prescriptions. This system would make cocaine regulated like Viagra and would provide transparency of drug use to someone outside of the user: in this case, that person is the doctor. The doctor is a person outside of the individual, who has the knowledge in this area, who can effectively regulate narcotic use and help to reduce the impacts of irrational consumption for the individual. Under this philosophy, doctors would be "maintaining" their clients as a form of treatment for addiction as well—this flies in the face of current policy objectives when regulating doctor prescription. In this system, the supply is being controlled, but it is not made illegal—it just requires doctor supervision. If we allow policy makers to step aside and let the professionals who study medicine use their knowledge on how to best treat their clients, it could result in more positive results. Policy makers argue that maintaining is not an effective manner to treat addiction, but I believe we should allow doctors to decide for themselves since they have knowledge that government officials do not. Even if we are talking about recreational cocaine use, which can fall under rational consumption, any individual would be able to go to a doctor and request to have a prescription of it. As long as consumption is being monitored by someone outside of the user, any movement toward irrational consumption can hopefully be curtailed by the intervention of the doctor.

Regulation Making a Cleaner Product. Another thing that policy should aim to do is to try to control supply in order to ensure that there are no adulterants in cocaine since most adulterated cocaine resulted in negative effects for the consumer. Given a market economy and private property laws, this policy might be achieved through regulations that private institutions would have to follow. By doing this, a more pure product can be ensured for the consumer and hopefully reduce the negative impacts of adulterated cocaine use.

Who Would Regulate Coca/Cocaine? In order to properly regulate the market, regulators would need to be provided for by the government. How these regulators are to be implemented is up for discussion: perhaps, since legalization would shift the job description of the DEA in America, institutions that were set up for prohibition efforts can be used to facilitate proper regulation over the market. A problem this could run into is past prejudice and the demonization of drug use, which is a problematic factor in this radical a shift of policy. Although there are potential problems with past biases of the institution, I would try to reform departments of government that once functioned for prohibition to act as regulators for the newfound legal market.

Taxing. In order to help offset the costs of this new policy, a system similar to a sin tax will be needed to cover any unexpected expenses that might result. Again, this tax cannot be so high that it deters legal markets from operating due to an underground, cheaper black market. I believe a fair tax would be 15% per dollar spent. This extra money would help create a safety net in case other externalities that I have not thought of emerge.

Problems of Driving Under the Influence Likely Increasing with Incentives to Solve it. One thing that would need to be regulated would be driving and substance use. This section should also be considered valid when it comes to operating heavy machinery. The problem that legalization of cocaine might produce is that there is no breathalyzer for narcotics, at least to my knowledge. The only method that can be used to regulate driving and cocaine use (unfortunately not coca use) is to look in the nostrils of the person who has consumed the product, but this doesn't control for other methods by which drug users consume the product. In order to achieve incentives that would foster driving while not under the influence, there should be harsher penalties for those who are caught driving under the influence. Policy should establish a three strike system—if you are caught three times under the influence of coca, cocaine, or other narcotics while driving or committing violent crimes, then a minimum jail sentence should be considered (6 months perhaps?). Again, since it is hard to police whether or not drug use is affecting the person at the time of driving, this would be difficult to implement and might be subject to infringement by law enforcement due to the demonization of drug use, as we discussed as we began this paper. While regulation of driving while under the influence of coca and other narcotics would be needed under legalization, there are no effective methods by which it can be effectively regulated: this makes our efforts to control this externality more difficult given the effects of a more *laize faire* approach to drug policy.

While there could be other potential externalities that might result from legalization of coca, cocaine, or other narcotics, driving under the influence of narcotics is the only one that I thought of to mention. Other methods of reducing externalities such as public education campaigns and state funding of rehabilitation have potential blockades to their capabilities and should not be thought of as avenues by which policy should influence the drug market. Instead, if we attempt to control for one externality that we know for certain would emerge (driving under the influence increases), we can bypass all of the problems that prohibition has established.

Cost of My Policy

Money Saved By Abolishing Prohibition. Before I begin talking about the actual costs of implementing this policy, I should mention that we would be saving a lot of money by adopting this approach. For example of this, let us turn to the example of aid from the US to Columbia in 2000. $1 billion was sent to Columbia from America for the purpose of coca eradication efforts via Plan Columbia: if policy was implemented that halted prohibitionist legislation, this money would not need to be spent (Peceny & Durnan 2006, 16). Even if we still want to be charitable, spending $500 million to help Columbians without coca eradication stipulations would do more good for both sides—coca growers would be able to produce their most profitable product and we could spend even less in international aid given our new found policy objectives.

Cost Shifting to Avoid Expense. In order to truly consider this policy, we must consider how much it would cost. As we briefly discussed before, legalization of narcotics would shift the focus of major institutions such as the DEA. Since these institutions have somewhat of a particular knowledge in the field when it comes to production, size of the market, and etc, it might be appropriate for these institutions to be the avenues by which legalization policy is implemented. As we discussed before, the DEA would take over the new regulations instilled for the legalized market while giving up on their prohibition expenses and practices. In other areas of regulation, such as child labor laws, taxing, etc, the DEA might be able to fulfill these functions as well. If this transition is positively completed, then funding shouldn't be an issue—the current level of funding should be sufficient as it has reached outrageous figures, if not, then perhaps even cuts in the budget can be made if anything. By shifting the focus of the DEA to new policy objectives, we do not have to worry about the funding for the policy since there would be a spending shift rather than a new expenditure. Instead of just saving all of the money from no longer practicing prohibition policies, some of the money will need to be spent in order to properly regulate the market.

Other Externalities We Need To Have Money For. When we think about the externality costs of driving/operating heavy machinery under the influence, it is difficult to quantify. Since legalization is due to increase consumption (commercialization theory), we know that more accidents will result from higher levels of narcotics use. In order to fund efforts against this, we can fund the institutions that deal with these matters the most such as the road commissions or the Department of Transportation. While I do not know how to begin to quantify this, we might consider the $500 million we saved in international aid to Columbia in 2000 alone—from that, we should be able to fund anything that we would need to deal with externality raising costs. The rest of the money that we saved will be going toward regulation (shifting of costs of DEA to regulation instead of prohibition). Although I cannot put a figure on what it would cost to regulate driving/operation of heavy machinery while under the influence of narcotics, we can use money that we are not sending out internationally in our efforts to combat coca production that we have not already shifted to other areas.

Doctors Functioning as Rehabilitation Centers for Users. After considering the policy that I am proposing, I believe that this fully satisfies all the potential costs it proposes. The reason government does not need to worry about the policing of irrational use is because that is being done by doctors. By having drug users go to a doctor to get a prescription to the narcotics they seek, they are funding their own rehabilitation effort, thus insulating the state from "rewarding drug use" by funding rehabilitation programs. The doctors, over time, can hopefully help their clients deal with the possible mishaps that could result from their drug use and not require additional state funding to do so.

Assessment of Political Will—Who Would/Wouldn't Support Legalization?

The political climate internationally seems to point towards this policy not really being an option. Across

the world, narcotics such as marijuana are still illegal to have in your possession, let alone sell in an open, transparent market: there is no reason that we should think that the international community thinks any differently of coca or cocaine. To sum it up briefly, the odds of this policy actually being enacted is near zero.

Who would not support legalization? Ironically, siding with the public would be members of drug trafficking organizations. Legality is what makes cocaine worth refining—if legal, it would lose some of its value due to taxes, advertising, etc (Peceny & Durnan 2006, 5). Since legalization would jeopardize the profit of many organizations such as FARC, it is hard to see why they would favor a system where coca or cocaine were legal.

Drug trafficking organizations (as well as producers) and the public at large are the only two actors that I really consider to have valid voices. There are plenty of drug lobbyists that I could mention but when it comes to influencing politicians or public perception, their influence appears to be minimal as the majority of the public is not in favor of de-escalating the war on drugs (at least to the extent of legalization of coca and cocaine). Because of their minimal influence, I will omit them here.

Conclusion

Prohibition of cocaine has had a variety of effects that we should view as correlation—at no point in this study was causation ever proved. What we do see is that prohibition fosters a system of incentives that has participants result to violence to resolve conflicts, buying out officials for corruption, and etc. My policy is aimed at disarming groups that have made coca/cocaine trade profitable and act in violent means—if we want to hurt the cartels, we need to eliminate their financial flow. Not only does my policy do this, it allows for a better product quality, tax revenue, and monitoring to help alleviate the effects of irrational consumption among other things. When it comes to policy, shouldn't we be spending money to help our citizens instead of keeping them protected from a plant that they may or may not consume even if we spend a king's fortune?

Bibliography

Negrete, J. C. 1978. Coca Leaf Chewing: a Public Health Assessment. British Journal Of Addiction (To Alcohol & Other Drugs). Oxford, UK

Rojas, M. R. 2002. ATTITUDES AND VALUES OF PERUVIAN COCA GROWERS*. Substance Use & Misuse. Oxfordshire, UK.

Chande, M. 2002. Bolivia and USA wage war on the coca leaf farmers. Lancet. Philadelphia, Penn.

Farthing, L., & Kohl, B. 2005. Conflicting Agendas: The Politics of Development Aid in Drug-Producing Areas. Development Policy Review. Oxford, UK.

Journal of Interamerican Studies & World Affairs. 1992. Peru, the drug business and Shining Path: Between Scylla and Charybdis?. Journal of Interamerican Studies & World Affairs. Oxford, UK.

Salama, P. 2000. The Economy of Narco-Dollars: From Production to Recycling of Earnings. International Journal Of Politics, Culture & Society. Dordrecht, Netherlands.

NACLA Report on the Americas. 1997. The Rise and Fall of the `Gentlemen from Cali.'. NACLA Report on the Americas. New York, NY

Springer Science & Business Media B.V. Cocaine: a European Union perspective in the global context. 2010. Trends in Organized Crime. Dordrecht, Netherlands.

Brunt, T. M., Rigter, S., Hoek, J., Vogels, N., van Dijk, P., & Niesink, R. M. 2009. An Analysis of Cocaine Powder in the Netherlands: Content and Health Hazards Due to Adulterants. Addiction. Oxford, UK.

Campos, I. 2011. In Search of Real Reform: Lessons From Mexico's Long History of Drug Prohibition. NACLA Report On The Americas. New York, NY.

Mena, F., & Hobbs, D. 2010. Narcophobia: Drugs Prohibition and the Generation of Human Rights Abuses. Trends In Organized Crime. Dordrecht, Netherlands.

Miron, J. A. 2001. The Economics of Drug Prohibition and Drug Legalization. Social Research. New York, New York.

Sabet, K. A. 2005. Making It Happen: The Case for Compromise in the Federal Cocaine Law Debate. Social Policy & Administration. Oxford, UK.

MacCoun, R. J. 2011. What Can We Learn from the Dutch Cannabis Coffee shop System?. Addiction. Oxford, UK.

Molano, A. 2000. THE EVOLUTION OF THE FARC. NACLA Report On The Americas. New York, New York.

Peceny, M., & Durnan, M. (2006). The FARC's Best Friend: U.S. Antidrug Policies and the Deepening of Colombia's Civil War in the 1990s. Latin American Politics & Society. Oxford, UK.

METHAMPHETAMINE LABORATORY ERADICATION ACT

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Rural West Virginia has, in recent years, been plagued with the rise in the number of methamphetamine lab incidents, such as explosions, arrests, and clean-ups (Humphreys, 2011). Meth lab incidents in West Virginia are an extremely cumbersome expense on the backs of taxpayers. According to the United States Drug Enforcement Administration, the costs of meth lab clean up averages around $3,000 per lab. However, this is in large part due to assistance from the DEA to the states for covering the costs of cleanup, which has brought the price, per lab, down from an enormous $17,000 per lab (DEA, 2012). The troubling news for West Virginia, and many other states, came last year when the U.S. DEA announced that federal funding for meth lab cleanups was too costly and no longer available (Humphreys, 2011). Aside from the direct financial costs associated with meth labs, indirect costs, such as ER bills, incarceration costs, lost property values, collateral damages, state-provided child care, and salaries for medical professionals and law enforcement, add to the burden each state citizen must bear (DEA, 2012).

The key method for addressing this issue in the state of West Virginia came by way of the Methamphetamine Laboratory Eradication Act of 2005 (MLEA). The MLEA seeks to decrease the number of meth lab incidents in the state by directly controlling and limiting access to one of the key chemical precursors to methamphetamine, and an essential ingredient in cooking it, pseudoephedrine. Pseudoephedrine (PSE) is a chemical decongestant agent found in common cold medications (West Virginia Legislature, 2011).

The MLEA is a very hot topic today in the West Virginia State Legislature, as meth lab incidents across the Mountain State have continued to rise despite efforts within the act to curb them. The effects, direct and indirect, of clandestine meth labs impact the lives of every West Virginia citizen. As taxpayers, the cleanup efforts undertaken now exclusively by the state are financed off the backs of working-West Virginia. Furthermore, the cooks and users of meth are not the only ones caught in explosions and fires, but innocent bystanders are often caught in the cross-fire. Therefore, the MLEA is of critical importance to state taxpayers and state residents alike, and should be a top priority for lawmakers (West Virginia Legislature, 2011).

The 2005 MLEA was passed into law in the state of West Virginia in response to the passage of and signing the Combat Methamphetamine Epidemic Act of 2005. Under the provisions of the law, all products containing PSE were required to be stored, in pharmacies and drug stores, in such a manner that customers would not have direct access to them. Additionally, the law called for a tracking system, which was aimed at aiding law enforcement in identifying individuals whose purchase of PSE-containing medications may be linked to the production of methamphetamine. The law also put into place strict prohibitions regarding the amount of PSE-containing medications an individual was allowed to purchase on a daily (3.6 grams) and monthly (9 grams) basis (United States Department of Justice, 2012).

Under the MLEA, the state government restricts consumer access to a key ingredient in methamphetamine production by placing it behind the counter and setting forth sales registration requirements, while employing the help of one of its own executive agencies, the West Virginia Board of Pharmacy (BOP), to help keep cost at zero (West Virginia Legislature 2011).

West Virginia's MLEA set forth legislative findings which put into perspective the depth of the meth problem and the damaging effects of meth labs to all individuals in the state, making the cause of action more than justified. Conforming to the new national standards, the MLEA required that all PSE-containing medications be pulled from the shelves and placed behind the counter, and also set forth a new misdemeanor crime for any person who knowingly purchases or possesses more than three packages, or nine grams of any medication whose single active ingredient is PSE, punishable by a $1,000 fine and/or up

to one year in jail. Further, the act punishes individuals who are found guilty of using PSE-containing medications for illicit meth cooking by fining them up to $25,000 and/or two to ten years in jail. To aid law enforcement with tracking, the law also provides that any pharmacy, wholesaler, or distributor of drugs containing PSE must register each purchase thereof within a database established and housed within the West Virginia Board of Pharmacy. Failure of a pharmacy, wholesaler, or distributor to comply with this provision carries a $10,000 fine. The West Virginia BOP is charged with promulgating a legislative rule which establishes a registry system for PSE purchases. Finally, the MLEA sets forth very definite reporting requirements for pharmacies, wholesalers, and distributors, requiring weekly submissions of their sales to the BOP database (West Virginia Legislature, 2011).

The current provisions of the MLEA fall well short of reaching their intended goal, however. In spite of such measures, as outlined above, the number of meth labs in West Virginia are on the rise, and according to the West Virginia State Police, the Mountain State could see a record number of meth labs in 2012; in excess of well over 300 labs (Lt. Goff, 2012). This means a direct cost to state tax payers of well over one million dollars in direct costs and hundreds of millions of dollars in indirect costs. The menacing consequences of the MLEA's ineffectiveness have already become apparent. During the 2011 Regular Legislative Session, the West Virginia Legislature was forced to grant a $227,000 supplemental allocation to the West Virginia Department of Environmental Protection in order to clean up for the state's high number of meth labs (O'Neill, 2011).

The key failure in the MLEA is that it does not stop the diversion of PSE-containing medications to illicit drug production. Meth cooks engage in a common purchasing tactic known as "smurfing," thought to have derived its name from street terms for meth, "Blue Crystal," "Blue Funk," or "Blue Acid." Smurfing is the process by which meth cooks avoid the MLEA's tracking system and obtain massive quantities of PSE for meth production. Since the MLEA requires only weekly updates to the BOP tracking database, "smurfers" get together and go out to several different pharmacies and wholesalers in the area. At each stop, these individuals will purchase up to the legal limit of PSE-containing medications. Since they are buying up to, but not exceeding the legal limit at each pharmacy, the individual purchases are not flagged or prohibited by law. After shopping from several local pharmacies and wholesalers, "smurfers" return to the site of their meth labs and stock pile all of the cold medications, to be used for mass meth production. The practice of "smurfing" is not limited to a meth cook and his buddies. In fact, it is not uncommon for these individuals to actually pay other individuals or college students to go into pharmacies and wholesalers to purchase the medications for them, thereby tricking an innocent bystander into contributing to illegal activities (Humphreys, 2011).

In order to correct the shortfalls of the MLEA's provisions, and to further the cause of eradicating methamphetamine labs in West Virginia, it is imperative the that State Legislature adopt a policy which would require individuals seeking PSE-containing medications to have a valid prescription for the medication. Adopting such a policy holds firm to the key principle of the MLEA, restricting the access to key chemical components of meth, while eliminating the practice of smurfing. This policy would require PSE-containing cold medications to be changed from a schedule V controlled substance, technically classifying it as an over-the-counter medication, to a schedule III controlled substance. Under existing laws, Schedule III drugs require a valid prescription from either a doctor, or a registered nurse before the medication can be dispersed to a patient (West Virginia Legislature, 2011).

This policy is not a foreign, off-the-wall idea. In 2005, the state of Oregon became the first state in the United States to enact such a policy. Feeding off Oregon's success, the state of Mississippi followed suit and enacted a prescription-only policy for PSE in 2009. Although only two states have successfully implemented this policy to date, several states, such as Kentucky, Oklahoma, Tennessee, and even West Virginia have introduced and debated policies which would have required a prescription for PSE (Humphreys, 2011).

There is substantial debate as to the costs associated with implementing a prescription-only policy with respect to PSE. Opponents of the law, such as producers and distributors of over-the-counter medications, argue that the law would place an undue burden of millions of dollars on innocent state citizens who simply need PSE-containing medications to treat a head cold. According to the West Virginia State Tax department's Fiscal Note

on an introduced version of this legislation, the cost of the law is estimated at $500,000. The given explanation states that moving PSE medications to prescription-only would exempt them from the Consumers Sales and Uses Tax, resulting in a subsequent tax revenue loss for the state (West Virginia State Tax Department, 2012). Proponents of the bill, however, including Dr. Keith Humphreys, Ph. D. of Psychiatry at Stanford University and a drug-policy advisor to both Presidents George W. Bush and Barack Obama, actual implementation in Oregon has proven a substantially lower actual cost. After the law was enacted in Oregon in 2005, the state saw a meager increase in Medicaid costs associated with the law of only $7,000 across the board. When the increased costs of the law are spread out over the four million Medicaid recipients in the state of Oregon, the cost per person amounts to less than $0.001 per person, per year (Humphreys, 2011).

The effectiveness of the policy is hard to question. When adopted in Oregon in 2006, meth lab incidents dropped by over 92% in one year. Oregon went from having nearly two meth lab incidents per day, to around ten annually. Dr. Humphreys reported that many opponents of the Oregon legislation feared that gangs and drug cartels would set up shop in Oregon, but these fears were quickly dispelled as Oregon recently celebrated a 40-year low in its crime rate. Attempts to discredit the Oregon results as a benchmark for expectations in the Mountain State have included the observation that Oregon lacks a significant number of boarder states. Opponents of the law argue that its enactment in West Virginia would be rendered useless, as meth cooks would merely cross into neighboring states, purchase PSE there, and bring it back to West Virginia. To counter this argument, one need only to look at the successes of Mississippi, which adopted the policy in 2009. The Mississippi Department of Public Safety reported in 2010 that the state had seen a 68% drop in meth lab incidents, a 70% decrease in meth-related arrests, and an over 96% decrease in the number of children harmed in meth lab explosions in one year's time (Humphreys, 2011). Mississippi's results are more significant to West Virginia because of the geographical similarities shared by the two states: a large number of boarder states. In testimony given before the Senate Judiciary committee in 2011 by Marshall Fisher, a former agent with the Mississippi Bureau of Narcotics, Mr. Fisher responded to a question raised with respect to meth cooks buying across state lines by responding that it would absolutely happen. Mr. Fisher further went on to detail for the committee that he had personally witnessed several incidents in which meth cooks would cross over into Mississippi from a neighboring state, cooking methamphetamine in the back of a pick-up truck while driving. Yet, in spite of this reality, Mississippi has still seen a significant drop in meth lab incidents, bringing great promise to West Virginia Legislators concerning the effectiveness of the law (Fisher, 2011).

Opponents of the law, including the West Virginia Retailers Association, claim that the law places a substantial undue burden upon innocent consumers of PSE. They claim that the law would require a doctor's visit to treat a common cold, raising the price of treatment from a few dollars to hundreds in doctor's office visitation bills. However, these opponents vastly oversell the impact of the law. Dr. Humphreys definitively stated that the law requiring a prescription for PSE would affect less than twenty medications that are currently available to treat common colds. On the other hand, there are approximately 120 medications which do not contain PSE, but rather phenylephrine, which would not be affected by the enactment of a prescription only law. As further evidence, Dr. Humphreys points to Oregon, where the state witnessed individual consumers changing their preferences to cold medications that did not contain PSE, thereby eliminating a doctor's visit for cold treatment, and keeping individual costs at a minimum (Humphreys, 2011).

Lobbyists in opposition to the law also argue that phenylephrine (PE) is not as effective in the treatment of common cold symptoms as PSE because it lacks the decongestant agent which makes PSE so effective. However, the consensus in the pharmacological field is that PE is a viable and equally effective alternative to PSE for the treatment of cold symptoms. Furthermore, according to Dr. Jenny Soyke, Medical Director of the University of Oregon's Health Center, neither PSE nor PE is the most effective treatment for congestion caused by the common cold. According to Dr. Soyke, nasal irrigation with salt water or nasal steroid sprays are medically proven as more effective treatment methods (Soyke, 2012).

Finally, opponents point to the state's number one drug related problem, prescription drug abuse, and use

it to cast doubt upon the effectiveness of a law that would make PSE available via prescription only. West Virginia suffers from the most deaths by prescription over dose annually. "Doctor shopping," whereby a patient seeks multiple prescriptions for painkillers from multiple doctors for illicit use and abuse is a rampant problem in the Mountain State. Opponents of a prescription-only policy claim that making PSE prescription would be rendered ineffective given the existence of the prescription drug abuse problem the state currently faces. However, once again this red-herring is oversold and critical facts are overlooked. While prescription drug abuse is the state's 800-pound gorilla, in terms of drug problems, to compare cold medications to prescription painkillers abuses the phrase "comparing apples to oranges." First, painkillers are prescribed and used for more chronic conditions, making them a substance that is prescribed more regularly, whereas cold medications are used by the majority of people two or three times a year. Since PSE, under a prescription-only law, would be a Schedule III Controlled Substance, it would be registered under the current Prescription Drug Monitoring System in the West Virginia BOP. This system, designed to identify individuals being over-prescribed controlled substances, would be much better able to track the over prescribing of cold medications containing PSE (medications that are used few times per year), as opposed to painkillers that are prescribed on a more regular basis. Simply put, the lower market demand for cold medications as opposed to painkillers would cause meth cooks who seek to doctor shop for PSE "stick out like a sore thumb." Second, the states which have already enacted a prescription-only policy have reported no increase in the number of people doctor shopping for PSE, including Mississippi, which has a similarly dire prescription drug abuse problem.

Proponents of the law point to its necessity on another ground, unrelated to the methamphetamine epidemic that currently plagues the state. PSE is actually a dangerous chemical compound for individuals who suffer from diabetes, hypertensions, and/or heart disease. A substantial number of West Virginians are affected with one or more of these health hazards yet are unaware of the potentially fatal complications medications containing PSE could cause them. A law requiring a doctor's script for PSE would require these individuals to consult with a medical professional before haphazardly taking cold medications. In fact, PSE was a prescription-only controlled substance until 1976 when, against the recommendations of the Food and Drug Administration, it was moved to an over-the-counter medication (Humphreys, 2011).

Political will for the prescription-only law has waned since the idea was first proposed to the West Virginia Legislature in 2011 by Dr. Humphreys. Although support in the West Virginia House of Delegates remains high (it passed with bipartisan support by a 70+ vote margin in 2011), the law has gained very little traction during the 2012 Legislative Session. During the 2011 session, the bill ultimately failed when the Senate voted in a 16-16 tie on the bill. Having failed to obtain a majority vote in approval, the bill was declared defeated.

Opponents of the law have ratcheted-up efforts to defeat the proposal, offering up what they call a viable alternative to a restrictive and unnecessary prescription-only policy. Their answer is a real-time tracking database, to be housed and operated by the West Virginia BOP, which would help crack down on the illegal purchases of PSE. The main points in support of this alternative are cost and convenience. Opponents of a prescription-only law say that the real-time tracking law would prohibit the sale of PSE to those seeking to buy large quantities for meth production because the real-time system, NPLEx, would be linked in and updated on a near-hourly basis. This alternative, it is argued, would eliminate the need for making PSE available by prescription only, thus eliminating the punishing burden on innocent consumers of cold medications, who do not use them for illicit meth production. Furthermore, since the pharmaceutical industries are willing to foot the bill for the tracking system, they argue that the alternative policy comes at no cost to the tax payers and no increased cost for treating a common cold.

This alternative was adopted by current Governor, Earl Ray Tomblin, and included in his comprehensive Substance Abuse Bill, as an effort to curb the expansion of meth lab incidents in West Virginia. During an election year, it is unlikely that the Governor would consider a prescription only proposal that has received so much negative publicity, and been the target of so much misinformation.

However, the real-time tracking system is wholly inadequate to tackle the issue of meth labs in the state of

West Virginia. At its fundamental core, a real-time tracking system fails to address the practice of "smurfing," whereby PSE is obtained for illicit meth production. While the system will log the sales information more quickly, it will not reduce the amount of PSE purchased and diverted for meth production. The reason is simple. The system may be able to stop one individual from purchasing the legal limit at multiple pharmacies and wholesalers, but it cannot and will not stop a group of individuals from purchasing up to the legal limit and gathering together mass quantities of PSE at the lab sit. Furthermore, it does nothing to prevent a meth cook from paying other individuals to purchase their PSE for them (Humphreys, 2011).

Real-time tracking systems have been a commonly proposed alternative to prescription only policies across the nation. In fact, the policy has its origins along the West Virginia boarder in neighboring Kentucky. In 2007, realizing the shortcomings of the Combat Methamphetamine Epidemic Act of 2005, Kentucky adopted the NPLEx real-time tracking system to restrict access to PSE and reduce the number of meth labs in the state. Since the 2007 enactment of NPLEx, Kentucky has seen a 500% increase in the number of meth labs in the state (Humphreys, 2011).

These facts, in conjunction with the exemplary successes of a prescription-only policy for PSE in Oregon and Mississippi, many interest groups have come out against a real-time tracking system, stating that it simply doesn't work. A law requiring a prescription for PSE has gained the support of the West Virginia State Medical Association, the Kanawha County Sheriff's Office, the West Virginia State Police, and the West Virginia Board of Pharmacy. Interestingly, the Executive Director of the West Virginia BOP, David Potters, and the Governing Board, who would be charged with operating the NPLEx system have voiced strong opposition for the real-time tracking system, and have supported a prescription only policy since 2005, calling it the only real solution to the growing meth problem. Even more ironically, Governor Tomblin's own, hand-picked Advisory Council on Substance Abuse has also endorsed a policy that would make the distribution of PSE available by prescription only. The opposition consists of the much-less-impressive lobbyists for the producers and distributors of wholesale OTC medications and the West Virginia Retailers Association (Humphreys, 2011).

Despite all the evidence, and such a strong backing from the medically-inclined, the West Virginia Legislature is poised to adopt the real-time tracking system, in lieu of making PSE prescription-only. In order for a prescription-only policy to regain momentum and carry the day, the real-time system would have to exhibit an absolute failure to address the growing meth problem, such as Kentucky has experienced.

The methamphetamine problem in West Virginia continues to worsen year after year. Despite efforts made nationally, with the Combat Methamphetamine Epidemic Act, and the state's MLEA, meth labs continue to grow in number, cost, and impact on the citizens of the state of West Virginia. With no more federal funds available for cleanup, the state must now bear the full brunt of the costs. Although alternatives have been proposed, such as real-time tracking systems, the only proven, effective solution to reducing meth labs is to make the twenty cold medications containing PSE available by prescription only.

The costs of the policy would be far outweighed by the overall benefit of the law. As stated earlier, the direct costs of meth lab cleanup costs the state millions of dollars on an annual basis. When the indirect costs of cleanup are factored in, the total costs exceed hundreds of millions of dollars in tax payer revenue. Making PSE available by prescription only has been proven to reduce meth lab incidents, eliminating the need for costly cleanups. The eradication of meth labs would save hundreds of millions of tax payer dollars, reduce the public health hazard posed by meth labs, require people for whom PSE is dangerous (i.e., those with diabetes, hypertension, or heart disease) to consult a doctor, and save lives. Every single argument posed by the opponents of a PSE-prescription-only law is false, unsubstantiated, and an intentional misconception meant to scare the public. Making PSE available via doctor's script poses no undue burden on West Virginians, but it does eradicate meth labs.

References

Colleen O'Neill. 2011. "DEP Fills Meth Lab Cleanup Needs." http://www.dep.wv.gov/pio/Documents/InDEPth%20newsletter/Aug-Sept%202011%20InDEPth.pdf August-September 2011.

Dr. Jenny Soyke, email correspondence, February 3, 2012.

Dr. Keith Humphreys, personal interview, February 14-16, 2011, West Virginia Legislature

Marshall Fisher, personal interview, March 2, 2011, West Virginia Legislature

Lt. Mike Goff, personal interview. March 1, 2011. West Virginia Legislature.

United Stated Department of Justice. 2012. "Combat Methamphetamine Epidemic Act 2005 (Title VII of Public Law 109-177)." http://www.deadiversion.usdoj.gov/meth/index.html (March 7, 2012).

United States Drug Enforcement Administration. 2012. "Environmental Impacts of Methamphetamine." http://www.justice.gov/dea/concern/meth_environment.html (March 7, 2012).

http://www.dep.wv.gov/pio/Documents/InDEPth%20newsletter/Aug-Sept%202011%20InDEPth.pdf (March 7, 2012).

West Virginia Legislature. 2011. "Chapter 60A. Uniform Controlled Substances Act. Article 10. Methamphetamine Laboratory Eradication Act." December 14. http://www.legis.state.wv.us/WVCODE/Code.cfm?chap=60a&art=10#10 (March 7, 2012).

West Virginia State Tax Department. 2012. "Fiscal Note Summary." January 13. http://www.legis.state.wv.us/Fiscalnotes/FN(2)/fnsubmit_recordview1.cfm?RecordID=20055590 (March 7, 2012)

WELFARE REFORM, BLAMING THE VICTIM, OR IMPROVING EFFECTIVENESS?

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Abstract

It is an election year in America. It is the time when politicians seeking new positions, or to renew their current ones, take their most hard-line stance on issues posed to them, in hopes of stirring up agreement within the electorate and gaining that public office which they seek. Within this context, the State of Florida has passed § 414.0652, officially titled, "Drug screening for applicants for Temporary Assistance for Needy Families." This bill an attempt to minimize and/or eliminate abuse of the welfare system by its recipients. In particular, it focuses on the provision of cash benefits to those in need. It attempts to increase certainty that the allocated funds are being spent by recipients as they were meant to be, and not on their vices.

It seems evident that this particular form of corruption seen in the abuse of the welfare system is perceived to be rampant by the general public. A recent poll conducted by Quinnipiac University indicates that 71 percent of Floridians approve of this measure ("Florida Women Like Scott More", 2011). This policy needs to be changed. It is costing the state more money and more headaches than it is worth. It firstly violates the 4th Amendment, because there is not a requirement in the law that there has to be suspicion of drug use in order to test. It secondly treats the poor with Kafkaesque disdain while the data it collected clearly shows that the majority are innocent. Finally, it is counter to the purpose of the program, in that it is taking money that could help alleviate poverty and making it essentially useless. In the pages that will follow, context for §414.0652 will first be given. Next, the problems with the policy will be elaborated upon. Third, changes to the policy to address these problems will be suggested. Finally, a brief assessment as to whether or not the changes suggested in this piece are likely to happen will conclude the piece.

The History of the Policy

The Florida State House of Representatives

So how did this policy come to be in the first place? HB 353 was first proposed by Representative Jimmie Smith, the Republican from the 43rd district of the Florida State House of Representatives. His original bill stated the program to be established under the Department of Children and Families would have the authority to test TANF applicants and/or recipients, but there was a major qualifier, "The department may only screen an applicant who has been convicted of a drug felony within the prior 3 years and shall continue to screen that individual for 3 years". This original version of the bill goes on to say:

(a) An individual is disqualified from receiving or continuing to receive temporary cash assistance if the individual:

1.Refuses to submit to drug screening under this section. Eligibility for temporary cash assistance is restored when the individual agrees to be screened; or:

Tests positive for drugs as a result of a confirmation test performed under this section.

(b) If the individual fails the confirmation test required under this section, the individual:

1.Is not eligible to receive temporary cash assistance for 3 years.

(Florida State Senate, 2011)

The Florida State Senate

A companion bill, SB 556 was introduced the following day into the Florida State Senate, and was laid on the table on May 4, 2011. After months of discussion and referring it to various committees in both houses of the Florida State Legislature, the bill passed on May 5, 2011. It was signed into law by the Governor, Republican Rick Scott, on May 31, 2011, and was to take effect on July 1 of the same year. The bill that was

approved was modified from the original, so that the aforementioned provisions did not appear. Instead, the language of the final approved bill requires that *all* who apply for TANF benefits submit to and pass a drug test. The department is also charged with the task of informing those who fail the drug test "that the individual may reapply for those benefits 1 year after the date of the positive drug test." Applicants are also able to expedite their reinstatement of eligibility in this version of the bill to 6 months after the date of the positive drug test "if the individual can document the successful completion of a substance abuse treatment program" that is licensed by the state (Florida State Statute 414.0652).

Other States

In 2011, Florida was not the only state in which legislation like this was proposed. As a matter of fact, according to an article by the National Council of State Legislatures, there were at least 36 states with legislation similar to that of the drug-testing law in Florida. A number of these states also required drug testing as a condition to receive benefits under the Supplemental Nutrition Assistance Program, formerly known as 'food stamps'. Although so many states considered legislation of this nature, aside from Florida, only two other states enacted legislation in 2011.

In Missouri, legislation came in the form of HB 73. This is similar to Florida in several ways. First, the bill is similar in that it requires testing as a condition to qualify for Temporary Assistance to Needy Families. Second, applicants cannot receive benefits if their drug test comes back positive, or if they refuse to take the test. Should an individual fail the test, just as in Florida, they are ineligible to receive benefits for a given period, but can reapply in 6 months, upon completion of a substance abuse treatment program. However, it is also *unlike* Florida in a number of key ways. Commencement of the TANF application process in Missouri requires a screening process. Said process determines if there is reasonable suspicion that an applicant will abuse TANF monies to fund their drug habit. It is only after an assessment that there is, indeed, reason to believe that an applicant may abuse the TANF funds that the department administering the TANF program may insist upon the applicant providing a urine sample to test for the presence of illicit drugs. In the event of a person suspected of abusing drugs refusing to provide a sample, or the presence of drugs is detected in the sample, Missouri law makes them ineligible for much longer than Florida, at 3 years. Furthermore, it adds duties to caseworkers administering the program. HB 73 requires that caseworkers must report if they know of child abuse related to drug abuse. Finally, caseworkers have to report if they are aware of a positive test result or a refusal by an applicant to take the test. This measure was signed into law by Governor Nixon on July 12, 2011 and took effect August 28.

On April 6, 2011, Arizona was the first state to attach drug testing to welfare benefits. It is unlike either of the measures in Missouri or Florida, in that it was only a temporary measure for the 2011-2012 fiscal year. The law itself says:

"[T]he department of economic security shall screen and test each adult recipient who is otherwise eligible for temporary assistance for needy families cash benefits and who the department has reasonable cause to believe engages in the illegal use of controlled substances. Any recipient who is found to have tested positive for the use of a controlled substance that was not prescribed for the recipient by a licensed health care provider is ineligible to receive benefits for a period of one year" (Senate Bill 1620)

So like Missouri's House Bill 73, and unlike Florida's legislation, testing TANF applicants for drugs is predicated on a reasonable suspicion of drug use. But, like Florida's law, and in contrast to Missouri's law, applicants are ineligible for 1 year. Unlike both of these measures, though, Arizona's law does not expedite the ineligibility period based on completing treatment for drug abuse.

Other Years

2011's abundance of proposals relating drug tests and the provision of social services is not an isolated incident. In 2009, over 20 states proposed similar laws, and in 2010, 12 more states acted as such. However, none of these measures ended with any traction or subsequent passage in their respective State Legislatures.

Marchwinski vs. Howard. In the late 1990's Michigan's State Legislature passed a measure requiring drug testing for people receiving benefits under Michigan's Family Independence Assistance program. This was challenged in a Michigan District Court, with complaints not unlike those against the law in Florida,

but more on that later. The District Court ruled the law unconstitutional because "the State had not demonstrated a special need that justified departure from the ordinary Fourth Amendment requirement of individualized suspicion. The State had not shown that public safety was genuinely placed in jeopardy in the absence of drug testing of all applicants" (113 F. Supp. 2d 1134 [U.S. Dist. 2000]). In this context, 'special need' is referring to situations that would render following typical procedure under the Fourth Amendment [i.e. getting a warrant and the amount of time this takes] impractical to the effective investigation and prosecution of a crime. The District Court ruling was subsequently challenged, first upholding the law, and finally, overturning it in a second appeal. The final ruling in the case was issued in early April of 2003 (60 Fed. Appx. 601 [U.S. App. 2003]). It is because of this case that measures to require drug testing to get benefits from the state have not been so warmly received.

Selective amnesia. However, in recent years, this ruling seems to have become insignificant. Despite the results of *Marchwinski vs. Howard*, as of February 22, 2012, nearly half of the states in the Union have pending action in their legislatures concerning drug testing for recipients of benefits under the TANF program. Several states also have provisions on the table insisting on drug testing recipients and/or applicants of other social services, such as Medicaid, the Supplemental Nutrition Assistance Program, and other social services.

Social Service	States with Pending Drug Testing Laws
TANF	Alabama, California, Colorado, Washington, Utah, Oklahoma, Wyoming, Hawaii, Indiana, Kansas, Maryland, Tennessee, Virginia, West Virginia
TANF and SNAP	Illinois, Iowa, South Dakota
TANF, SNAP, and Medicaid	Kentucky, South Carolina
TANF and other Social Service	Georgia, Michigan, Minnesota, Mississippi

("Drug Testing and Public Assistance" 2012)

Furthermore, as I have explained at great length, three states have made legislation that contradicts this ruling. Florida's statute has even been successfully challenged in court. In her ruling issued October 24, 2011, District Court Judge Mary Scriven ruled Florida Statute 414.0652 unconstitutional because "the State has not demonstrated a substantial special need to justify the wholesale, suspicion less drug testing of all applicants for TANF benefits" (*Lebron vs. Wilkins,* 23 Fla. L. Weekly Fed. D 115 [U.S. Dist. 2011]). In other words, the State of Florida cannot invoke 'special needs', allowing them to circumvent the Fourth Amendment, because it has not shown there is a reason good enough to justify such action.

Problems with the Policy

Constitutional Issues

As *Marchwinski vs. Howard* and *LeBron vs. Wilkins* have alluded to, Florida Statute 414.0652 is a blatant violation of the Fourth Amendment. Nowhere in the language of the law is the drug testing predicated upon reasonable suspicion that applicants may abuse the money they receive through TANF, nor, as judges in both cases have said, is there a valid reason that revoking this protection would make an investigation and/or prosecution of such actions more effective. There is absolutely no reason *whatsoever* to be suspicious of someone merely because he or she applied for government assistance. All it means is that he or she is having difficulty supporting them self or their family. This does not make them a criminal; it is therefore unconstitutional.

Addressing opposition. But, as some may contend, how is this any different from an employer who demands that his or her employees pass drug tests? At first glance, this may appear to be a major shortcoming in the argument against policies like Statute 414.0652. However, it does not stand up to further examination. At stake in this debate is a degree of choice. That is to say, when an employer insists on drug testing his or her employees, there *is* some choice for the employees. Ideally, upon hearing that their employer wants them to pass a drug test, the employees have the ability to choose

whether or not they will stay at this job. Should they choose not to stay, they can find another job that does not require drug tests. In juxtaposition to this, there is *no* choice for the poor. They are being held hostage economically, unable to support themselves and/or their families. They have no other choice but to apply for assistance from the government and if they refuse to take the test, they cannot receive benefits, and will continue to struggle. Furthermore, there is no guarantee that they will find help from private organizations. Even if an individual meets all the requirements for assistance from a charity, they could still be turned away, because of the discretionary power of the organization. It is for this reason that these two situations are not comparable.

	July	August	September	October	All-Time Total	Percentage
Number of Negative Tests	224	1142	1512	1058	3936	96.3
Number of Positive Tests	5	36	30	37	108	2.6
Number of Incomplete Applications	3	19	17	3	42	1
Monthly Total	232	1197	1559	1098	4086	100

(Joe Follick, np)

Numerical Issues

The data does not support the law. The data collected by the Florida Department of Children and Families only serves to support the notion that there is no reason to suspect the poor of abusing TANF to buy drugs. In an interview via e-mail on March 1, 2012, Joe Follick, the Director of Communications for the Florida Department of Children and Families, provided some very telling data. In the four months that drug testing was a requirement for receiving TANF in Florida, 96.3 percent of applicants passed the test, henceforth becoming eligible to receive money from the state. Only 2.6 percent of the applicants failed the test and were denied benefits. The remaining 1 percent of applicants started the application process and, for whatever reason, chose not to complete it. Any attempt to argue that all those who fell into that 1 percent did so for fear that they would fail the required drug test is unsubstantiated speculation at best. There is no way to investigate why each of those TANF applicants chose not to finish the process. As such, this group and the 96.3 percent of applicants whose drug tests came back negative must be presumed innocent. Considering that such a high degree of people seeking TANF benefits are not using drugs, the policy is faulty.

Budgetary Issues

The policy insists that those who apply are responsible for paying the cost of the drug test themselves. If their tests results are negative, they are, of course, entitled to receive TANF monies, but in addition, each applicant's initial payments from the state will be increased by the amount that they paid up front for the drug test. Those who fail are not entitled to benefits, and the law says nothing about reimbursing them for the cost of the drug test (Florida State Statute 414.0652). This reimbursement mechanism combined with the extremely high rate of passing the drug test create a major problem for this policy.

Month	Average Paid for Drug Test	Number of Applicants to Reimburse	Total Reimbursement
July	$35.00	224	7840
August	$35.00	1142	39970
September	$35.00	1512	52920
October	$35.00	1058	37030
Total		3936	137760

It is costing the program more money than it is saving. Along with data concerning the pass/fail and non-compliance rates of applicants for TANF, the Florida Department of Children and Families also keeps track of the amount of benefits given to recipients as well as the amount they have to pay to get the drug test. This is the subject of the table above. The average cost of the drug tests is 35 dollars (Joe Follick, np). This means that the state had to reimburse an average of 35 dollars to 96.3 percent of the applicants for TANF. The percentage cited translates into a total of 3,936 applicants in the 4 months before Judge Scriven granted the injunction against the policy. So, reimbursing 3,936 people at 35 dollars each means that the state spent nearly 138,000 dollars in four months implementing this policy.

However, the policy allowed 2.6 percent of people to be denied benefits because of a positive drug test. This percentage accounts for 108 applicants in the lifespan of the policy, starting July 1, 2011 and ending October 31, 2011. On average, a household qualifying for TANF gets 240 dollars per month. Based on the number of applicants the State was able to deny and the fact that those same applicants were disqualified from receiving benefits in the following months, the state was able to save around 54,000 dollars. This is a net loss of nearly 84,000 dollars. The tables below each show this another way.

Month	Number of Positive Drug Tests	Average Amount Received by Household Qualifying for TANF	Amount Able to Deny Because of Positive Drug Test	Amount Able to Deny in Addition Because of Positive Drug Test in a Previous Month	Total Amount Able to Deny Because of a Positive Drug Test
July	5	$240.00	$1,200.00	$0.00	$1,200.00
August	36	$240.00	$8,640.00	$1,200.00	$9,840.00
September	30	$240.00	$7,200.00	$9,840.00	$17,040.00
October	37	$240.00	$8,880.00	$17,040.00	$25,920.00
Total	108		$25,920.00	$28,080.00	$54,000.00

Overall Amount Denied Because of a Positive Drug Test	Overall Amount Paid in Reimbursements	Net Loss (Amount Denied – Amount Paid in Reimbursements)
$54,000.00	$137,760.00	$83,760.00

Every penny of that 137,760 dollars is counter to the point of the TANF program. The reimbursement neutralizes TANF's ability to assist its recipients. By virtue of the fact that they had to pay for something initially, there is no net gain. This means that the Florida Department of Children and Families effectively has a smaller budget to help the same approximately 90,000 people who qualify for TANF in Florida. It is for this

reason, and the fact that data does not support the suspicion, coupled with the fact that it constitutes an illegal search and seizure, that the policy should be changed.

Change to the Policy

Recalibrating the Law to Fit the Constitution

Although the federal law that establishes and provides for the funding of TANF says that states do, indeed, have the authority to require drug testing as a condition for receiving benefits, the same law also says nothing about the implementation of drug testing. It is up to the individual states that make legislation requiring drug testing to decide how they are going to administer said drug tests (Public Law 104-193). This is precisely how the laws that lead to *Marchwinski vs. Howard* and *LeBron vs. Wilkins,* as well as the aforementioned laws in Missouri and Arizona, came into being in the first place. However, the legislation establishing TANF does not say that individual states have the authority to circumvent the Constitution. Nowhere in the language of the bill does it say that the states deciding to implement policies of drug testing applicants for TANF can test applicants without a reasonable suspicion that they may use or abuse drugs. That would breach citizens' rights to be protected from illegal searches and seizures. This was not stated expressly in the law because it is covered in the 4th Amendment. It was thus unnecessary to include it. So, as *Marchwinski vs. Howard* and *LeBron vs. Wilkins* have both said, there is no reason that the 4th Amendment should not apply.

The key element is that drug testing as a qualification for TANF must be brought back into line with the Constitution. It needs to be instilled in the Florida Department of Children and Families that it is *critical* to have probable cause to suspect that an applicant may abuse drugs *before* they require a drug test from that applicant. Perhaps the most fair way to do this would consist of a screening process, like the process required by the 2011 law in Missouri. An applicant should be required to meet with a caseworker for an interview of sorts. To insure the accountability of the caseworker, the interview should be recorded. The caseworker should be observing the applicant, looking for characteristics of drug use. The caseworker should submit his or her findings, ultimately saying whether or not they believe the applicant is likely to use drugs. If the report says there *is* a reason to suspect that an applicant may abuse drugs, then probable cause for insisting upon a drug test would be established. If the report indicates an applicant to be unlikely to use drugs, then probable cause has not been established, and a drug test cannot be justified. If at any point after the initial report there is reason to suspect said individual of using drugs, they should be reevaluated by the same caseworker whenever possible. He or she will be familiar with the situation, and will be able to fairly say if there is a legitimate change in characteristics of the person, making them more closely match the characteristics of a drug user. This reevaluation process will follow the same pattern as the initial process.

Costs to consider. In departure from the current policy, the State should be required to foot the bill for the drug test. The reason for this is because requiring the poor to pay is not only counter-productive, but it is downright absurd! If the poor have to somehow find the money for a drug test, it has the capacity to make their poverty worse, at the very least temporarily. Paying that average of 35 dollars means that they do not have that money to put gasoline in their car and go to work. It means that the applicants cannot use that money to put food on their table. It means they may not be able to afford to take their sick child to the doctor, much less pay for any treatment that is required. It defeats the purpose of the program altogether, and to reiterate, through reimbursing applicants who pass, effectively neutralizes the ability of a significant portion of funds to actually help the poor. Hopefully, because the screening process will not recommend so many TANF applicants for drug tests, it will increase both the effectiveness of the policy and the amount of money that can actually help the poor. Furthermore, the state would have to contend with caseworkers, and be certain that each caseworker knew what they were looking for. This would require hiring caseworkers with experience dealing with drug use and further educating existing caseworkers that do not have the experience necessary to implement this change. Although these costs would be somewhat high, it would allow the program a better capacity to do that which it was created to do, which is to help those in need.

Is Change Likely?

Unlikely

Republican control of the Florida State Legislature. When the final vote occurred as to whether or not drug testing would become a requirement for the receipt of TANF, it passed in the Florida State House of Representatives 78 to 38, with 3 Representatives not voting. Of those 78 Representatives who voted in favor of requiring drug testing for TANF applicants, only 3 [Representatives Abruzzo, Bembry, and Julien] were Democrats. Conversely, of those 38 Representatives who voted against this legislation, only 2 [Representatives Brandes and Diaz] were Republicans. Finally, all those who did not vote on the legislation were Republican. This means that out of 119 members in the House of Representatives, there are a total of 80 Republicans and 39 Democrats. Similarly, in the Florida State Senate, there are a total of 40 members, 28 being Republicans and 12 being Democrats. What this means is that the Republican Party has control of the Florida State Legislature. When the fact that so few of Florida's state Congressmen and -women defied their party lines in this vote, it would seem to point to this being a very partisan issue. Since the Republicans in the Legislature were instrumental in getting §414.0652 passed in the first place, it seems that any legislative action attempting to reform this policy would be defeated.

This is only compounded by the fact that Governor Rick Scott, also a Republican, adamantly supported the passage of this legislation, saying, "While there are certainly legitimate needs for public assistance, it is unfair for Florida taxpayers to subsidize drug addiction… ." This new law will encourage personal accountability and will help to prevent the misuse of tax dollars" (Kathleen Haughney ,"Scott signs law requiring drug testing for welfare recipients"). Finally, as mentioned in the introduction, poll from Quinnipiac University suggests that 71 percent of people in Florida support the law. One need only look at a calendar to realize that this data is also very telling as to the hope for legislation to reform this policy. It is an election year, and taking on legislation that would inevitably be wildly unpopular with the voters could be detrimental to the current power structure. In other words, those in the Florida State Legislature do not want to make the voters angry, because they would run the risk of losing some form of power. With all of this considered, it seems very unlikely that the Legislature will take any action to reform this policy.

Likely

Courts are not bound to party lines. In contrast from the above, and as discussed previously, there has already been success in challenging the insistence upon drug testing for all applicants for TANF. The District Court ruling granted an injunction, preventing the state of Florida from continuing to drug test, and stopping the program. The State can only resume drug testing if a superior court decided to overturn Judge Scriven's ruling. But, a court decision is not the same as legislative action. The ruling does not specifically outline how the TANF program should try to prevent subsidizing drug abuse. It is not the court's purpose to do that. It *is* moreover, the purpose of the legislature to formulate and enact legislation so that drug testing in the TANF program is in line with the 4th Amendment. Given that the Legislature in Florida is unlikely to act, and that the law has altogether been struck down, pending further court decisions, it is unlikely that this reform or any similar measures are going to pass any time in the near future.

Conclusion

Now is not the only time that drug testing has been pursued as a string attached to receiving aid from the state. However, it is the first time since the 2003 landmark case of *Marchwinski vs. Howard* that any legislation has successfully been enacted, not just in Florida, but in Missouri and Arizona, too. However, as of the October 24, 2011 District Court decision, drug testing TANF applicants without suspicion in Florida is unconstitutional, because it violates the 4th Amendment. But the problems with the policy go further than that. It is not cost effective, as the overwhelming majority of applicants pass the test, yet it still treats applicants in a way that would appall the likes of Franz Kafka; the poor are seen as guilty until proven innocent. Given this, there should instead be a screening process to determine if applicants are likely to use drugs. Alas, considering the public popularity of the original measure, the partisan control of the State Legislature, and the fact that it is an election year, greatly decreases the possibility of reform. The only hope for the near future is that superior courts will uphold the original ruling, getting rid of the drug-testing program entirely. As for the distant future, it

seems that anything is possible due to the pendulous nature of party politics. One thing that can be certain, though, is that programs like TANF are vital, especially in times like the current economic situation.

Bibliography

"An Act Relating to Drug Screening of Potential and 2 Existing Beneficiaries of Temporary Cash Assistance," H.R. 353 (2011). Web. http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx FileName=_h0353__.docx&DocumentType=Bill&BillNumber=0353&Session=2011

Arizona Senate. 1620 (2011) (enacted). Web.

Finzel, Rochelle. "Drug Testing and Public Assistance." *NCSL Home*. National Conference of State Legislatures, 22 Feb. 2012. Web. 28 Feb. 2012.

Florida Code §414.0652 (2011).

Follick, Joe. E-mail interview. 1 Mar. 2012.

Haughney, Kathleen. "Scott Signs Law Requiring Drug Testing for Welfare Recipients."*Florida Sun-Sentinel*. 31 May 2011. Web. 27 Feb. 2012. <http://articles.sun-sentinel.com/2011-05-31/news/fl-florida-drug-test-for-welfare-20110531_1_welfare-recipients-tanf-recipients-new-law>

LeBron vs. Wilkins. United States District Court for the Middle District of Florida. 24 Oct. 2011. *LexisNexis Academic*. Web. 26 Feb. 2012.

Marchwinski vs. Howard. United States Court of Appeals for the Sixth Circuit. 7 Apr. 2003.*LexisNexis Academic*. Web. 02 Mar. 2012

Public Law 104-193 21 USC 862b 21 USC 862b. "SANCTIONING FOR TESTING POSITIVE FOR CONTROLLED SUBSTANCES." (enacted) 1996.

Schwartz, Douglas. Florida (FL) Poll * September 21, 2011 * Florida Women Like Scott More, - Quinnipiac University – Hamden, Connecticut. Florida (FL) Poll * September 21, 2011 Quinnipiac University, 21 Sept. 2011. Web. 21 Feb. 2012. <http://www.quinnipiac.edu/institutes-and-centers/polling-institute/florida/release-detail?ReleaseID=1649>.

AN ANALYSIS OF THE PATIENT PROTECTION AND AFFORDABLE HEALTHCARE ACT

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Abstract

Unlike other industrialized countries the United States, until recently, lacked universal healthcare. According to most estimates close to 16 percent of Americans are uninsured (usatoday.com 2010) due to unemployment and the rising cost of health insurance. The Patient Protection and Affordable Care Act is a highly contentious (and in many states unpopular) piece of legislation and will be examined, discussed, and even possibly repealed during and after the upcoming presidential election. PPACA (the Patient Protection and Affordable Care Act's acronym) extends healthcare to the insured and uninsured, changes the manner in which insurance companies provide coverage, and creates a mandate for individuals to have insurance.

The importance of this policy lies in the fact that it affects a significant percentage of the population. Close to 50 million Americans go without health insurance each year. In the ensuing pages of this policy analysis there will be an examination of PPACA and any possible changes or proposals that could be implemented in order to improve the policy. On the heels of this there will be an assessment of the political will, that is to say, there will be a discussion of the likelihood of any my proposal being implemented. This paper will conclude with a recap of the essential issues discussed. For the purpose of convenience The Patient Protection and Affordable Care Act will be referred to as PPACA.

PPACA's Funding, History, and Enforcement

PPACA was passed less than two years ago after being signed into law by President Obama on March 23rd 2010 (healthcare.gov). Universal healthcare in America has long been discussed. Universal healthcare was pursued by the Kennedy and Clinton administrations and was finally passed into law during the second year of the Obama administration. The following are key provisions for PPACA and can be found at HealthCare.gov, the governmental website designed to provide information about PPACA. PPACA's key provisions are providing health insurance tax credits to small businesses which took effect on January 1st 2010; allowing states to cover more people on Medicaid which became effective April 1st 2010; providing assistance to seniors who encounter the "donut hole" in their insurance; providing coverage for early retirees; providing insurance to the uninsured who have preexisting conditions (effective July 1st 2010); extending coverage to young Americans, allowing them to stay on the insurance of their parents until age 26; providing free preventative care; barring insurance companies from reducing coverage; eliminating lifetime limits on insurance coverage; prohibiting insurance companies from denying coverage to children due to preexisting conditions; improving access to healthcare by strengthening community health centers; providing financial assistance for rural health care providers; providing discounts for prescription drugs; reducing the cost of health care premiums; improving access to those who are homebound; eliminating discriminations based on gender. There are other provisions of PPACA which take effect in 2012, 2013, 2014, and 2015 but the aforementioned provisions are the most significant as they affect the greatest number of people.

The entities charged with implementing PPACA are state governments and the United States Department of Health and Human Services. Due to the United States delegating this responsibility to sub-federal entities there have been numerous instances of states suing the federal government over PPACA.

Benefits of PPACA

It reduces the national deficit while addressing healthcare concerns In addition to proving insurance to the uninsured, according CBO estimates PPACA will reduce the deficit by 143 billion over the next 10 years and by more than a trillion dollars over the course of 20 years (Doherty 2010, 152). In the absence of PPACA the Census Bureau estimates that the number of uninsured Americans would increase to 20 percent. Generally speaking the uninsured tend to be young people, single adults, small business owners, the self-employed and others who are unable to afford health insurance. As a result of increasing the number of insured persons, PPACA also accounts for the necessary increase in healthcare personnel by increasing federal funding to programs such as the National Health Services Corps and other healthcare oriented agencies and professions.

It targets gender discrimination in insurance practices by eliminating the "pre-existence" clause

It has long been the practice of insurance companies to deny coverage due to pre-existing conditions. This practice has had a marked impact more on women than men. For conditions such as fibromyalgia (which affects women at a much higher rate than men) or procedures such C-Sections (which also, surprisingly, affect more women than men) insurance companies, prior to PPACA, were able to deny coverage (Deam 2011, 63).

PPACA does extend coverage By virtue of the individual mandate PPACA arrives at universal healthcare. In doing so it breaks down two barriers that prevent quality care: impediments to care due to fragmentation and confusion and shifting our healthcare model from cure-oriented to prevention oriented. (Cogan Jr. 2011, 39). By mandating that everyone get healthcare insurance by 2014 and shifting the focus of healthcare, PPACA has effectively extended coverage.

Issues concerning PPACA

The Courts The issues encountered by PPACA begin with questions about its legality or perhaps, as some its critics have contested, its illegality. Ohio, Wisconsin, Iowa, Kansas, Wyoming, Maine, Florida and 19—potentially 21 other states as Oklahoma and Virginia appear ready to file suit— other states have sued the federal government over PPACA (swampland.time 2011). Some courts have already begun to address questions about certain elements of PPACA. In Virginia and Florida judges have ruled that there is no constitutional foundation for the individual mandate ordered by PPACA and late last year a federal appeals court panel dismissed the individual mandate (Commentary 2011)—the lynchpin of PPACA—and determined that Congress had ventured outside its lawmaking prerogative by passing the individual mandate (usatoday.com). The Supreme Court is set to assess the constitutionality of PPACA this month.

Can PPACA be effective and efficient?

As history has taught us, it is often the case that governmental policies are inefficiently enforced. Due to the complexities associated with healthcare and the proven ineptness of government, one is inclined to wonder if universal healthcare can be effectively implemented. PPACA calls for regulations on the annual limits of insurance coverage, the reduction of paperwork and administrative cost, the improvement of preventative care, the rebuilding of a primary care workforce, and the reduction of health care fraud and a host of other things. While these things are desirable, they are also quite lofty. PPACA's provisions call for oversight and the creation of another bureaucracy, The Center for Consumer Information & Insurance Oversight. By virtue of creating another bureaucracy and all the duties that accompany its creation—things such as finding potential employees, training employees, finding spaces for those employees to work, PPACA increases the likelihood that it will not be effective nor efficient.

The perception/popularity of PPACA With over half of all states suing the federal government over the legality of PPACA, it would appear to be unpopular. A Gallup poll taken 3 months ago shows that Americans equally support and oppose the bill and another poll taken on February 27th shows that Americans are equally split over supporting or opposing the repeal of PPACA (Jones 2012). It is the opinion of the author that PPACA's unpopularity stems from its association—whether real or perceived—with socialism. Media outlets—conservative and liberal alike—have done their best to either dispel or strengthen such sentiments. Most provisions of PPACA have yet to take effect and its

popularity will be vetted once significant provisions are enacted.

Is PPACA culturally acceptable? Due to the overwhelming influence of the founding fathers and the ideas they championed, any and all governmental actions are viewed through the lens of democracy or tyranny. Unlike other countries and citizens, some Americans view universal healthcare as overreach by the federal government and point to the individual mandate as evidence. The idea that government can order citizens to pay for something is not well received by many Americans. Moreover, as expressed earlier in the section discussing PPACA's popularity/perception, universal healthcare is often compared to European socialism and as a result of this, its "Americanness" is in question. America, until recently, lacked universal healthcare while New Zealand, Great Britain, France, Canada, Australia, and other industrialized, 1st world countries have long had it. For Americans there has long been the view of self-sufficiency, laboring and working hard to provide for oneself the things necessary to live life. While it may be debated whether PPACA actually undermines America's self-sufficient, pioneering spirit if it stands, PPACA will cause a shift in how governmental services are used and viewed.

My healthcare proposal

Beginning with policy proposals for PPACA I would first eliminate the individual mandate. As evidenced by approval ratings and the growing list of states suing the federal government over PPACA, it is evident that an individual mandate is something that citizens do not want. The second reason why I would eliminate the individual mandate is due to the conflict between collective affairs and personal freedoms. By virtue of having a mandate issues such as the right to economic determination and government overreach arise. Additionally there is the issue of constitutionality. The constitution does not grant government the power to enforce a provision such as healthcare mandates. Moreover, by removing the mandate from PPACA it would become more desirable because it would voluntary. Monetarily speaking, this proposal is expense-less. Politically speaking, it may cause President Obama a portion of his political clout as it will appear that he is caving to political pressure. Monetarily speaking however, this particular provision would cost nothing.

In addition to eliminating the individual mandate, I would propose a universal healthcare system merging the Beveridge and Out-Of-Pocket Models in tandem. The Beveridge Model uses taxes to fund healthcare insurance at public hospitals and the Out-Of-Pocket approach allows citizens, if they so please, to purchase or pay for their own medical expenses (PNHP Resources, date unavailable). By combining the two approaches, a universal safety-net would be provided to those unable to afford healthcare and still allow individuals—if they so please and can afford— to seek private medical attention. To pay for this proposal there would need to be the establishment of a new governmental revenue streams. The following would be implemented to pay for this proposal: A 5 percent national property tax, a 5 percent sin tax on all alcohol, "fast food", and tobacco—smoking and chewing—transactions/paraphernalia, the legalization and taxation of marijuana at 15 percent, and a 15 percent reduction of the military/defense budget which would be reallocated to funding this proposal. In the next section there will a calculation of how much this proposal would cost and how much revenue would be generated by implementing the various suggestions.

For fiscal year 2011 895 billion dollars were dedicated to defense spending (newyorktimes.com). By decreasing this amount by 15 percent and reallocating those funds to healthcare purposes 134.25 billion dollars would be generated On average Americans spend close to 100 billion dollars on fast food per year (Palo Alto Medical Foundation). By taxing this stream of revenue 5 billion dollars would be generated for healthcare purposes. On average Americans spend over 90 billion dollars a year on alcohol and alcohol related products (Drug Rehabs.Org). By taxing this stream of revenue 4.5 billion dollars would be created for healthcare purposes. Annually Americans spend 45 billion dollars on tobacco related products (BBC.com). By taxing this revenue stream 4.5 billion dollars would be created for healthcare purposes. According to some estimates Americans spend close to 110 billion dollars per year on marijuana (businessweek.com) and the United States spends close to 8 billion dollars a year on marijuana related law enforcement (Blackley and Shepard 2007, 34). By legalizing and taxing marijuana—and eliminating the cost attached to enforcing its illegality—close to 25 billion dollars could be generated for healthcare purposes. If these taxes and reductions are

implemented over 173 billion dollars could be generated for healthcare.

On average the American family spends between 15,000 and 20,000 dollars a year on healthcare related services and there are about 117 million families in the United States (the newyorktimes.com). At this point it is difficult to assess how much this proposal would cost. Due to unemployment, inflated prices for medical procedures, limited access to medical facilities in rural regions, widespread obesity, and a host of other factors the cost of this proposal is likely to be in the same price range of PPACA.

Assessing Political Will

In this climate of hyper-partisanship it is highly unlikely that the proposal offered would be considered, much less passed. The unpopularity of the bill lies largely in the fact that it relies on taxes that affect a great number of people. Many people eat fast-food, smoke, drink alcohol and do not support legalizing marijuana. As outlined by the plan I submitted, in order to help fund healthcare there would be tremendous taxes placed on a number of popular items.

Polls show that Americans' do not respond kindly to unpopular legislation regardless of how necessary or useful that legislation is. Case-in-point: After passing PPACA many Democratic Representatives were ousted from office. Voters responded to unpopular legislation with anger and voted out those they held to be responsible.

To have this policy enacted the usual actors in American politics would have to not take an active role in influencing the decisions of politicians. Companies such Phillip Morris, JR Cigars, RJR Nabisco and other tobacco companies would have to allow their consumers to be taxed a rate higher than they already are. Alcohol companies such as Miller Lite, Budweiser, and other powerful alcohol companies would also have to not become involved. The ever-present McDonalds executives would also have to simply sit back and allow consumers to be taxed at a high rate. Our military budget has become a sacred cow; under no conditions is it to be touched or even looked upon as being an option for funding. Like the major business entities that would protect their interest against tax hikes, due to the military industrial complex defense too has an air of business to it. Our defense spending is every bit as much a business as alcohol, tobacco, and fast-food consumption. It exists, in large part, not out of need but out of profitability and therefore it too has all the economic clout that other businesses possess.

Looking across the broad spectrum that is American politics, the groups who would likely support this approach are those who do not have insurance. Across the board this bill would be unpopular but it would go great lengths in addressing our healthcare woes. It addresses the uninsured by making healthcare universally available like the police department or fire department but it also leaves open the possibility that individuals can pay for healthcare on their own much like a person has access to the services of local police officers but can still choose to employ a personal body guard or parents have access to public schools but can still opt to send their children to private academic institutions. The concepts are very similar.

In this political climate it is difficult to reach a consensus on what time the Pledge of Allegiance should be read at congressional hearings much less agreeing on policy. Partisanship is so pervasive throughout Washington that at this time the political climate rules out the possibility of enacting any controversial measures however necessary they might be. In addition to this, it is election season and our political representatives are reluctant to pass any legislation that may have an adverse effect on their re-election prospects. Ultimately, this legislation stands very little chance of passing though it would likely address our healthcare concerns in an effective and efficient manner.

Conclusion

Ultimately PPACA, like other forms of legislation, has desirable and undesirable elements. By any indication most would agree that the healthcare system in the United States is in dire need of reform. Hospitals serve to few, insurance covers to little, and mental, emotional, and physical needs are at an all-time high. By passing PPACA our governmental leaders have addressed, at least for the moment, the concern of healthcare. The issue of healthcare in America is symptomatic of another, bigger issue facing Americans: Having enough money to afford life. As college tuition continues to rise while financial aid diminishes, as thousands of houses continue to sit abandoned across suburbs in America, and as we continue to struggle to surmount and recover from the recession, for the first

time in some time many Americans are faced with difficult financial situations not of their making.

Reference Page

Cogan, John Aloysius. 2011. "The Affordable Care Act's Preventive Services Mandate: Breaking Down the Barriers to Nationwide Access to Preventive Services.." Journal of Law, Medicine & Ethics. (Fall):. (accessed March 8th, 2011)

Doherty, Robert B. 2010. "The Certitudes and Uncertainties of Health Reform." Annals of Internal Medicine (May):. (accessed March 8, 2012)

Deam, Jenny. 2011. "Preexisting Condition: Female." Prevention (December): (accessed March 8, 2012)

Easton, Stephen. 2009. "Pro: Fund Crime—Or Taxes." May 8th. http://www.businessweek.com/debateroom/archives/2010/03/legalize_marijuana_for_tax_revenue.html (accessed March 8th 2012)

Gallup Politics. 2012. "Americans Divided on Repeal of 2010 Healthcare Law." March 27th. http://www.gallup.com/poll/152969/Americans-Divided-Repeal-2010-Healthcare-Law.aspx (accessed March 8th 2012)

Shepard, Edward M. "The Impact of Marijuana Law Enforcement in an Economic Model of Crime." Journal of Drug Issues (Spring): (accessed March 8th, 2012)

Troy, Tevi. 2011. "Obama Care Repudiated." Commentary (March): (March 8, 2012)

usatoday.com. 2010. "Number of uninsured Americans rises to 50.7 million." September 17. http://www.usatoday.com/news/nation/2010-09-17-uninsured17_ST_N.htm (accessed March 8, 2012).

Newyorkpost.com. 2011. "Obama's 2011 Budget Proposal: How It's Spent Obama's 2011 Budget Proposal: February 1. http://www.nytimes.com/interactive/2010/02/01/us/budget.html (accessed March 8, 2012)

usatoday.com. 2010. "Number of uninsured Americans rises to 50.7 million." September 17. http://www.usatoday.com/news/nation/2010-09-17-uninsured17_ST_N.htm (accessed March 8, 2012).

PATIENT PROTECTION AND AFFORDABLE CARE ACT: MEDICAL SUSTAINABILITY FOR AMERICA IN THE NEWLY REFORMED MEDICAL COMMUNITY

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Abstract

"To keep the body in good health is a duty, otherwise we shall not be able to keep our mind strong and clear." This quote by Buddha covers the way I feel about health and medical care completely. By extension, I believe that healthcare should be available for everyone. There are various foreign policies concerning healthcare at the national level, and I wish to explore these policies. Specifically, I would like to study the recent Patient Protection and Affordable Care Act and other provisions to the bill that have been enacted within recent years by President Obama and the current Congress. In addition, I wish to study the repercussions and benefits of these reforms, and whether they will allow for sustainability of the medical community in years to come.

Introduction

Medical care is essential to every person in the United States. Perhaps not in the exact same ways, but it is safe to say that everyone will need some type of medical attention in their lifetime. In America, medical care has many demands, and honestly, we like it that way. There are demands for doctors that are unique from everyone else. With an extensive, expensive, and extremely challenging education, and a willingness to help anyone and everyone they meet, no matter how ridiculous the case may be. This certainly hinders the pool of students who choose to go to medical school and be doctors. Because of these things, doctors are paid enormous amounts of money. Also, doctors need staff; they cannot do everything by themselves. The staff also needs higher education; we like our nurses, anesthesiologists, medical billing personnel, and every other person in the medical field educated. Both the doctors and the staff need supplies. These supplies can expand into every spectrum. These supplies range from paper clips to flow-cytometers, which are used in the diagnosis and research of various types of blood diseases. These things cost money: everything costs money. Especially in the medical industry, everything costs large amounts of money. For example, one pack of intubation tubes is close to $300. To cover the expenses of administering medical care, the cost of the education, the staff, and the care itself, the costs in total are astronomical. Surely, the masses cannot afford these expenses. Luckily, the government has come to our aid. The government offers such programs as Medicare and Medicaid. However, some people do not qualify. Theoretically, that is where insurance comes in. Insurance providers offer benefits of medical care through employers for a coverage charge, usually out of people's paychecks, and it is much cheaper that way. One could also buy insurance directly from and health insurance agency, but the policy rates are usually astronomical and not affordable to people without jobs. However, some things are not covered in any case. This is where the Patient Protection and Affordable Care Act come into play.

The Patient Protection and Affordable Care Act has been a hot-button topic for America since its enactment. The Patient Protection and Affordable Care Act is an expansive piece of legislation passed by Congress March 21, 2010 and enacted into law by President Barack Obama two days later. This article will go into great detail, outlining the progression of the Patient Protection and Affordable Care Act, how the media has affected its image, how it has affected the President's image, the realities, and the misnomers regarding the legislation. Finally, I will speculate its sustainability in the medical community, or how it needs to be amended, or even possibly how the medical system as a whole should be changed.

The Story of the Patient Protection and Affordable Care Act: the Good, the Bad, and the Ugly

First of all, there are many rumors, realities, and facts going around about the Patient Protection and Affordable Care Act, all jumbled together, twisted, and tied in knots by media supporters and not-supporters, politicians, and citizens in general. For those who do not regularly stay informed about the politics of the day, it may be difficult to weed out the realities from the lies, and the propaganda from the truths. In this section, I will discuss the Patient Protection and Affordable Care Act, and explore the realities, the facts, and the fiction behind this hot-button issue.

The facts.

I like to think that healthcare reform has been an idea in the minds of Senators and Representatives for years, because it is no secret that healthcare in this country is not perfect and something will have to be done to change it. The Patient Protection and Affordable Care Act has been in the process for a while, despite that the media has portrayed it as President Obama's big project, created by the President alone in a matter of months to effectively drive them insane and catch the American people by surprise. President Obama first introduced the ideas behind the Patient Protection and Affordable Care Act, in a speech given to a joint-session of Congress on February 24, 2009. President Obama proposed that America would get back on its feet if we deal with three sustaining issues in American society: energy, healthcare, and education (Joint Session 2009). This is where the idea of healthcare reform was born. From there, a healthcare reform bill entitled the "Service Members Home Ownership Tax Act of 2009" was introduced in the House of Representatives by Charles Rangel on September 17, 2009 (Library of Congress 2009). It was then passed by the House on October 8, 2009 with 416 yeas and 16 not voting (Clerk 2009). From there, it was given to the Senate for consideration, where it was passed on December 24, 2009 as the "Patient Protection and Affordable Care Act," with 60 yeas, 39 nays, and 1 not voting (United States Senate 2009). This vote was split with all Democrats and two Independents voting yea, and all Republicans voting nay, with one Republican from Kentucky not voting (United States Senate 2009). From there, the House agreed to the Senate Amendments, with 219 yeas and 212 nays (Clerk 2010) on March 21, 2010. Finally, the Patient Protection and Affordable Care Act was signed into law by the President March 23, 2010.

The fiction.

There was and still is a lot of commotion surrounding the Patient Protection and Affordable Care Act. The main issue that is brought up by Republicans and media is that this bill was President Obama's doings, and his alone. This is completely false. With the demographics that I have shown above, there was obviously very quick, assertive, and active involvement surrounding this bill. Granted, the Republicans in the Senate did everything they could Christmas eve of 2009 to stop it, but the fact of the matter is that this 2,000 plus page piece of legislation was drafted, amended, voted on various times by Congress, and signed by the President in less than a year. This proves without a doubt that our elected Representatives and Senators, obviously not all of them but the majority, believed that President Obama was on the right page, and something must be done about healthcare in the United States with all deliberate speed. President Obama could not have done that alone, all the while juggling many other diplomatic, military, economic, and many other efforts. The notion that Obama singlehandedly carried out everything involving the Patient Protection and Affordable Care Act is a dramatic misnomer, created by people who do not support the President.

Also, there are many people who believe that the Patient Protection and Affordable Care Act will make the United States a "socialist country," that our President is a "socialist," and that "socialism" is a bad thing. First, one must understand what socialism really is, and not what the media has coined it to be. Socialism can be defined by any political science textbook or even the dictionary. Merriam-Webster define socialism as, "any of various economic and political theories advocating collective or governmental ownership and administration of the means of production and distribution of goods; a system or condition of society in which the means of production are owned and controlled by the state; a stage of society in Marxist theory transitional between capitalism and communism and distinguished by unequal distribution of goods and pay according to work done."

`According to this definition, and any definition of socialism that anyone will ever find defines an economic

structure and a political structure, and not a healthcare structure. In these definitions of socialism, they describe a political and economic system that is in charge of "the means of production and distribution of goods." According to this, does that make healthcare, the practice of medicine, and health insurance a production? That makes no sense. However, the practice of medicine, health insurance, and healthcare could possibly fall under the second component of that statement, a distribution of goods. Goods, being the healthcare, medications, surgeries, procedures, and other things that medical professionals offer us as consumers to remedy our ailments, whatever they may be. Also, the fact that the definition of socialism uses "a stage of society in Marxist theory transitional between capitalism and communism" gives people the collywobbles, because as Americans, we strongly believe that anything other than democracy is a bad, bad thing, and we will not become the enemy. With this definition, people clearly get the impression that socialism is quasi-communism, and we cannot be having that as the most powerful country in the world. With this, pundits have been calling Obama a "socialist" for years now because of the Patient Protection and Affordable Care Act. Does that mean our President is a "quasi-Communist" too? Is he really the Anti-Christ, like he has been rumored to be since his campaign for President alongside Republican forerunner, John McCain?

I believe these ideas are far-fetched at best, and really do not convey the realities behind the Patient Protection and Affordable Care Act. I believe these ideological nightmares were schemes concocted by Republicans, pundits, reporters, and critics alike to get the American people watching the news, reading the newspapers, and upset over political decisions that were in reality fully endorsed by the majority of their Senators and Representatives. The Patient Protection and Affordable Care Act was not composed in secret and amended and signed into law in the middle of the night. It was not a clandestine operation done to overthrow capitalism and make us all semi-Communist. These Acts were merely a big step forward for our politicians today to making the United States a better state, and making healthcare more accessible to every citizen in America.

The realities.

The Patient Protection and Affordable Care Act is an article of legislation, weighing in at a whopping 906 pages (Patient Protection and Affordable Care Act 2010). It is certainly not the lightest piece of legislation ever passed, but it is certainly not the biggest either. According to OpenCongress, a non-profit organization designed to translate public policy into terms the normal American citizen can understand, the Patient Protection and Affordable Care Act "would expand health care coverage to 31 million currently uninsured Americans through a combination of cost controls, subsidies and mandates. It is estimated to cost $848 billion over a 10-year period, but would be fully offset by new taxes and revenues and would actually reduce the deficit by $131 billion over the same period (OpenCongress)." The Patient Protection and Affordable Care Act can be summarized as this: every American citizen is given quality healthcare regardless of salary, race, age, or gender, and quality healthcare is guaranteed to every individual, no matter whether they have health insurance already or not.

The bill will be implemented by the federal government in mandates to the states concerning healthcare and where money should go, lest the state in question decides to go against the government's mandates. Also, in long run of a decade, federal taxes and revenues will increase, thus helping to pay for the costs of healthcare, and also to hopefully decrease the deficit. The bill also aims to streamline the process of getting Medicare, Medicaid, and CHIP to those who need it. The bill also outlines strategies for national reform of hospices and also cancer hospitals. The Patient Protection and Affordable Care Act also aims to implement improvements of hospital salaries.

Speaking of salaries, let us talk about the projected fiscal scenarios that could possibly come out of the Patient Protection and Affordable Care Act, as outlined by the Congressional Budget Office. In this document, the Congressional Budget Office outlines the possible outcomes and scenarios that could arise over the next few decades (Congressional Budget Office 2011). These projections take all variables into account when it comes to predicted spending and economic progress, even the ages of the working class and the number of individuals retiring and will be using Social Security. Among other things in this analytical report, the Congressional Budget Office predicts that with the legislation passed by Congress and signed into law by the President, the projected costs of Medicare have decreased.

Also, medical insurance companies will not be allowed to deny people coverage or cancel their coverage when they get sick, and they will not be allowed to "impose lifetime caps on coverage (The Commonwealth Fund 2012)."

How can it be changed?

That really is the question, isn't it? Even though the Patient Protection and Affordable Care Act is 906 pages, but it is almost ambiguous when it comes to implementing the policies that are outlined in the law. It some ways, it is speculative as to who is supposed to be implementing what on the local, state, or federal level. Some things are explicit to federal government, like Medicare and Medicaid, and those things are paid for by government and partially by the States. However, does the same sort of mentality remain the same for the Patient Protection and Affordable Care Act? There are evidently some kinks that are going to need to be worked out by the courts. Consequently, the Patient Protection and Affordable Care Act is starting to be appealed up to the United States Supreme Court, where they will justify if it is constitutional or not. However, every American's health is different, and because everyone has different needs, maybe it cannot be changed. However, should funding be distributed in a different way, or perhaps not left to ambiguity, like it is in the Patient Protection and Affordable Care Act? It may be a more practical approach to begin at the root of the problem: should medical costs of supplies and such not have the free reign to inflate their cost, because there really is so much demand? Where should it start? Should students who are pursuing a career in medicine not be made to pay such astronomical rates for their educations, should a medical school scholarship program be implemented?

I believe that most Americans can agree that something must be done when it comes to the accessibility of medical care and supplies at a reasonable price, without sacrificing the quality that insurance ensures those who have it. I believe that we can all agree that is it not fair that only the wealthiest of people can afford the world's finest surgeons, when those seeking medical attention can agree that their health is their most important priority. However, I believe that the Patient Protection and Affordable Care Act stretches itself a little thin when it comes to trying to encompass everyone under one law when it comes to medical care, how it should implemented, and at what price.

Should the Patient Protection and Affordable Care Act be changed? Can it be sustained by the medical community as it is? Unfortunately, I believe that the Patient Protection and Affordable Care Act needs to be changed, and it cannot be sustained by the medical community as it is. Medical care and all the things that come with it cost money. Because of this, medical costs when it comes to paying doctors and staff and buying supplies are at an all-time high, where people are not obligated anymore to pay for their subscriptions, surgeries, and tests in full, and this is seriously hindering the costs of practicing medicine. Doctors are closing their doors after years and years of owning their own private practices because people cannot pay for their care (Kavilanz 2012).

Consequently, will the Patient Protection and Affordable Care Act be overturned by the Supreme Court, as the cases begin to roll in? I believe it will be, and I believe that unfortunately the bill will not hold water for long, and it will end up being a wash. However, the idea of healthcare reform has been planted in the heads of Americans, and I believe that the Patient Protection and Affordable Care Act has gotten people thinking about what can be done to make it better.

Constitutionally, the American government has two tiers: state and federal. I believe that all three of these tiers need to be working together to reform healthcare at every level to make it effective, and not just pass a bill through Congress, simply acting from the top and expecting the effects to trickle down to the local level, which answer to state government healthcare regulations. Every level of government has to be proactive, clear and positive in moving for healthcare reform, and each level needs to get every political figure, pundit, companies, and everyone else involved in the movement for such a massive change like healthcare reform. This cannot be a one-tier effort, everyone needs to get behind this change, which also means that people would have to put their political preferences aside, which will probably not happen in or close to an election year in this case; there will only be finger-pointing, like there is right now.

Unfortunately, if something were to happen, every change comes at a price. For medical care to be made cheaper through the masses, I believe that it is too soon to tell what needs to be changed when it comes to the

Patient Protection and Affordable Care Act. Yes, people despise new and higher taxes, but the Patient Protection and Affordable Care Act will be enacting them over the next 10 years. However, what most neglect to realize is that it will be for every Americans benefit in the end.

Americans like results, and we like them fast. The Patient Protection and Affordable Care Act cannot give us instant gratification, but I believe that in the long run, higher taxes and citizens' support of this legislation will allow it to go the distance. As for a specific change, I believe that political leaders need to put the partisan platforms and agendas aside, and show America what this bill is really about, what it aims to do, and what we can expect. There is so much controversy over this legislation, and it is mostly rumors and the things that pundits throw out there to their audiences to spread and be angry about.

Political Will

Since healthcare affects everyone, I believe that every political actor will have some incentive to either support or oppose a proposal for healthcare reform. Specifically to my proposal, those who oppose higher taxes will not like the idea of higher taxes at every level of government. The media will more than likely have to decide whether they are against or for the idea, depending on the partisanship of the network. Consequently, if healthcare reform divides right down party lines like it has since 2010, then networks will get behind their party and progress will be lost. Depending on my political party and who will propose my proposal to Congress, the other party will oppose it. Congress and even the government in general has been a stick in the mud when it comes to anything that would possibly help the citizens of the nation, and it's about time things were changed and change or even trying something new was met with opposition and crucifixion by the media and other political parties. Unfortunately, I wish that America would see that the Patient Protection and Affordable Care Act as a step in the right direction, but that is not how it is being portrayed in recent days. In short, political will is integral to proposing any kind of healthcare reform, and people must put that aside for the good of everyone.

Concluding Remarks

The Patient Protection and Affordable Care Act has been an object of debate since it was signed into law in 2010. However, many remarks made about the law have been false or overdramatized, and it is up to us as citizens to distinguish the true from the false. The reality of the Patient Protection and Affordable Care Act is that it aims to do many great things for American citizens, and it is bringing down costs of Medicare the way it is implemented now, but the Patient Protection and Affordable Care Act has been shown to fall a little short of perfect and cannot be sustained the way it is by the medical community. However, it is a great step forward in healthcare reform. I believe that every level of government should enact their own healthcare reformations, and not just a big piece of legislation from above to remedy the issues at hand.

References

Caraway, David MD, et al. 2011. "Patient Protection and Affordable Care Act of 2010: Reforming the Health Care Reform for the New Decade." *Pain Physician Journal* 14: E35-E67.

Congressional Budget Office. 2011. *CBO's 2011 Long Term Budget Outlook*. Washington, D.C.: United States Congress. http://cbo.gov/publication/41486 (February 13, 2012).

Foster, Robert S. 2010. Estimated Financial Effects of the 'Patient Protection and Affordable Care Act,' as Passed by the U. S. Senate on December 24 2009. New York: Diane Publishing.

Kavilanz, Parija. 2012. "Small Business: Doctors Going Broke." *CNNMoney*. http://money.cnn.com/2012/01/05/smallbusiness/doctors_broke/index.htm (March 4, 2012).

Merriam-Webster Online Dictionary. Definition of socialism. http://www.merriam-webster.com/dictionary/socialism (March 4, 2012).

OpenCongress. 2010. "Healthcare Bill-H.R. 3590: Patient Protection and Affordable Care Act-U.S. Congress." http://www.opencongress.org/bill/111-h3590/show (March 4, 2012).

Patient Protection and Affordable Care Act. 2010. http://www.gpo.gov/fdsys/pkg/PLAW-111publ148/pdf/PLAW-111publ148.pdf (March 2, 2012).

The Commonwealth Fund. 2012. "Health Reform Resource Center: What's in the Affordable Care Act?" http://www.commonwealthfund.org/Health-Reform/Health-Reform-Resource.aspx (March 4, 2012).

U.S. Congress. Clerk. 2009. http://clerk.house.gov/evs/2009/roll768.xml (February 20, 2012).

U. S. Congress. House of Representatives. Clerk. 2010. "House agrees to Senate Amendments." http://clerk.house.gov/evs/2010/roll165.xml (February 12, 2012).

U.S. Congress. Library of Congress. 2009. "Bill Summary and Status." http://thomas.loc.gov/cgi-bin/bdquery/z?d111:H.R.3590: (February 10, 2012).

U.S. Congress. Senate. United States Senate Archives. 2009. http://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote_cfm.cfm?congress=111&session=1&vote=00396 (February 20, 2012).

U.S. Congress. Senate and House of Representatives. Joint-Session. 2009. *Bringing America Back on its Feet.* 111th Cong., 24 February.

FOR RICHER, FOR POORER

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Abstract

In 1996 the 104th Congress passed Public Law 104-193, the Personal Responsibility and Work Opportunity Act. The goals of this legislation included ending welfare entitlement and establishing Temporary Assistance for Needy Families (TANF). This legislation was heralded as "welfare reform" and members of the public supported ending a program they saw as promoting intergenerational dependency. A lesser discussed provision of the Act did, in fact, promote a different kind of dependency: marriage.

Congress established marriage as a fundamental building block of society and used this law to encourage two-parent families. TANF is allotted in block grants to states. TANF funds are dispersed by the state and must go into programs meeting TANF guidelines and objectives. In West Virginia, beneficiaries of such funds are given an extra $100 a month if the parents are married. This practice, which aims to reduce poverty rates among children, can ultimately be more damaging. Providing additional funds to families based upon marriage can encourage men and women to stay in an unhealthy or violent marriage which may expose all parties to domestic or sexual violence. Data on domestic violence, sexual abuse, and their physiological and psychological outcomes shows evidence of the immense danger of intimate partner violence (Levendosky 2001). This work will analyze the history and current policy of Public Law 104-193, propose changes, and assess whether the changes are likely to be adopted.

Introduction

Socialism. It is the buzz-word surrounding the Presidency of Barack Obama. The People have developed a fear for this seemingly foreign style of governance and discussions of its influence permeate the American political landscape. There has never been a time when welfare has been more fiercely debated or more used by the masses (1 in 7 Americans is currently on food stamps). Social welfare programs have seen an increase in participation since President Barack Obama took office in 2008. Social welfare program utilization is historically high— approximately 44.7 million Americans benefited from these programs as of October 2011 (Finch 2011).

In the Republican Primary race, President Obama has been demonized as "the food stamp President" and public opinion has turned strongly in favor of the drug testing of welfare recipients in Florida. The myth of the welfare queen still resonates with many and Americans cannot vocalize enough dissent.

TANF, established in 1996 as part of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) under President Bill Clinton is the cornerstone of current social policy in the United States. The mission statement of the TANF program includes (a) assisting needy families so that children can be cared for in their own homes (b) reducing the dependency of needy parents by promoting job preparation, work and marriage (c)preventing out-of-wedlock pregnancies; and (d)encouraging the formation and maintenance of two-parent families.

TANF funding is allotted in block grants to the states with the agreement that funds provided will be used to meet the goals of the federal program. States use this money to provide cash assistance and employment/work support programs along with other services such as childcare.

It can be argued that the marriage promotion portion of the program is misguided under the best circumstances and detrimental at worst. In the State of West Virginia, TANF funds are directly distributed as cash assistance "bonuses" to married parents and may

encourage the maintenance of unhealthy or violent relationships.

Beginnings

In the early twentieth century, women's voluntary groups across the nation mobilized with the hope of providing public assistance to widowed mothers and their children. Between 1911 and 1916, 28 states had responded to fierce lobbyists and implemented mothers' pensions. By 1920, 40 states had established these pension programs (A Brief History of the AFDC Program).

The New Deal

In the throes of the Great Depression, Grace Abbott and Katherine Lenroot, directors of the United States Children's Bureau under the United States Department of Labor, drafted an initiative that would provide not only cash assistance to single mothers, regardless of their marital status, but also to provide social services. This was an effort not to treat symptoms of poverty but to work toward the alleviation of poverty. The two women lobbied to have the initiative adopted under the New Deal as a component of the burgeoning Social Security program.

The Administration of Franklin D. Roosevelt did adopt the program but made some substantial changes. State participation was voluntary and the majority of federal oversight was removed from the program. The funding was cut from a proposed $120 million to $ 25 million. The program was provided for in the Social Security Act of 1935, one of the most recognized accomplishments of FDR . Title IV of this legislation provided for Aid to Dependent Children (ADC) under control of the United States Department of Health and Human Services. The funds from this program would be given to families with children whose parents were either absent, incapacitated, or unemployed (A Brief History of the AFDC Program).

The 1960's

During the Civil Rights Movement, the National Welfare Rights Association worked to remove the injustices of the welfare system. The organization saw the need for uniform federal requirements for ADC and fought to remove degrading eligibility requirements such as a ban on cohabitation for unwed mothers and their spouses. It also prohibited illegitimate children from receiving benefits and reduced access to benefits for African Americans. They labored to establish a recipient's right to a hearing prior to the revocation of benefits (A Brief History of the AFDC Program).

In 1962, the name of the program was changed to the familiar Aid to Families with Dependent Children (AFDC) amid criticism suggesting that the program encouraged out-of-wedlock births and that the program discouraged marriage. Two-parent families became eligible to receive benefits.

During the 1980s the program came under increased criticism for being "ineffective." It was during this time period in which Ronald Regan relayed the story of the "welfare queen" from the Southside of Chicago who lived in luxury while bilking the system. Criticism from the Democratic Party addressed the poverty cycle which they claimed arose from a constant reliance on public assistance.

1996

The 104th Congress passed the Personal Responsibility and Work Reconciliation Act of 1996 (PRWORA) as a reaction to the call for "welfare reform." The new legislation was initiated by Newt Gingrich and signed into practice as Public Law 104-193 under President Bill Clinton. This policy was enacted during an election cycle when Clinton's campaign promised to re-work the system and prevent lifelong dependence on the government. The new focus of public assistance became putting recipients to work. PRWORA effectively put an end to the outdated AFDC. Temporary Assistance to Needy Families (TANF) took its place (A Brief History of the AFDC Program).

Policies Adopted Since the Implementation of PRWORA

Healthy Marriage Initiative. In 2003, the Administration for Children and Families launched the Healthy Marriage Initiative. The legislation was passed under President George W. Bush. The policy aimed to raise the number of children living within the households of two-parent families. The main objectives centered around creating healthy marriages by offering marriage counseling programs and programs to teach expectant parents conflict resolution, parenting skills, financial management, and marriage skills. Divorce reduction programs were also put into effect. The Healthy Marriage Initiative addressed the reduction of domestic violence as part of the program. The program was given a budget of $1.5 Billion dollars.

National Fatherhood Initiative. President Obama launched the National Fatherhood Initiative in response to research showing that 24 million children in the United States live separately from their biological fathers *and* that children reared without the influence of their father are more likely to engage in drug use and to live in poverty. The plan coaches men on strategies and actions to take an active role in the lives of their children. Billboards throughout the country tout the slogan "Take time to be a father today."

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996

Mission Statement

The mission statement for PRWORA includes: (a) assisting needy families so that children can be cared for in their own homes (b) reducing the dependency of needy parents by promoting job preparation, work and marriage (c)preventing out-of-wedlock pregnancies; and (d)encouraging the formation and maintenance of two-parent families. (Office of Family Assistance 2009).

Major Provisions

PRWORA enumerates three major provisions that are put on the state when allocating TANF funds:

States cannot extend TANF benefits to any persons who have received TANF benefits for a cumulative 60 months. This federal 5 year lifetime cap is intended to end a culture of entitlement and dependency on the state. Individual states can set their own time limits on the program. States such as Arizona have established a 24 month cap for lifetime eligibility

Persons convicted of any felony drug offense are automatically ineligible for TANF benefits or food stamps. States can opt-out and provide benefits if they choose.

Unmarried teen parents must remain in school and live with a responsible adult to receive TANF benefits (Department of Health and Human Services 1997).

Work Requirement

Unless a state opts out, non-exempt adult recipients who are not working must participate in community service two months after they start receiving benefits.

Adults are required to participate in work activities two years after they start receiving assistance under the block grant.

States may exempt parents with children under 1 from work requirements, and may disregard them in calculating participation rates.

States may not penalize parents with children under 6 for not working if child care is not available (Department of Health and Human Services 1997).

TANF Funding

The Federal Government allocates approximately $16.7 billion in block grants annually for the implementation of TANF programs. States must spend $10.5 billion annually on TANF to keep federal funding (Department of Health and Human Services 1997).

Encouraging Marriage

In meeting the goals of the Personal Responsibility and Work Reconciliation Act, states are encouraged to address issues related to the establishment and maintenance of two-parent households. This policy set out the premise of marriage as a cure-all for societal ills including but most certainly limited to child poverty. TANF funds are allotted to the states to establish and maintain the goals of this bill which encompass the promotion of marriage. States including West Virginia have used funds to establish marriage programs that instruct women on how to nurture a romantic relationship into a marriage and how to maintain a marriage once making the commitment. Such programs aim to teach women the benefits of being married and fill women with the belief that marriage is the answer to their financial woes.

A New Dependency

For many, any entitlement or dependency on the state make social welfare programs such as TANF unpopular. However, this legislation encourages women to be dependent on men and in a regressive fashion, promotes patriarchy—labeling matriarchy as inherently wrong. Families that do not fall within the traditional mold of a nuclear family are labeled as *other* or as undesirable. This negates the positive dependent relationship between children and their mothers. With this action, the federal government asserts that women are not capable of becoming productive citizens on their own and that a union with a man may be the best way to lift them out of poverty (Onwuachi-Willig 2005).

Sharon Lerner (2004) discusses the relationship between poverty and singleness. She says that while research demonstrates that people who are married are,

on average, happier, healthier, and better off financially than their single counterparts, this merely demonstrates correlation. Causation cannot be inferred from available data.

Those who are included in the ongoing Fragile Families Survey, which has documented the relationships of 3,700 low-income families since 1998, show that most of the participants who were romantically involved near the time of their child's birth had a strong desire to get married at that time. This period is referred to as "the magic window." However, a year after the birth of the couple's child, only 15 percent of the couples involved had gotten married.

Lerner says that the couples do not feel that they have achieved enough or are finically prepared enough to enter into a commitment of such magnitude. The Fragile Families survey suggests that an increase in income will prompt a man to marry sooner.

Domestic Violence Among Low-Income Families

Studies suggest that every year up to one quarter of women receiving TANF benefits are the victims of intimate partner violence. Two-thirds of these women have been victimized in their lifetime. Women suffering at the hand of an abusive partner are more likely to report depressive disorders and finical insecurity. According to Richard Toleman(2001), " Abused women are twice as likely as nonabused women to rate their health as fair or poor and more likely to report physical symptoms of health problems." Other effects of intimate partner violence include substance abuse, Post Traumatic Stress Disorder, and physical illness including stroke and heart disease.

Children who witness domestic violence in their home are likely to be victimized themselves. Children may suffer from an inability to function within social settings, failure to thrive intellectually, and from an increased risk of sexual violence (Leptist 2010).

Financial fears. Physical abuse and the resulting injury and illness can create barriers to employment. Women who are forced to miss work repetitively due to injury or illness are at risk for losing their jobs and thus, they are more subject to dependency on their abusive male counterparts. In states such as West Virginia where TANF "bonus" cash assistance is awarded to married couples, women become vulnerable. Women living in poverty may resist leaving abusive relationships for fear of losing much needed income not only supplied by the partner, but also by the state. Many women will not risk the consequences of leaving an abusive relationship without a support system or social safety net.

The work requirement. Parents receiving TANF benefits are required to work on average 30 hours week to remain eligible. For a single mother, this would leave little time for education. Education and full-time employment of the mother are the greatest protections against child poverty. Despite evidence suggesting that the best cure for poverty is education—not marriage—TANF regulations inherently discourage single mothers from obtaining post-secondary education.

Policy Changes

In light of the likely outcomes for women and children, policy should be adopted that drops the marriage component for financial assistance to women in poverty. Programs which teach marriage skills and offer marriage counseling should still be available to those who wish to seek them.

The new policy should have two major provisions. The first should include a prohibition on cash assistance based upon the marital status of the participants. While benefits should not be removed from those who wish to remain married and have been participating in the program prior to the adoption of the new policy, additional funds should be made available to single mothers.

The second provision will focus on redirecting the program's area of interest to education over marriage as a more permanent solution to poverty. Regardless of marital status, women should be presented with data showing an increase in quality of life with education. Funds will be provided to hire and maintain social services counselors who would work with women and assist them in selecting a program of study, attaining necessary materials, and providing childcare. Additionally, women seeking post-secondary education will be exempt from the lifetime cap on receiving cash benefits while they are enrolled full-time at an accredited university and remain in good academic standing with the institution. Additional TANF benefits may also be extended for those seeking Master's and Doctorate degrees for a period not to exceed a lifetime total of 12 years. Work hour requirements will be dropped to a minimum of 20 hours per week to for women enrolled in the educational program.

Federal Funds previously devoted to the marriage promotion campaign will be rerouted into educational development programs; however, TANF expenditures will increase gratuitously due to extended eligibility periods and administrative and practical expenses.

Policy Adoption

The proposed legislation is likely to meet some public opposition as it increases federal social programs in a period of unrest regarding preconceptions of the welfare state. With the current anti-socialism surge, it is likely that the bill will struggle to gain support; proponents of the legislation would be best served to approach women's rights advocates as well as universities and allow those organizations to foster public support. These institutions should herald the new legislation as true welfare reform, having the potential to phase out a high level dependence upon all social welfare programs including TANF, the Supplemental Nutritional Program, and Medicaid.

Opposition would likely come from organizations working to preserve traditional values as a governmental attack on the institution of marriage. Financial conservatives would also criticize the bill for its increased expenditures on "socialist policies."

In the current political climate, I believe that it is unlikely that the legislation would pass.

References

Barret, Betty.2010. "Childhood Sexual Abuse and Adulthood Parenting: The Mediating Role of Intimate Partner Violence." Journal of Aggression, Maltreatment, and Trauma.19 (April). Lexis Nexus: 323-346.

Dahl, Gordon B. 2010."Early Teen Marriage and Future Poverty." Demography. 47(August) Academic Search Primier:689-718.

Leptist, Sari.2010. "Adolescent's Experiences of Coping with Domestic Violence." Journal of Advanced Nursing. 66.Academic Search Premier: 1232-1245.

Lerner, Sharon. 2004."Marriage on the Mind." Nation. 279(July).Academic Search Premier.

Levendosky, Alyita.2001. "Parenting in Battered Women: The Effects of Domestic Violence on Women and Their Children." Journal of Family Violence.16(June).EbscoHost:171-192.

Mitchell, Shelley.2001."Welfare Reform: Can Higher Education Reduce the Feminization of Poverty?."Urban Review.33(March)EbscoHost:47.

Moore, Shelby.2003. "Understanding the Connection between Domestic Violence, Crime, and Poverty: How Welfare Reform May Keep Battered Women From Leaving Abusive Relationships." Texas Journal of Women and the Law 12 (2003 Academic Search Premier: 451-484.

Onwuachi-Willig, Angela. 2005. "The Return of the Ring: Welfare Reform's Marriage Cure as the Revival of Post-Bellum Control." California Law Review. 93(December).Lexis Nexus:1647-1696.

Rector, Robert.2005. "How Not to be Poor." National Review 57 (). Academic Search Premier: 26-28.

Toleman, Richard.2001. "Domestic Violence in the Lives of Women Receiving Welfare."Violence Against Women.(February).

SOCIAL SECURITY IN THE UNITED STATES: PAST, PRESENT AND FUTURE

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Abstract

The term "Social Security" is one that is used frequently today by politicians, media talking heads, and political scientists alike - but why? In the midst of a time when the United States' economy faces economic uncertainty marked by fluctuating markets, spiraling debt, and a downgraded credit rating, the threat of the largest generation leaving the workforce and entering retirement is also on the horizon. These and other factors contribute to the presence of a constant conversation about the short and long-term future of the Social Security system, and what the country can do to preserve the benefit. The discussion is relevant to every American citizen since it is a policy that affects the working, the retired and the disabled, as well as those who have not entered the workforce or even been born yet. This paper will discuss a broad range of topics related to Social Security, including its history, current administration, costs (past, present and future), and downfalls and threats. Additionally, it will provide a proposal to overhaul the system, complete with the potential financial and political costs associated with such a proposition.

History, Implementation, and Current Administration

Origins

The idea of an economic safety net can be traced back to the time of the ancient Greeks who would amass a substantial amount of olive oil since it could be stored and used in the future, if necessary. Similarly, the feudal system in Europe years later provided the serfs with survival in exchange for work, and also the idea of formal charity arose. The responsibility of helping family has also been a source of security in times of economic need, thereby rounding out the conventional origins of economic safety nets as property, work, charity, and family. It is out of these principles and unsophisticated programs that the precursors to the modern Social Security program of today were formed (Social Security Administration 2011).

Economic Security from the Middle Ages to the 1600s

The first formalized means of social security were formed in the Middle Ages in Europe, and were known as guilds. These guilds were comprised of merchants or craftsman of the same trade, and membership in the group required an agreement to be subject to trade regulations in exchange for benefits such as financial help in times of need or sickness, or covering the costs incurred when a member passed away. From these guilds, "friendly societies" (later fraternal organizations) formed in 16th century England, and eventually provided life insurance to their members as an added benefit. Finally the English Poor Law of 1601 was the first set of laws passed to address the issue by a state. The statutes mandated taxation to finance the efforts to provide for the poor, and assistance was in the form of monetary and housing provisions. The drawback to these efforts was that it further enhanced the negative connotation of "poor," a status quo which still exists over 400 years later. Though these ideals traveled with the immigrants to what would become the United States, their principles would endure much evolution and many battles before becoming an all-encompassing social program (Social Security Administration 2011).

Economic Security in America, Pre-1935

Throughout the history of the United States, (prior to 1935) numerous plans for a "social security" program were suggested, though few were actually utilized. The first of these was the Civil War Pension program which provided assistance to disabled soldiers and widows and orphans of deceased Civil War soldiers, and eventually was opened up to old-age veterans. This is interesting because it is much like the current system in place today, though it should be reiterated that it was limited to Civil

War veterans and their families and not to the general public. Following the example of the Federal government, some companies in the late 1800s began offering pension plans for their employees. Under these programs, a certain percentage of an employee's income would be withheld and placed into an account where the company added interest annually. These types of programs were very rare, only approximately 15% of companies had some pension variation in 1932, and were often unsuccessful since only 5% of the older population were receiving retirement in the same year. Similarly, 30 states passed old-age pension programs by 1935 as a result of the Great Depression. However, despite the fact that over half of the population of older Americans could not adequately support themselves on their income, only about 3% received benefits under these state plans due to harsh restrictions, reluctance to "go on welfare" and the failure of some states to implement their programs fully. These partial and failed programs paired with the changes facing the country at the time led to some movements toward a more centralized system including the Townsend Plan, the Ham and Eggs Movement, and the General Welfare Federation of America, among others (Social Security Administration 2011).

The Social Security Act of 1935: Passage, Implementation and Evolution

Initial provisions and institutions of Social Security The social changes brought about by the economic effects of the Industrial Revolution and ultimately the Great Depression forced President Franklin D. Roosevelt to make a decision in considering all of the options that had been offered up by those in government and the general public. In the summer of 1934, Roosevelt chose the "social insurance" route and created the Committee on Economic Security (CES) through an Executive Order, who was entrusted with completing a study of economic security and drafting subsequent legislation to be submitted to Congress. The CES was comprised of five Roosevelt Administration cabinet members as well as experts from other federal agencies. Their report was ready by January 1935 and a bill was passed by both houses of Congress and signed into law by the President just seven months later in August 1935. Though the legislation was not as lofty and encompassing as the administration and some others had hoped, at its core the new Social Security (SS) program featured three key provisions.

First, Title I established grants to the states to help with their Old-Age Assistance programs already in place. This was designed as a temporary relief program and would eventually be phased out. Title II provided federal compensation to the worker upon retirement at age 65, paid for by payroll tax contributions (into a joint fund) that were deducted from the worker's salary while in the workforce. The legislation also created the Social Security Board, (SSB) made up of three members appointed by the President. Though the framework of the Act was now in place, implementation would prove to be far from easy.

Implementation of the new system. The SSB was charged with conveying information about the program to employers, employees, and the general public regarding the new benefit system and how to obtain them. In addition to setting up and staffing field offices, (and training new employees) the SSB now had to register workers and employers in the program by January 1, 1937 when workers' contributions would start accruing. Also the already overworked SSB had to administer Social Security Numbers (SSNs) to every citizen. To help achieve these ends, the SSB contracted the help of the U.S. Post Office Department to distribute and collect applications until the SSB could finally sustain the program itself in June 1937. Though the SSB started as an independent agency, it was dissolved into the current Social Security Administration (SSA) in 1946 (Social Security Administration 2011).

Due to the magnitude of the new benefits, implementation had to occur over time. The first step was to establish Social Security Trust Funds which would accept the Federal Insurance Contributions Act (FICA) taxes, and pay out funds to the beneficiaries. FICA began to be deducted from workers' paychecks in January 1937, and benefits began to be dispersed the same month. Since the Act mandated that the period of 1937-1942 (later amended to 1940) be used to cushion the Trust Funds and provide a minimum participation timeframe for workers to receive regular benefits upon retirement, the first SS recipients' benefits came in the form of a single, lump-sum payment (Social Security Administration 2011). As with any new system implementation, the powers in charge soon realized that

changes would need to be made, beginning in the year 1939.

Expansion and evolution through the decades. Originally, the SS Act was limited to worker old-age retirement benefits, but was expanded with the 1939 Amendments to include "dependents' benefits," those paid to the spouse and children of workers, as well as "survivors' benefits," those paid to the family if the worker perishes before retirement. In addition to increasing the amount beneficiaries received, as aforementioned, these Amendments also hastened the monthly benefits to begin in 1940 rather than 1942. Though the program was untouched for ten years, in 1950 the need for a change was seen since the average value of benefits received under the Title I old-age provision of the Act was higher than the benefits received from SS, and more Americans were receiving old-age welfare than SS. The 1950 Amendments made the program more valuable for future beneficiaries, and increased the amount received for beneficiaries by providing the first Cost of Living Allowance, (COLA) a provision that would become commonplace for SS and crucial to keep up with inflation and rising consumer costs (Social Security Administration 2011).

Throughout the next three decades, a multitude of amendments brought about an enormous expansion in the SS program into the encompassing economic insurance program that is so widely utilized today. The 1950s and early 1960s established disability insurance which changed the program to provide benefits to disabled workers (of any age) or their dependents. It was also during this time that the age was lowered to 62 for both men and women to become eligible for old-age insurance at an actuarially lower rate. In 1965 the SSA became responsible for overseeing the newly-passed law providing health care to nearly all Americans over the age of 65, called Medicare. A few years later, the Supplemental Security Income (SSI) program was enacted to cover the "adult categories," needy aged, blind, and disabled individuals, that were inefficient then being overseen by state bureaucracies with some Federal subsidies, to eliminate overlap in the programs – thus transferring more than three million people from state welfare to SSI. With other increases in benefits spiraling the future costs of SS out of control, the 1977 Amendments raised the payroll tax, increased the wage base, slightly reduced benefits, and separated the wage adjustments from COLA adjustments. These remedies fixed SS in the long term, (projected 50 years) however more intervention was necessary in the early 1980s. President Reagan's Greenspan Commission held a study and eventually convinced the President and Congress to pass the 1983 Amendments (which will be revisited later). The key ramifications were that the SSA would begin taxing SS benefits, covering Federal employees and increase the retirement age in the 21st century, (among other provisions) which fixed the short-term financing issues (Social Security Administration 2011).

In the last thirty years there have been some modifications to the SS program, though none quite as colossal as the 1977 or 1983 Amendments. The 1990s saw the elimination of SS or SSI disability eligibility for new drug or alcohol-addicted applicants, or non-U.S. citizens. Also the "Ticket to Work and Work Incentives Improvement Act" provided a program for beneficiaries to complete vocational rehabilitation services as well as a number of other programs in efforts to get them back in the workforce. Also, SS policy requiring senior citizens to be "substantially retired" in order to receive full benefits was eliminated, thus allowing them to work and receive benefits. More recently, under President Obama, the rights of prisoners to receive SS benefits while in prison or violation of parole has been revoked (Social Security Administration, 2011).

Considering all of these developments over time, it is safe to say that Social Security, or Old-Age, Survivors, and Disability Insurance, (OASDI) has grown exponentially since its conception in 1935. The program has become one of the many benefits of being an American citizen, and also one that is taboo when deliberations of budget cuts commence, unless a substantiated alternative is readily available. Despite the vast improvements and expansions of the system, studies show that perhaps the most extensive adjustments in the history of SS may be vital in the near future.

Social Security in 2011: Framework, challenges and projections. Before discussing the impending challenges, some key facts and requirements of the current system and will be outlined in order to establish a firm understanding in the background of OASDI for later discussion. In order to be eligible for SS, one must have completed 40 quarters of employment based on various dollar amounts,

(considering the occupation) rather than a specific timeframe (Whitman, Reznik, and Shoffner 2011, 19). The current OASDI tax rate for employees is 5.3%, which the employer matches for a total contribution of 10.6% of net income which is transferred to the Trust Funds (Becker 2007, 103). He goes on to note that those workers making over $90,000 per year are not taxed beyond that amount. Becker (2007,103) also summarizes the manner in which the benefit amount is determined:

The worker's 35 highest years of earnings are averaged... Social Security benefits are based upon the worker's monthly earnings adjusted for inflation (i.e. the wage index) prior to receiving benefits. Average monthly earnings are separated into three amounts and then each amount is multiplied by a different factor. The product is summed, and this is the worker's monthly benefit [adjusted annually according to CPI].

The "full retirement age" (FRA) threshold is different for different generations, however the end is the same: if a worker retires before the FRA then the benefit is reduced depending on the gap of years between their actual retirement age and their FRA. The most recent estimates from December 2010 show that over 54 million citizens received SS benefits at that time: over 37 million were retired workers and their dependents, over 10 million were disabled workers or their dependents, and over 6 million were survivors (Manchester and Song 2011, 2). Finally, it must be explicitly noted that the system relies on the current workers to pay for the current retirees' benefits, contrary to the common misconception that a retiree will draw from the same money that he or she personally contributed while working.

In order to test the system, amounts were entered into the Online Calculator tool provided by the SSA's website by utilizing U.S. Census data for median household incomes (DeNavas-Walt, Proctor, and Smith 2011, 34). A hypothetical 65-year old worker who has made an annual income equivalent to the U.S. median household income for that corresponding year, having worked only from 2001-2011, would receive a monthly retirement benefit of $829.00. Interestingly, if the same worker were to have been employed twice as long, from 1991-2011, making exactly median household income, he would receive $1396.00 per month. Either way, this only leaves the worker with an annual retirement benefit of $9,948 or $16,752, respectively. Most would argue this is a flaw, leaving workers to rely on outside pensions or retirement plans to supplement their SS benefits.

Moving forward with this information, the key problems facing Social Security may be identified. First, perhaps the largest challenge that must be resolved is that the current system will not be able to support itself in the near future. The Federal OASDI Fund Board of Trustees is charged with providing a regular report on the financial status of the Fund. In 2008, the Board concluded that within 30 years, SS benefits will grow to 6.1 percent of GDP, while the Fund revenue will be only 4.7 percent of GDP (Wise and Woodbury 2009, 65). More specifically, the Board's 2009 report, they determined that without legislative intervention, payouts will exceed revenues in 2016, and that the current Funds will be exhausted altogether in 2037 (Aubuchon, Conesa, and Garriga 2011, 19-20). The answer to why this is happening, as pointed out by Blahous (2010, 42), is simple: a greater number of people will be retiring than ever before, and will be granted larger benefits for a longer amount of time. According to the U.S. Census Bureau, (2010) in the year 2010 there were approximately 47,813,000 citizens age 62 or over When a system utilizes the principle of the next generation paying for the current generation, and the current generation is considerably smaller, this deduction is commonsense. This, however, is not the sole reason for the imbalance. The recent recession, as noted by the Board of Trustees (2010), has also been a direct determinant. Furthermore, the Board of Trustees (2010) projected that an actual cash deficit of $41 billion would occur for the first time in history in 2010, return to small surpluses from 2012-2014 and then return to a deficit in 2014 and "grow rapidly" with the influx of baby boomers into the program.

The disproportional amount between revenues and payouts, however, is not the only challenge facing SS. As Whitman, Reznik, and Shoffner (2011, 17) discuss, there are approximately four percent of the population who do not receive SS benefits. Of this group (coined "never-beneficiaries") the poverty rate is 44.3%, which is in stark contrast to the 3.7% rate among beneficiaries. Largely, the problem is that most of these citizens do not meet the 40 quarter SS requirement. This can be further broken down into three groups: immigrants who arrive to the U.S. when middle-aged, workers who did not work frequently enough to meet the requirement "infrequent workers," and workers who are not covered

due to their position in government (Whitman, Reznik, and Shoffner 2011, 17-18).

Considering these and other pitfalls of the current pay-as-you-go (PAYG) SS system, it is clear that some sort of reform is in order. The Board of Trustees continues to state in its report every year that a long-term solution must be agreed upon and enacted, and the sooner this is done, the less of a negative impact the transition would have.

Proposal

In order to successfully resolve the financial problems at hand for the OASDI, there must be a seamless transition that a majority (not plurality) of the population and the politicians are behind. While some point to privatization as an alternative, I feel that complete privatizing or implementing "retirement accounts" may be too extreme and too expensive for a country so large. Rather, the transition should be made to a fully funded (FF) system, and away from the current PAYG system that is in place, without harming any particular generation in the process, which is probably the fear of most people. For my proposal, I have heavily relied on the work of Aubuchon, Conesa, and Garriga who compare the two systems, as well as the various methods of transfer.

At its core, a FF system requires that the revenues be based on individual contributions paid over time, by which future obligations are fully funded by earlier contributions (Aubuchon, Conesa, and Garriga 2011, 19). Specifically, it would be a defined-contribution plan, (unlike the unfunded-benefit style program in place now) very similar to a 401(k) in that workers save throughout their time in the workforce, though it is being placed in a central Fund, much like the one already in existence, however their benefits will equal their contribution plus any accrued interests, therefore making it equal to a private account (seemingly) without the risk. In addition, the specific formula for such a system would include disabled and child benefits, not just retirement. As the authors point out, however, simply relabeling government debt is not an effective reform, hence the elimination of distortions in the system must be eliminated, and a successful transition must occur.

One of the transition scenarios offered by Aubuchon, Conesa, and Garriga, is an immediate shift to the FF system from a PAYG. This proves to be ineffective since the social contract that the government held with the retirees *prior* to the switch stated that the future generation would be paying their pension. If the future generation immediately starts paying into the new FF system, their contributions will only go toward themselves, thereby leaving the retirees left with only what they had put into the Funds, which would be considerably less than what they were promised since their pensions were to be paid by the next generation of workers (Aubuchon, Conesa, and Garriga 2011, 29). I would like to note that I have merely provided this scenario to show that there are multiple ways to transition to the FF system, and that most (such as this) end up having a negative effect on the welfare of one generation or the other.

The final scenario which I suggest for my proposal (to which I credit Aubuchon, Conesa, and Garriga) is a welfare-improving transition which relies not on the redistribution of resources across generations, but once again by removing the distortions in the economy. These distortions include retirement rules, the connection between individual contributions and pension entitlements, and labor income, among others. The key to a successful transition and reduction of such distortions is achieved through the model by Conesa and Garriga which is providing a compensatory transfer to the old generation nearly as large as their total projected SS benefit, financed with debt, and initially lowering labor income taxes which will be raised later. Introducing capital income taxes provides a subsidy which helps to diminish compensatory transfers. To tie it all together: Aubuchon, Conesa, and Garriga (2011, 32) conclude that "changing the fiscal treatment of capital income can become a close substitute for compensatory lump-sum transfers to the initial old generation."

Finally I would like to address the issue of cost. While Aubuchon, Conesa, and Garriga provide theoretical implications of cost, there are no hard figures available to apply to my proposal, and in the time constraints I was unable to determine such a cost considering all of the variables involved, and considering my lack of expertise on the subject. However, I do feel that this proposal does work to *minimize* the costs of a transfer, and would also venture to say that I believe the costs incurred from such a shift would be far less than the costs incurred if the government allows the OAISD Funds expire and is then

forced to be reactive rather than proactive. I would also like to point out that another cost incurred would be for staffing to physically facilitate the transition, publications to educate the public, staffing to field phone calls, etc. Politically, it would seem as if an idea such as this would come from the Republican party considering their past rhetoric advocating for a privatized system and the FF's similarity to such. However, I feel that in order for such a reform to be successful, a unified approach mush be taken with sponsorship from each side of the aisle and each house of Congress before it is even introduced.

Conclusion

Considering the facts given and potential crisis facing our country, with respect to Social Security, it is clear that an extreme modification is overdue. As a taxpayer who has been in the workforce since I was 16 years old, the mere chance that such a mammoth system could fail is disheartening and daunting. When it comes to Social Security, our elected representatives must set ideologies aside and perpetuate a commonsense solution such as the one I have proposed in order to save our system.

Bibliography

Aubuchon, Craig P., Juan C. Conesa, and Carlos Garriga. "A Primer On Social Security Systems And Reforms." *Review (00149187)* 93 (January/February): 19-35.

Becker, Fred W. "Reactions To Social Security Retirement Reform Proposals In The United States." 2007. *International Social Security Review* 60 (January): 101-114.

Blahous, Charles. 2010. "The Social Security Challenge." *Policy Review* 164 (December): 41-59.

Board of Trustees of the Federal Old-Age and Survivors Insurance and Federal Disability Fund. 2010. *2010 Annual Summary Report*.

DeNavas-Walt, Carmen, Bernadette D. Proctor, and Jessica C. Smith. U.S. Census Bureau. 2011. *Income, Poverty, and Health Insurance Coverage in the United States: 2010*. Washington, DC: GPO.

Iams, Howard M., Gayle L. Reznik, and Christopher R. Tamborini. 2010. "Earnings Sharing In The U.S. Social Security System: A Microsimulation Analysis Of Future Female Retirees." *Gerontologist* 50 (August): 495-508.

Manchester, Joyce, and Jae G. Song. 2011. "What Can We Learn From Analyzing Historical Data On Social Security Entitlements?." *Social Security Bulletin* 71 (May): 1-13.

"National Commission On Social Security Reform." 2010. *Congressional Digest* 89 (February): 59-63.

Svihula, Judie, and Carroll L. Estes. 2008. "Social Security Privatization: An Ideologically Structured Movement." *Journal Of Sociology & Social Welfare* 35 (March): 75-104.

U.S. Census Bureau. 2010. Current Population Survey, Annual Social and Economic Supplement. Washington, DC: GPO

Whitman, Kevin, Gayle L. Reznik , and Dave Shoffner. 2011. "Who Never Receives Social Security Benefits?." *Social Security Bulletin*, 71 (May): 17-24.

Wise, David A., and Richard G. Woodbury. 2009. "Social Security In A Changing Environment: Findings From The Retirement Research Center At The National Bureau Of Economic Research." *Social Security Bulletin* 69 (December): 65-81.

ACADEMIC BACKGROUND IN NONVERBAL BEHAVIOR DURING A JOB INTERVIEW

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Abstract:

The process of Micro-Behavior in relation to stress was tested through means of observation. This behavior was influenced by a variety of variables, one of which is a student's academic background. It is thought that students with higher ACT/SAT scores would prove to have had a better academic background. Perhaps they have had classes with more of a public speaking emphasis, while someone with lower scores might not know how to handle a situation such as an impromptu job interview. Participants had five minutes to prepare a free speech that was given in front of a panel of judges. During the speech their nonverbal behavior was recorded. We focused on the following behavioral patterns: tugging on clothing, fidgeting with body parts, swaying, eye contact or lack of it, voice modulation, and reaction to the test. We expected those with higher score to do better by not portraying these negative behavioral reactions.

Significance of the project

Micro-behaviors are small movements of the body usually brought on by distraction, stressful situations, or habit. "In response to stress, the brain activates various neuronal systems designed to adapt to the demand" (Joëls & Baram, 2009). "In appropriate regulation, disproportional intensity, or chronic and/or irreversible activation of the stress, response is linked to the etiology and pathophysiology of anxiety and mood disorders" (McEwen, 2007). This anxiety is then portrayed through types of micro behaviors.

The significance of this information goes hand-in-hand with whether or not students with different academic history exhibit these behaviors more or less often when in a stressful situation. An article written by Christopher Griffin explains that once a high school student has experienced failure, on a test or in this case, on a speech, it is much harder for them to gain the confidence that they once had back. For some students, this feeling of failure could hover over them like a black cloud for the rest of their four years at high school, perhaps keeping them from reaching their full potential. If a student believes that he/she is a failure they are likely to experience more stress and exhibit that stress behavior through small body movements (Griffin 2011).

The opposite side of this spectrum is that students with higher self-confidence and better academic history portrays less micro-behaviors because they may have been taught and/or coached on how to handle stressful situations, when it comes to academics. A study conducted in Saudi Arabia, tested stress and its effect on Medical students, (Abdulghani, H., AlKanhal, A, Mahmoud, E., Ponnamperuma, G., & Alfaris, E. 2011). One variable of comparison was the academic standing. Results showed that the association with students' academic standing and stress was insignificant. However, it is unclear as to what extent academic grades were taken.

The study included all five years of medical students, so in order to know the standing of the first year students (other than their current standing) researchers had to ask about students' academic history. The study found that overall, first year medical students experienced the most stress but the level of stress did decrease as the year of study progressed. This proves that the higher educated one is, (or in the case of this study, the further into the program one is), the less stress they exhibit.

Methods

Participants were selected from the PSY 201 subject pool. Demographic information and high school academic achievement (GPA,ACT) were collected. Self-reported data on their perceived stress and coping style during the week prior to the task were collected.

Behavioral Measures:

In order to induce stress, the Trier Social Stress Test (TSST) will be used. This task includes a free speech and mental arithmetic task, both under evaluative threat. The protocol begins with the experimenter announcing a free speech task. Subsequently, two confederates (one male and one female) of the experimenter are presented as "experts" that are supposed to evaluate the performance. The experimenter tells the participants that the task is to prepare for a job interview for the position of their choice in which they tell the experts (2 confederates) why they are the best person for the job. Participants are given 5 min to prepare, and then the experts are brought back into the room while a video camera is turned on to record the participants' performance.

During their speech, the experts will be mentally taking note of the different behavioral measures the participant is portraying. These measures could be any number of actions that may fall into three categories. One of these categories is "moving," any non-stereotypical or general movement of the body. "Displacement activity" is the second category; this is any contact of any parts of the body with other parts of the body. The last behavioral measure to be notices is "frustration," this is the visible expression of anger or disappointment such as, shaking head, raising eyebrow, addressing the researcher, smiling, movement of the mouth, and so on. The level of frustration during the TSST test was gauged on a scale between 1 (no frustrated at all) to 10 (very frustrated, the experiment was interrupted). We will be looking at these three behaviors specifically because they are the movements most people are unaware of doing; also known as nervous habits.

After the 5-min speech task, the participants are asked to perform a 5-min mental arithmetic task that consists of a continuous subtraction of the number 13, starting from 6233 as fast and as accurately as possible. The expert confederates monitor the performance with a neutral facial expression and offer no encouragement. Previous research has shown that the TSST paradigm is a powerful method for inducing acute stress and it has been widely used to study stress effects on salivary cortisol and specific protein markers. The stressor lasts a total of 15 min, including 5 min in which participants prepare their speech. The stressor does not produce any known harmful effects and it is routinely used for human subject research.

Results

In the group of twenty four students that participated in this study, 88% of them had ACT scores between 20 and 30. When testing the relation between a students' ACT scores and the amount of stress they exhibit, it was found that the correlation was insignificant ($r = -.03$, $p = 0.88$). However, there was a slight correlation between a students' GPA and stress level ($r = 0.19$, $p = 0.38$).

When the correlation was run with ACT scores and each specific micro-behavior, the category of movement showed a positive relationship ($r = -.23$, $p = 0.27$). The micro-behaviors smiling and displacement activity were shown to be negatively correlated.

Discussion

The initial hypothesis was that students with a higher ACT/SAT score would perform better by showing less micro-behavior when under a significant amount of stress. The results shown have proved this hypothesis to be false. Students, on average, rendered more micro-behaviors during the speech portion of the experiment even though they had higher ACT scores. This could suggest that students tend to worry more about their performance whether or not they may have had a higher or well-versed education upon attending college.

Our results have shown that even though a student might have had higher GPA/ACT scores, it does not matter when it comes to stressful situations. It might be interesting to conduct a study in which the students gave more detailed information concerning their high school background. For example, answer questions such as, "Did you have a speech class in high school? If so, how well did you do?" "Were you expected to give any speeches, whether formal or informal, in any classes outside of a speech class?" "When did you first start giving oral speeches in school?" Questions like these could lead us to more accurate results by knowing actual experience students have had in the past. Having this information could help future generations with their public speaking skills and how to control their stress level when being graded or judged. This experience, if started in the beginning years of high school and

continued through college education could also improve professional social skills later in life.

References

Abdulghani, H. M., AlKanhal, A. A., Mahmoud, E. S., Ponnamperuma, G. G., & Alfaris, E. A. (2011). Stress and Its Effects on Medical Students: A Cross-sectional Study at a College of Medicine in Saudi Arabia. Journal Of Health, Population, & Nutrition, 29(5), 516-522.

Joëls M, Baram TZ (2009) The neuro-symphony of stress. Nat Rev Neurosci 10:459–466.

McEwen BS (2007) Physiology and neurobiology of stress and adaptation: central role of the brain. Physiol Rev 87:873–904.

Griffin, C. (2011) Back to school after experiencing failure. District Administration. 100.

NONVERBAL CUES FOR LYING: TRUTH OR STEREOTYPE?

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Professionals use many different indicators to detect deception. Some common cues that people often target as signs of deception are downward eyes and eyebrows, looking around, shifty eyes and gaze aversion. Gaze aversion is used when a person is seen when one stares off in concentration, which lying takes a great amount of (Matsumoto, Hwang, Skinner, Frank, 2011). Researchers in one study used sensors that recorded different indicators such as facial expressions, voice changes, and gestures that were expressed by participants while answering questions. The results showed that it is in fact important for researchers to be more alert to not only what they are hearing, but also to observing the person's involuntary behaviors (Matsumoto, 2011).

A lot of times people expect to be able to tell when someone is lying based solely on the non-verbal cues they think are exhibited. Though sometimes they do help to detect lies, it is not always a reliable way to judge whether someone is telling a lie or the truth. The overuse of nonverbal indicators to predict deceit has become a common stereotype that many people believe. Laura Spinney from the University of Portsmouth in Great Britain found that non-verbal communication signs are not always an accurate way of detecting a lie. She includes the idea of interrogation methods and describes how they can sometimes make a person show the stereotypical signs of lying when one is telling the truth due to nervousness (Spinney, 2011).

I asked four people what they thought the signs of lying and deception. The first person I interviewed was a 41 year old female. She explained that she thought someone was lying if they avoid eye contact, change the subject, back away and smile when being confronted. One study done by Porter and colleagues supported her idea that people smile when telling a lie. The study used criminal offenders and non-offenders. The participants gave two accounts of a story, one being the truth and one being false. The nonverbal behaviors were studied by the researchers and the results showed that non-offenders did tend to smile more when deception was taking place. Offenders however seemed to smile less during the untruthful emotional story, which may be because offenders are more aware that smiling makes their credibility decrease because they have had more experience with deception (Porter et. al, 2008). It is things like this that make the stereotype of lying cues, because the offenders who were lying showed less nonverbal cues than the non-offending people telling the truth.

The second person I interviewed was a 45 year old male. He described deceitful nonverbal behavior similar to the first person. He said with his experience people who are lying tend to avoid the topic, and look up or down, often times focusing on a facial feature close to the eyes, such as the forehead, eyebrows or nose. In class we learned that eye contact is one of the most important indicators in communication. When someone avoids eye contact it is often a warning signal that they are hiding something (Matsumoto et al., 2011). One study looked at a group of participants that were video-taped answering a series of questions. The tapes were played for children and they were asked to identify the participants that were being truthful and those that were lying. The results showed that of the children who observed the tapes, all associated the participants that showed signs of avoidant eye contact and gaze aversion in the lying category (Einav, Hood, 2008). This shows that majority of people have the same conceptions about eye contact and deception as the person interviewed.

I asked my younger sister who is 19 what cues she believes are shown when someone is lying. Not surprisingly, she described similar behavior as mentioned above. It is a common trend that people relate no eye contact and frustration with lying. The micro-behaviors studied in class show signs of frustration during tasks. These can be in the form of movement, or moving parts of the body, displacement, which is touching one part of the body with another body part, and frustration during the task, which can be smiling and moving the eyes up and down (Bardi, Koone, Mewaldt, O'Conner, 2011). From the research

presented in this paper we can see that when someone is lying it is likely that they will exert the same nonverbal indicators as someone who is stressed out and nervous. The category of micro-behaviors that most closely relates to deception cues is frustration during the task, which makes sense because when a person is lying they are often frustrated and angry (Matsumoto et.al, 2011). Though this may be true it is not fair to say that only people who show signs of frustration during questioning are lying, because many times when one is accused of something that is not true, it is only natural to act angry and show signs of frustration.

The fourth person interviewed was a 25 year old male. He explained that from experience he found that people tend to blink more when telling a lie. He said that aside from people getting defensive, they show signs of frustration such as huffing and sighing, rolling their eyes, and laughing and smiling. His description again was similar to the other interviewees. Since the one new thing he added was frequent eye blinking, I looked into a study on the validity of that. The research suggests that continuous eye blinking is a sign of nervousness; however fewer blinks can be a sign of cognitive load, which deals with the working memory that can be used to manipulate the truth (Krakovsky, 2009).

From the responses of the participants and from other studies it is shown that many see the same nonverbal cues as signs of deceit. Frustration signs such as blinking, smiling, and moving the eyes back and forth seem to be the most common. It is important to note however that these non-verbal cues cannot always be used to detect a lie. From the research we have seen several examples where the non-verbal cues exhibited did not necessarily mean that the person is lying. Experts use lie detector tests to determine if someone is telling the truth by studying their vitals. Studies have shown that these invasive tests are not always accurate because people have come up with ways to cheat the test, one test being the autobiographical Implicit Association Test. The test was shown to be 91% accurate, leaving 9% room to mock the truth and pass the test (Verschuere, Prati, Houwer, 2009). This is important to look at because if tests that monitor heart rate and vital signs to determine lies can be tricked, then how could we decide if someone is lying based just on their non-verbal behaviors.

Nonverbal communication is a very important indicator of stress (Bardi et. al, 2011). When someone is lying it can cause them to be very stressed out, so the two tie together. Although it can be a sign of a lie, people have caught on and learned ways to manipulate this system due to the emphasis put on the stereotypical deceitful behaviors. It is important to look at the combination of non-verbal and verbal cues when making the judgment of whether someone is being honest or lying. In conclusion nonverbal behavior is something that can be helpful but is commonly stereotyped, and needs to be studied more in depth when relating it to signs of deceit and manipulation (Spinney, 2011).

References

Bardi, M., Koone, T., Mewaldt, S., & O'Conner, K. (2011). Behavioral and Physiological Correlates of Stress Related to Examination Performance in College Chemistry Students. Stress (Amsterdam, Netherlands), 14(5), 557-566.

Einav, S., & Hood, B. M. (2008). Tell-Tale Eyes: Children's Attribution of Gaze Aversion as a Lying Cue. Developmental Psychology, 44(6), 1655-1667. doi:10.1037/a0013299

Krakovsky, M. (2009). The Load of Lying. Scientific American Mind, 20(4), 10.

Matsumoto, D., Hwang, H., Skinner, L., & Frank, M. (2011). Evaluating Truthfulness and Detecting Deception. FBI Law Enforcement Bulletin, 80(6), 1-8.

Porter, S., Doucette, N. L., Woodworth, M., Earle, J., & MacNeil, B. (2008). Half the world knowes not how the other half lies: Investigation of verbal and non-verbal signs of deception exhibited by criminal offenders and non-offenders. Legal & Criminological Psychology, 13(1), 27-38. doi:10.1348/135532507X186653

Spinney, L. (2011). Hoodwinked!. New Scientist, 210(2818), 46-49.

Verschuere, B., Prati, V., & Houwer, J. (2009). Cheating the Lie Detector: Faking in the Autobiographical Implicit Association Test. Psychological Science (Wiley-Blackwell), 20(4), 410-413. doi:10.1111/j.1467-9280.2009.02308.x

SLEEP PATTERN DIFFERENCES IN PERCEIVED STRESS RESPONSES AMONG COLLEGE STUDENTS

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Abstract:

This study was designed to assess how differing sleep patterns among college students would affect their individual perceived stress responses. Participants were recruited from the General Psychology 201 course and asked to complete three questionnaires, the COPE questionnaire, the DASS questionnaire, and a demographic survey. Information provided from the questionnaires allowed researchers to evaluate each individual's self-reported average sleep pattern, the amount of perceived stress the individual experienced within the past week, and the individual's typical coping mechanisms for stress management. The anticipated result for this experiment was to find a positive correlation between sleep deprivation and elevated stress.

Significance of the project

Chronic stress can adversely affect an organism's physical and psychological well-being and lead to multiple health problems, such as anxiety, insomnia, muscle pain, high blood pressure, and a weakened immune system. Chronic or persistent stress can also cause major illnesses, such as heart disease, depression, and obesity (Kelly & Coons, 2012), and has been linked to an increased risk for substance abuse and poor sleep performance (Voelker, 2004). Research has suggested that the quantity and the quality of sleep an organism receives will have a direct effect on the amount of stress that the organism experiences (Galambos, Howard, & Maggs, 2010; Galambos, Dalton, & Maggs. 2009).

Insufficient sleep and irregular sleep-wake patterns are reported to be present in alarming levels of college student populations (Lund, Reider, Whiting, & Prichard, 2010). Research has indicated that students receiving less than 6 hours of sleep per night have more symptoms of psychological maladjustment than do other students, resulting in poorer academic performances and lower grade-point averages (Kelly, Kelly, & Clanton, 2001), which could directly affect the nation's current high level of college drop-outs (over half of the student population). Sleep deprivation also strongly impairs human functioning, mood, and motor performance (Pilcher & Huffcut, 1996), resulting in numerous accidents and fatalities each year. For example, sleep deprivation was reported to be responsible for an annual average of 1,550 fatal automobile accidents and 40,000 non-fatal injuries in 1996 (Strohl et al., 1996). Given the correlation between an organism's sleep patterns and its physical and mental health, the identification of college students' self-reported sleep patterns and perceived stress levels is important to better understand the relationship and help improve human quality of life. Recent research has shown support for the importance of promoting healthier sleep habits to recover from and help prevent stress (Abe et al., 2011). Whereas poor sleep has been shown to have adverse effects on cognition, mood, and memory, having a "good night's sleep" (7-8 hours of uninterrupted sleep per night) has been shown to be restorative in daily functioning and an important factor in an organism's general well-being (Krenek, 2006; Vandekerckhove & Cluydts, 2010).

The significance of our research is the importance of better understanding the relationship between sleep patterns and perceived stress levels in humans in order to help improve safety, health, behavior, and overall quality of life. The convergence of data gathered by way of self-reported questionnaires allowed researchers to compare results and search for correlates that may present suggestions for preventive measures, as well as the need for further research. The data might also help to identify the percentage of people at risk for poor sleep quantity and quality and may reveal the need for sleep hygiene education. Due to the results of the previous research conducted, it was expected that students who

reported having less quantity and quality of sleep would also report higher levels of stress experienced within the past week. It was also expected that those students would report riskier behaviors and mechanisms for coping with stress, such as alcohol and substance abuse, tobacco use, and operating an automobile while sleep deprived.

Methods

Participants were selected from the Psychology Human Subject Pool (Gen Psy 201) using the SONA system and asked to complete the COPE questionnaire, the DASS questionnaire, and a demographic survey. Self-report data regarding sleeping patterns, stress levels, and coping mechanisms during the week prior to the experiment were collected from each participant.

Behavioral measures

After providing a saliva sample, participants received instructions to a free speech and a mental arithmetic task, both conducted under evaluative threat to induce stress (Trier Social Stress Test – TSST). The protocol began with the experimenter announcing the free speech task as two confederates of the experiment were presented as "experts" to evaluate the performance. The experimenter instructed the participant that the task was to prepare for a job interview and that 5 minutes would be given to prepare, during which the experts would leave the room. The experts were brought back into the room and a video camera was turned on to record the participants' performance. The experimenter then asked the participant to perform a 5-minute mental arithmetic task that consisted of continuous subtraction of the number 13, starting from 6233 as fast and as accurately as possible. The expert confederates monitored the performance with neutral facial expressions and offered no encouragement. Participants were then asked to provide a second saliva sample and were debriefed at the end of the session. The experiment lasted a total of 15 minutes, including 5 minutes in which participants prepared their speeches. The experiment did not produce any known harmful effects and it is routinely used to induce stress for human subject research. The level of frustration during the TSST test was gauged on a scale between 1 (no frustration at all) to 10 (very frustrated, the experiment was interrupted).

Surveys and self-report data

The Depression Anxiety Stress Scale (Lovibond & Lovibond, 1993) and COPE Scale (Carver, Scheier, & Weintraub, 1989) were used to measure self-reported stress and coping methods. In addition, a demographic survey was also be used. The DASS is a 28-item questionnaire focusing on the symptoms of stress and anxiety, such as irritability and hyper-arousal. The COPE scale is a 60-item questionnaire which measures one's use of various coping methods, such as planning and seeking social support. The COPE scale was developed to measure a broad range of coping responses, including responses intended to be functional and dysfunctional, as well as at least 2 pairs of polar-opposite tendencies. Design of the COPE scale was based on the theory that individuals engage in a wide variety of coping strategies over a period of time, including pairs of opposites. The intent was to reflect the range of self-regulatory functions that had been previously studied in a range of other contexts, while including scales to measure aspects of coping that are less obviously related to the self-regulatory functions but are nonetheless important to consider (Carver et al., 1989). The COPE scale has proven to be useful in analyzing behavior in a variety of domains, such as laboratory research on pressured performance tasks, as well as naturally occurring phenomena such as testing and social anxieties (Carver et al., 1989).

Results

No significant results were found when correlating the amount of frustration participants showed during the TSST with their self-reported level of stress experienced in the week prior to the experiment (DASS: $r=0.04$, $n=24$, $p=0.84$). There were also no significant results found when comparing the amount and quality of sleep reported for both the day before and week preceding the experiment (regular versus irregular) to the level of frustration experienced while completing the experiment ($t22 = 0.57$, $n = 24$, $p = 0.57$; $t22 = 0.12$, $n = 24$, $p = 0.91$). Finally, we did not find a significant correlation between the perceived stress during the week prior to the experiment and their average sleep time during the same period ($r = 0.25$, $n = 24$, $p = 0.24$).

Discussion & Future Directions

The original hypothesis was that students who reported irregular sleeping would demonstrate higher

levels of stress when participating in the free speech and mental arithmetic tasks, as well as a higher level of perceived stress during the week prior to the experiment, as measured by the DASS questionnaire. Our hypotheses were not confirmed in the current study, since results showed no significant correlation between the quality and amounts of sleep participants received and their levels of frustration experienced during the experiment. Furthermore, no significant results were found when comparing the quality and amounts of sleep participants received to their perceived stress coping mechanisms, compiled from self-reported data gathered from the DASS questionnaires.

Numerous other studies have linked sleeping patterns to stress levels as well as to stress coping mechanisms (Abe et al., 2011), so it is possible that problems within the current study, such as the small sample size, may have contributed to the lack of significant findings. Another alternative hypothesis is that lack of sleep could be widespread in the college population, thus making any comparison with perceived stress problematic. Future studies should ensure adequate sample sizes and expand the self-report questionnaires to allow for multiple comparisons of various forms of stress related to college life.

References

Abe, Y., Mishima, K., Kaneita, Y., Li, L., Ohida, T., Nishikawa, T., & Uchiyama, M. (2010). Stress coping behaviors and sleep hygiene practices in a sample of Japanese adults with insomnia. Sleep and Biological Rhythms, 9, 35-45

Carver, C. S., Scheier, M. F., & Weintraub, J. K. (1989). Assessing coping strategies: A theoretically based approach. Journal of Personality and Social Psychology, 56, 267-283.

Galambos, N. L., Howard, A. L., & Maggs, J. L. (2010). Rise and fall of sleep quantity and quality with student experiences across the first year of university. Journal of Research on Adolescence, 21(2), 342-349.

Galambos, N. L., Dalton, A. L., & Maggs, J. L. (2009). Losing sleep over it: Daily variation in sleep quantity and quality in Canadian students' first semester. Journal of Research on Adolescence, 19(4), 741-761.

Kelly, J. F., & Coons, H. L. (2012). Stress won't go away? Maybe you are suffering from chronic stress. American Psychological Association. Retrieved February 6, 2012 from http://www.apa.org/helpcenter/chronic-stress.aspx.

Kelly, W. E., Kelly, K. E., & Clanton, R. C. (2001). The relationship between sleep length and grade-point average among college students. College Student Journal, 35(1), 84-86.

Krenek, R. L., Jr. (2006). The impact of sleep quality and duration on college student adjustment and health. Unpublished doctoral dissertation, Louisiana Tech University, Ruston, LA.

Lovibond, S. H. & Lovibond, P. F. (1993). Manual for the Depression Anxiety Stress Scales (DASS). Psychology Foundation Monograph.

Lund, H. G., Reider, B. D., Whiting, A. B., & Prichard, J. R. (2010). Sleep patterns and predictors of disturbed sleep in a large population of college students. Journal of Adolescent Health, 46(2), 124-132.

Pilcher, J. J. & Huffcut, A. J. (1996). Effects of sleep deprivation on performance: A meta-analysis. Sleep: Journal of Sleep Research & Medicine, 19(4), 318-326.

Strohl, K. P., Merritt, S. L., Blatt, J., Pack, A. I., Council, F., Rogus, S., Georges, K., Roth, T., Kiley, J., Stutts, J., Kurrus, R., Waller, P., McCartt, A. T., & Willis, D. (1996). Drowsy driving and automobile crashes: NCSDR/NHTSA expert panel on driver fatigue and sleepiness. National Highway Traffic Safety Administration. Retrieved February 14, 2012 from http://www.nhtsa.gov/people/injury/drowsy_driving1/drowsy.html#EXECUTIVE SUMMARY.

Vandekerckhove, M. & Cludts, R. (2010). The emotional brain and sleep: An intimate relationship. Sleep Medicine Reviews, 14(4), 219-226.

Voelker, R. (2004). Stress, sleep loss, and substance abuse create potent recipe for college depression. JAMA: Journal of American Medical Association, 291(18), 2177-2179.

GENDER DIFFERENCES IN PERCEIVED STRESS IN COLLEGE STUDENTS

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Abstract:

This study was designed to assess the role of gender in perceived stress among college students at Marshall University. Participants were asked to complete two questionnaires that evaluated self-report measures of stress in the week prior to the experiment and coping mechanisms when dealing with stressful life events. In the study, the DASS and the COPE questionnaires were used to assess these factors. After filling out the questionnaires, the participant was asked to prepare and give a five minute speech trying to convince a committee of judges that they were the best applicant for a hypothetical job position. They were knowingly filmed while giving the speech. We hypothesized that females would show a higher stress level than males, because on average females are able to better express their emotional state and care more about what people think of them. This information can help us to better understand the relationship between gender and stress.

Significance of the project

Stress is seen as situations or events that produce anxiety, or unease, in individuals, which individuals recognize as something that threatens their well-being (Beukes & Esterhuyse, 2010). Everyone experiences stress in their lives, whether it be at work, school, or in relationships. The types of stressors are different between individuals, as well as how each person copes with these stressors. Stress evoked by social threat is a vital part of social life and is related to self-esteem and in extreme forms, to poor mental health (Almeida & Kessler, 1998). Females report a greater number or interpersonal hassles that lead to stress and negative emotions than males (McIntyre, Korn, & Matsuo, 2008). Due to the increasing amount of eating disorders reported in young females today, it shows that the stresses placed on females by the media to be thin, leads to low self-esteem and poor health. The media, families, and peers place unrealistic expectations on women, young girls in particular, to look a certain way which leads to body dissatisfaction, increased stress, and social anxiety (Giudice, 2006). Studies have identified a significant difference in perceived stress and coping strategies between male and females (Allen, Bocek, & Burch, 2011). There is a positive relationship between social anxiety with aggression and stress for males, and a negative relationship for females (Ali-Ali, Singh, & Smekal, 2011). Females use of disengagement coping worsens the impact of social stressor on depressive symptoms, and they score higher than males in using this coping skill (Calvete, Camara, Estevez, & Villardon, 2011).

The significance of the research proposed was to assess these differences in coping strategies between males and females, as well as measure how each gender perceives stressful situations. If we determined the types of stressors that trigger the most reaction in a male and female, we could better assess the best ways to help them cope. Women's appearance and social success are linked together in today's society, which means that body image satisfaction is correlated with psychological well-being, and on average, women spend more time than men trying to attain a societal body ideal (Murnen, 2011). If less pressure was put on women to look a certain way, many of the stressors in their lives could be reduced. Body image dissatisfaction can control a person's life and completely take over every piece of it—their family lives, relationships, productivity at work. Women already have a disadvantage in the workplace in today's society when it comes to being equal to men. The media needs to stop portraying a size 2 as the "perfect body" and let it be known that appearance is not all that matters. Also, starting at a young age, parents need to monitor what their daughter watches and be sure to teach her to be happy with her body. If women felt better about their bodies, they could focus more of the other stresses in their lives that actually matter. The self-report (questionnaires) and behavioral

measures will give us the opportunity to explore the different points of view between males and females when dealing with stress.

It was expected that females would show higher stress levels than males when high stress levels were induced by the task, because on average they care more of how they are perceived by others. It was also expected that males would show more effective coping strategies than females during the task. Statistically, males are less outwardly emotional than females, so they either will not show as much stress or will get over it quickly.

Methods

Twenty-four participants of at least 18 years of age were selected from the SONA-System subject pool after signing up for the study. There were nine males and fifteen females, all students of Marshall University. Demographic information was collected before the task took place, and the participants were also asked to fill out two surveys—the DASS and COPE. Altogether the task lasts about 15 minutes.

Procedures

The participants were asked to sign an informed consent sheet prior to the start of the study and were informed that they had the right to leave at any time if they felt uncomfortable. A saliva sample was then taken, followed by the participant filling out his/her demographic information and completing the two surveys. In order to induce stress among the participant, the participant was under the impression that he/she was being evaluated by "experts" in the tasks he was asked to do, as well as being recorded by a video camera; this procedure is called the Trier Social Stress Test - TSST. First, the experimenter made the participant aware that he would be giving a five minute speech, in which he/she must prepare for their ideal job interview by giving a speech that states why they are the best candidate for the job. They were given five minutes to prepare. Meanwhile, the two confederates of the experiment sat facing where the participant would be giving his/her speech. After the five minutes, the participant was brought back into the room where he/she faced the video camera and delivered their speech. Once the speech was over, the participant was asked to perform a 5 minute arithmetic task that required them to subtract 13 continuously, starting at 6233, as fast and precisely as possible. Just like when the participant was giving their speech, the confederates evaluated the participant while remaining expressionless. The level of frustration during the TSST test was gauged on a scale between 1 (no frustrated at all) to 10 (very frustrated, the experiment was interrupted).

Surveys and self-report data

The two questionnaires used in the experiment were the Depression Anxiety Stress Scale (DASS) and the COPE Scale. The DASS is a set of three self-report scales that were designed to measure the negative emotional states of depression, anxiety, and stress. It consists of 21 or 42 items, depending on which version is used, that must be rated on a 4 point scale—one end meaning not applying at all and the opposite end meaning it applies very much or most of the time. The DASS applies to how the participant felt and what they did only over the past week, not overall in life (Crawford & Henry, 2003). The participants are made aware that there are no "right" or "wrong" answers and to choose what is most accurate for them, not the general public. The questions vary in what they are asking; some ask physiological based questions such as breathing difficulty or dryness of the mouth, while others deal with emotions and feelings (Crawford & Henry, 2003). The COPE scale is a 60-item questionnaire that measures the participant's coping methods used when confronted with stressful events, such as planning or relying on support from friends and family (Hasking & Oei, 2002). It measures responses to stress as a whole, not just a particular situation, so the participant must answer in general terms (Hasking & Oei, 2002).

Results

We did not find a significant difference in coping methods by gender ($t_{22} = 0.18$, $n = 24$, $p=.861$); we also did not find a significant difference in the perceived stress during the week prior to the experiment by gender ($t_{22} = 0.07$, $n = 24$, $p=.947$). Also, there was no significant difference in the level of frustration showed during the TSST ($t_{22} = 1.05$, $n = 24$, $p=.304$).

Discussion & Future Directions

Although this study did not support our hypothesis that females show higher stress levels than males, there are many studies that have found significant differences in gender relating to stress. A study completed on a

college campus showed that females report having a higher perception of stressors in frustrations, conflict, pressures and changes, and emotional reactions to stressors while males have higher behavioral reactions to stressors (Hamaideh, 2012). In another study, women experienced significantly higher levels of stressors compared to men and reported significantly high levels of work-family conflict, marital stress, social stress, over-commitment, and lower level of work control than men (Allen, Herst, Bruck, & Sutton, 2000). One study focused on everyday stressors, and gender differences in daily distress, found that women reported a higher prevalence of high distress days than men (Almeida & Kessler, 1998). It is possible that our results did not confirm previous research because our sample size was small, thus making it difficult to compare gender with self-report stress and coping mechanisms.

Stress is a part of life that will never go away; people face some sort of stress practically daily in their lives, especially college students. College students are always under stress about due dates, upcoming exams, or written essays. The only way to help alleviate the consequences of stress is to learn how to cope with it. Stress can be detrimental to every aspect of a person's life: their relationships, health, work, etc., so having effective coping skills can help alleviate potential issues. It can also affect a student's academic success. Universities need to take stress serious and make it a priority to provide student support services on campus for the issue. Stress workshops can offer tips on how to better manage stress and deal with it. Some ways to cope on a personal level could be to try different techniques, such as better time management/planning, yoga, kickboxing, listening to calming music, or dealing with the stressor in an effective manner. More studies can be done on different coping strategies when a person is experiencing stress, which can help determine what is effective and what is not.

References:

Al-Ali, M. M., Singh, A., & Smekal, V. (2011). Social Anxiety in Relation to Social Skills, Aggression, and Stress Among Male and Female Commercial Institute Students. Education, 132(2), 351-361.

Allen, M. T., Bocek, C. M., & Burch, A. E. (2011). Gender differences and the relationships of perceived background stress and psychological distress with cardiovascular responses to laboratory stressors. International Journal Of Psychophysiology, 81(3), 209-217.

Allen, T. D., Herst, D. E., Bruck, C. S., & Sutton, M. (2000). Consequences associated with work-to-family conflict: A review and agenda for future research. Journal of Occupational Health Psychology, 5, 278-308.

Almeida, D. M., & Kessler, R. C. (1998). Everyday stressors and gender differences in daily distress. Journal Of Personality And Social Psychology, 75(3), 670-680.

Beukes, M., Walker, S., & Esterhuyse, K. (2010). The role of coping responses in the relationship between perceived stress and disordered eating in a cross-cultural sample of female university students. Stress And Health: Journal Of The International Society For The Investigation Of Stress, 26(4), 280-291.

Calvete, E., Camara, M., Estevez, A., & Villardon, L. (2011). The role of coping with social stressors in the development of depressive symptoms: gender differences. Anxiety, Stress & Coping, 24(4), 387-406.

Crawford, J.R., Henry, J.D. (2003). The Depression Anxiety Stress Scales (DASS): Normative data and latent structure in a large non-clinical sample. British Journal of Clinical Psychology, 42, 111–131.

Giudice, J. (2006). Body image concerns of the adolescent female and the impact on self-esteem and life satisfaction. Dissertation Abstracts International, 67.

Hamaideh, S. H. (2012). Gender differences in stressors and reactions to stressors among Jordanian university students. International Journal Of Social Psychiatry, 58(1), 26-33.

Hasking, P.A., Oei, T.P.S. (2002). Confirmatory Factor Analysis of the COPE Questionnaire on Community Drinkers and an Alcohol-Dependent Sample. Journal of Studies on Alcohol 63(5), 631-640.

McIntyre, K. P., Korn, J. H., & Matsuo, H. (2008). Sweating the small stuff: how different types of hassles result in the experience of stress. Stress & Health: Journal Of The International Society For The Investigation Of Stress, 24(5), 383-392.

Murnen, S. K. (2011). Gender and body images. In T. F. Cash, L. Smolak, T. F. Cash, L. Smolak, Body image: A handbook of science, practice, and prevention (2nd ed.) (pp. 173-179). New York, NY US: Guilford Press.

SMOKING HABITS AND PERCEIVED STRESS LEVELS IN COLLEGE STUDENTS

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Abstract:

This study was designed to assess the effects of the use of tobacco products on perceived stress in college students. Participants for this study were recruited from Marshall University. Studies have shown that a significant amount of young adults use some sort of tobacco products. Although young people tend to believe tobacco use is a stress reliever, studies have shown many detrimental secondary effects of smoking, including an overall impairment in the stress response. This study has assessed differences in perceived stress responses between those who use tobacco products and those who do not. Participants were asked to perform several tasks while being videotaped, which triggered their stress. Participants also had five minutes to prepare a free speech that was given in front of a select panel of judges. Self-reported stress levels were measured using two questionnaires, the DASS and the COPE. It was expected that participants who used tobacco products will report higher levels of stress.

Significance of the project

Stress is a response that negatively effects your emotions, your weight, your sleep, your eating habits, and so on. Stress can affect almost anything in your daily routine if it is persistent enough. It can even lead to depression or other disorders or illnesses. There is talk now a day that doctors are classifying stress as a medical disease because of the harsh outcomes that has arose from stress. Many different variables can trigger stress, like children, school, cleaning, social functions, and everything in between. During this project we will be able to see what characteristics of each participant increase or decrease the stress response. Some characteristics include employment, gender, age, tobacco use, and sleeping patterns. "Many people cope with stress with tobacco. People who cope with stress by this do so for a variety of reasons according to the Tobacco Research and Intervention Program; thinking that smoking a cigarette gives a much deserved break, to feel a sense of camaraderie because tobacco is often a social activity, and knowing that tobacco will make them feel better because it will relieve their nicotine withdrawal symptoms" (Warburton 1991). "Smokers often report that cigarettes help relieve feelings of stress. However, the stress levels of adult smokers are slightly higher than those of nonsmokers" (Parrott 1999). This was the hypothesis we were focusing on. People who say tobacco helps their stress are indefinitely more stressed than those nonsmokers, but they are often unaware. More generally, addictive behaviors can have a significant effect on the regulation of stress physiology and perception.

The significance of this project was to see if tobacco use increases or decreases stress. According to a recent survey, more than half of men who attend college (53%) reported having used tobacco compared to the 41.3% of women (JAMA, 2000). "College appears to be a time when many students are trying a range of tobacco products and are in danger of developing lifelong nicotine dependence. National efforts to monitor and reduce tobacco use of all types should expand to focus on college students and other young adults" (JAMA, 2000). Tobacco use is very popular among college students, which is why the significance of this project is so strong. It was expected that people who use tobacco would have less stress compared to those who do not smoke. However, if the people in this project did not get to use their tobacco product before the interview and questionnaires, they were expected to have greater stress than those who do not use tobacco products.

Methods

Participants were volunteers from Marshall University. Self-report data on their perceived stress and coping style along with some other information were collected earlier. They were given two questionnaires, the DASS and COPE, ask to give a speech, and then asked to do some basic math in front of a small crowd. Participants smoking (yes or no) and drinking habits (on a scale from 1=never drinking alcohol to 10=drinking at least 5 times / week) were also assessed.

Procedure

In order to induce stress, the Trier Social Stress Test (TSST) was used, which includes the speech and the math. The participants were only given five minutes to gather their thoughts for their speech and this is where the project beings. The experimenter told the participants that the task was to prepare for a job interview for a position of their choice, and they had to explain why they are the best person for the job. Along with the pressure of being in front of people and having such a short time to prepare, a video camera was also in the room facing the participant. After the speech, the participants were asked to perform verbal math by the continuous subtraction of the number 13, starting from 6233 as fast as possible for a total of five minutes. The participant was stopped if they paused or could not finish the speech or the math to avoid frustration. The level of frustration during the TSST test was gauged on a scale between 1 (no frustrated at all) to 10 (very frustrated, the experiment was interrupted). This project did not produce harmful effects and was completely voluntary.

Surveys and self-report data

The Depression Anxiety Stress Scale and COPE Scale were used to measure self-reported stress and coping methods. The DASS is a questionnaire focusing on the symptoms of stress and anxiety, such as irritability and hyper arousal. "The DASS is a set of three self-report scales designed to measure the negative emotional states of depression, anxiety and stress. The DASS was constructed not merely as another set of scales to measure conventionally defined emotional states, but to further the process of defining, understanding, and measuring the ubiquitous and clinically significant emotional states usually described as depression, anxiety and stress" (Lovibond, P.F. & Lovibond, S.H. 1995). The Depression scale assesses a wide range of disorders from dysphoria, hopelessness, devaluation of life, self-deprecation, lack of interest/involvement, anhedonia, to inertia. "The Anxiety scale assesses autonomic arousal, skeletal muscle effects, situational anxiety, and subjective experience of anxious affect. The Stress scale is sensitive to levels of chronic non-specific arousal. It assesses difficulty relaxing, nervous arousal, and being easily upset/agitated, irritable/over-reactive and impatient" (Lovibond, P.F. & Lovibond, S.H. 1995). The following shows the characteristics of high scorers on the depression part; self-disparaging, dispirited, convinced that their life has no meaning, pessimistic about the future, unable to experience enjoyment, unable to become interested and lacking initiative. For the anxiety scale high scorers seem to be apprehensive, shaky, aware of dryness of their mouth, and worried about their performance. The stress scale is the easiest to see, their symptoms included tense, unable to relax, touchy, irritable, easily startled, jumpy, and intolerant. All of the characteristics have been seen in participants who take the DASS questionnaire if they score on the high end. The DASS cannot diagnose a person; however, it is an essential part of the beginning of a diagnosis.

Results

The results showed that there is not a significant difference in perceived stress levels between students who use tobacco products, and those who do not. However, we did find that using tobacco products correlates with those students who drop or fail more classes than those students who do not use tobacco products (t_{22}=2.26, n=24, p=.022). We also found a significant correlation between perceived stress and drinking habits, showing that students who were more stressed also consumed more alcohol (r=0.43, n-24, p-0.036).

Discussion & Future Directions

The hypothesis for this study was that students who use tobacco products would have a higher level of stress compared to those who do not use tobacco products. Our results rejected our hypothesis, however there was some other helpful information found. Although there was not a significant difference in tobacco use and stress level, we did find that those students who use tobacco products drop, or fail, more classes that those students

who do not use tobacco products. This is interesting because students who tend to drop or fail classes more or less drop them because they are stressed out over them.

We also found that students who are more stressed out tend to drink more alcohol than those less stressed students. However, we tend to see tobacco and alcohol being used coincidentally. Studies have found that people who smoke are much more likely to drink, and people who drink are much more likely to smoke, moreover, these substances often are used together (NIAAA, 2007). With a larger group of participants, it is anticipated that a correlation between smoking and stress levels will be significant seeing as how our data results were relatively close with 24 participants.

From this study, we can only anticipate that other studies will show more of a significance in the stress levels, which lead to other responses, and tobacco use. This could be helpful on college campuses all across the United States to help lower the number of students, and others, who use tobacco products so they can live healthier, and less stressful lives.

References

Jama. (2000). Tobacco use common among college students. Retrieved from http://www.medscape.com/viewarticle/412087

Lovibond, P.F. & Lovibond, S.H. (1995). The structure of negative emotional states: Comparison of the Depression Anxiety Stress Scales (DASS) with the Beck Depression and Anxiety Inventories. Behaviour Research and Therapy, 33, 335-343

NIAAA. (2007). Alcohol alert. Retrieved from http://pubs.niaaa.nih.gov/publications/AA71/AA71.htm

Parrott, A. (1999). Does cigarette smoking cause stress? 54(10), 817-820. Retrieved from http://psycnet.apa.org/index.cfm?fa=buy.optionToBuy&id=1999-11644-002

Tobak, S. (2007). Conquering your fear of public speaking. Retrieved from http://news.cnet.com/8301-13555_3-9809573-34.html

Warburton, D. (1991). Smoking and stress. 86, 621-625. Retrieved from http://www.tobaccofreetippecanoe.org/ITPCfactsheets/Smoking_and_Stress.pdf

Sleep Patterns, Stress, and Academic Performance in College Students

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Abstract:

Previous studies have shown that sleeping patterns may have a significant effect on the health and well-being of college students. Since lack of sleep is a potent stressor, it is not surprising that previous studies have identified lack of sleep as one of the factors negatively correlated with academic success. Students who have irregular patterns of sleep are typically more stressed and may show more signs of anxiety which, in turn, can affect their study habits and school performance. In this study, participants were tested while completing a stressful task. Participants had five minutes to prepare a free speech that was given in front of a panel of judges. Several measures of academic performance were also collected, including GPA and ACT scores, and the rate of dropped or failed classes. I hypothesized that students with irregular sleeping patterns would have a higher stress response during the task. I also hypothesized that irregular sleeping patterns would be negatively correlated with academic success.

Significance of the project

Many studies have shown that an insufficient amount of sleep can negatively affect one's health in multiple ways. Lack of sleep can cause stress, decrease health, and may contribute to impairments in coping abilities. Lack of sleep is also associated with psychiatric and psychological problems and may impair many body processes. (Lima, Francisco, & Barros, 2012). Sleep deprivation may have serious detrimental effects like falling asleep at the wheel and having a fatal car crash. In fact the National Highway Traffic Safety Administration has estimated that around 100,000 car crashes reported each year are the result of driver fatigue (National Sleep Foundation, 2012).

College students are especially at risk because of social pressures affecting the regular sleep cycle. This may include having to attend classes early in the day, and living in environments not conducive to sleep (Buboltz, Jenkins, Soper, Johnson, Wohler, 2009). In fact the stress of school has been linked to many sleep problems including insomnia. The National Sleep Foundation found that nearly 60% of adults aged 18-29 have difficulty falling asleep (Gaultney, 2010).It is said that 30% of students get less than the recommended amount of sleep each night (Schlarb, Kulessa, & Gulewitsch, 2012). Some college students may turn to alcohol in order to fall asleep quickly, however this will cause fragmented and shallow sleep patterns. Plus, those who are dependent on alcohol may have prolonged sleep disturbances for years to come (Buboltz, et.al. 2009).

Regular sleep is so important that even a two hour shift in the sleep cycle can cause an increase in depression and irritability, cause concentration problems, and detrimentally affect academic performance (Buboltz, Brown, & Soper, 2001). Students may often change their sleeping patterns by sleeping in on days when class does not start as early, or by staying up all night to study for an exam. However this may actually severely encumber their performance on a test. Students are often unaware of the effects of cramming all night and missing those restful hours of sleep until they perform poorly academically (Buboltz, Brown, & Soper, 2001).

Changing sleeping patterns on the weekend, as many college students do, can also negatively affect cognitive and academic performance (Trockel, Barnes, & Egget, 2000). When a lack of sleeping time occurs throughout the week, it is very tempting to sleep in for long periods on Saturday and Sunday. This is an attempt to try and catch up on the lost hours of sleep throughout the week. Yet, this behavior causes further problems

with sleep irregularities in college students. (Trockel, Barnes, & Egget, 2000).

However, improved quality and quantity of sleep can decrease daytime sleepiness and fatigue. Getting enough rest can even improve mood (Gaultney, 2010). It is recommended that the average adult gets at least 7 to 8 hours of rest each and every day in order to maintain the best physical and mental condition possible (Lima, Francisco, & Barros, 2012). By simply sticking to a regular sleeping pattern throughout the week and allowing themselves to get plenty of rest, college students can perform better in academic situations. They may even be more attentive in the classroom, have more energy to study, and generally feel better (Gaultney, 2010).

The significance of the research proposed is to further understand the effects of sleeping habits on cognitive performance during an episode of stress response in an academic situation. The data collected in this study of college students will allow us to examine this issue with a unique perspective. It was expected that students who lacked regular sleeping patterns, and who were sleep deprived, would show a higher stress response during the task. It was also expected that those students who slept regularly would show a higher level of academic performance, have increased coping skills, be more alert, and have a lower stress response.

Method

Participants were selected from psychology students at Marshall University who were at least 18 years of age. Demographic information was collected as well as high school and college academic achievement scores (GPA, ACT). These scores were used as standard evaluators of academic performance since they are highly correlated with career success rates. These scores were used as markers to test the effects of sleep regularity in college students. Information regarding college class failure and drop rates was also reported to measure academic success at the college level. Self-report data on their perceived stress, sleep patterns, and coping styles during the week prior to the task were collected, as well as a saliva sample at the beginning and end of the testing.

Behavioral measures

In order to induce stress, the Trier Social Stress Test (TSST) was used. The participants gave a free speech and then mentally completed a mathematic arithmetic problem. A panel of judges looked on, who were actually confederates for the study. The participant was informed that the free speech task was to prepare for a job interview of any position they would like to choose. After five minutes of preparation time, the panel of "experts" was brought into the room and a video camera began to record the participant's performance.

After concluding the five-minute speech task, the participants were asked to perform the five-minute mental arithmetic task. This consisted of the continuous subtraction of the number 13, starting from 6233 as fast and as accurately as possible. The judges appeared to monitor the performance while maintaining neutral facial expressions and offering no encouragement to the participants. The stressor test lasted a total of 15 minutes, and did not produce any known harmful effects since it is routinely used for human subject research. The level of frustration during the TSST test was gauged on a scale between 1 (no frustrated at all) to 10 (very frustrated, the experiment was interrupted).

Preliminary Results

Interactions were tested between sleeping patterns, ACT scores, GPA, and the amount of classes a student dropped or failed. There was a positive correlation between ACT scores and GPA ($n=24$, $r=0.45$, $p=0.026$) but it is well known that academic performance on this standardized test positively correlates with good grades and a higher GPA. There was no significant data between sleep patterns and ACT ($p=.162$), GPA ($p=.357$), or DF rates ($p=.302$).

Discussion & Future Directions

The original hypothesis was that individuals with regular sleeping patterns would perform better academically and during the challenging task, have increased coping skills, be more alert, and have a lower stress response. However, our results showed that sleep was not a significant factor when determining academic performance abilities. The results showed no significant relationships between sleeping patterns and ACT scores, GPA, or DF classes.

This may suggest that sleeping may not play an immense role in the ability of individuals to perform problem-focused tasks. Or, these results may show that college students have simply become accustomed to working with very little sleep and have learned to adapt.

They may be so used to completing academic tasks in this fashion, that now a lack of sleep hardly affects them. However, countless previous studies investigating the impact of sleep deprivation on academic performance have found that a disruption of sleeping patterns is likely to lead to lower performance levels (Buboltz, 2001).

In fact, many previous studies have shown the various adverse effects of sleep deprivation. It is possible that our study did not wield significant results in part, because of the small population size (n-24) or the fact that the population of participants was very narrow, including only psychology students from Marshall University. Future studies in this area with a greater population may show a significant impact from sleeping patterns to academic performance. We anticipate that results from this preliminary study will help us to further our understanding of sleeping patterns, the stress response, and academic success of college students.

References:

Buboltz, W. C., Brown, & B. Soper. "Sleep Habits and Patterns of College

Students: A Preliminary Study. "Journal of American College Health 50.3 Nov. (2001): 131-35.

Buboltz, W., S. Jenkins, B. Soper, K. Waller, and P. Johnson. "Sleep Habits and Patterns of College

Students: An Expanded Study." Journal of College Counseling 12 (2009): 113-24.

Gaultney, J.. "The Prevalence of Sleep Disorders in College Students: Impact on Academic

Performance." Journal of American College Health 59.2 Oct. (2010): 91-97.

Lima, M. G., Francisco, P., & Barros, M. "Sleep duration pattern and chronic diseases in

Brazilian adults." *Sleep Medicine*, *13*, (2012). 139-144.

National Sleep Foundation. *Drowsy Driving* . "Facts and Stats ." 2012. www.drowsydriving.org

Schlarb, Angelika, Dominika Kulessa, and Marco Gulewitsch. "Sleep characteristics, sleep problems,

and associations of self-efficacy in German University Students." *Nature of Science and Sleep* 4

Feb. (2012): 1-7.

Trockel, M., M. Barnes, and D. Egget. "Health-Related Variables and Academic

Performance Among First-Year College Students: Implications for Sleep and Other

Behaviors." Journal of American College Health 49 Nov. (2000): 125-31.

Social Support, Perceived Stress, and Academic Performance in College Students

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Abstract:

This study was designed to assess how family and social support affected perceived stress and academic success in college students at Marshall University. Although previous studies highlighted controversial findings in regard of the effects of social support on academic performances in college students, more recent studies found that a higher social support from their families was positively correlated with a higher probability of academic success and lower stress during the college years. In the current study, participants were asked to perform several tasks while being filmed. Participants had five minutes to prepare a free speech that was given in front of a select panel of judges. During the experiment participants completed two questionnaires, including the DASS and COPE questionnaires, which are commonly used to assess how people handle stress in everyday life. We hypothesized that participants who are primarily supported by their families will show lower stress levels during the behavioral task and overall better academic results.

Significance of the project

According to Dunkel-Schetter & Lobel (1990), there is a large amount of evidence that college can be stressful for many students, due to a change in interpersonal, social, and academic demands and circumstances (as citied in Baker, 2004). For students, coping with stress can come in many different forms: some seek family or friends others might have their own personal methods to cope. Youniss and Smollmar (1985) state students seek family in regards to education and occupational doubts (as cited in Hogan et al., 2010), so seeking family for support is evident in the world of academia. What if a student lacks this support? Would it make academic success lacking as well? I expect this trend will occur.

Social support and the ability to cope well in stressful situations are linked with students that have higher levels of wellbeing (Chao, 2011). However, the link between social support, perceived stress, and how a student performs academically is still unknown. Hogan et al. (2010) reported four different types of social support that attribute to GPA. Aspects like financial support, practical family support, emotional family support, and advice giving can all be types of support received from the family.

Academic performance can come as a result of many factors. Those who adjust best to college and those who develop a sense of self-efficacy (Brady-Amoon & Fuertes, 2011) have better academic results. Petersen et al. (2009) shows a model that attributes five major factors in determining a student's academic performance: academic motivation, help-seeking, perceived stress, academic overload, and self-esteem.

This study assessed the direct connections between social support (those who seek family, themselves, combinations of the two for support), stress (based on a physiological evaluation), and the outcome of academic success. Specifically, we tested the hypothesis that those who seek family for support had significantly higher GPA scores. This hypothesis was expected due to the fact that students who seek their family for social support have more available resources, and thus they focus more on their academic lifestyle.

If students have more resources of social support- for example: more seminar and collective style classrooms, more freedom for family visits, and more interactive social experiences among university, they may perform better. Overall benefiting the wellbeing of both the student and university.

Methods

Participants volunteered from an introductory level psychology class. Participants gave demographic information and were queried for academic records (GPA and ACT scores).

Academic outcome

Participants' academic records were collected as independent variable. In order to better test the experimental hypothesis that participants who stressed less and sought family for social support would produce better academic records (ACT scores and college GPA). The ACT is a standardized test which measures retention and application of knowledge one has acquired throughout their personal academic career (McManus, 1991). There have been many doubts when dealing with how valid the ACT is in predicting success of a college student. According to Lenning (1975), the ACT does in fact have high predictive validity in determining a student's success. However, validity is lessened for minority students (House, 1996). GPA can also be a great predictor of college success; its validity is actually underestimated (Berry and Sackett, 2009). Docan (2006), states that focusing on good grades can hurt a student in the learning process because it develops grades to become extrinsic motivators, which can take from the emotional experience of learning as well as cause more frustration if a lower grade is received.

Behavioral measures

The Trier Social Stress Test (TSST) was used to subject participants to stressful stimuli. The TSST required the participant to both speak publicly and perform arithmetic calculations while under observation. The experimenter first asked the participant to compose a speech, which was presented to two confederates. The confederates then evaluated the speech given by the participant. The subject matter given to the participant was a pseudo job interview, where the participant persuaded the confederates that he/she was the best person for the job. After being allotted 5 minutes to prepare the speech, the confederates returned to listen to the presentation; a camera was turned on to record the participants' task. Participants were given 5 minutes to speak, and then they proceeded by performing a task of arithmetic. The participants were requested to subtract 13 from the number 6233 without stopping, being assessed for both speed and accuracy. The TSST was used for its effectiveness in eliciting physiological responses from acute stress. The experiment persisted for a total of 15 minutes (5 minutes to prepare the speech, 5 minutes to give the speech, and 5 minutes to complete the aromatic task), and then the subjects were debriefed. There are no known risks to this study, or harmful effects.

The level of frustration during the TSST test was gauged on a scale between 1 (no frustrated at all) to 10 (very frustrated, the experiment was interrupted).

Surveys and self-report data

The Depression Anxiety Stress Scale (Lovibond & Lovibond, 1995) and COPE Scale (Carver et al., 1989) were used to measure perceived stress as well as participants' methods of coping. The DASS is a 28-item questionnaire that focuses on responses to stress and comfortability. The COPE scale is a 60-item questionnaire addressed the way in which an individual copes with stressful situations, for example: seeking religion or family support.

Results

There was not a significant interaction between social support and stress (r = -0.26, N = 22, p = 0.21). There is no significant difference in GPA among differing groups of social support (t (22) = 1.59, p = 0.13, *ns).* ACT scores do not differ among groups based on social support (t (22) = -0.29, p = 0.78, *ns)*. A significant difference was found among social support groups in amount of classes dropped (t (22) = -2.17, p = 0.04).

Discussion & Future Directions

The experimental hypothesis that subjects which seeks family as their main means of social support stress less was inconclusive. There were many confounding factors, which may have caused the trend not to appear. Lack of an adequate sample size was a primary issue around the study. However, further research on the subject could provide to be significant if the sample was expanded. In addition, a more complex scale of the social support variable- for example, "how many hours a week do you work?" or "Does your family provide a supportive environment for furthering your education."

Nounopoulos, Ashby, and Gilman (2006), students that are in environments of "adaptive perfectionism" have more confidence academically and less stress in

academic situations. Adaptive perfectionism is signaled by a supporting family and peer group, which accepts academic success, and supports an idea of perfectionism that is not mandated upon the student. With the help of further studies in this area, we may be able to see an individual improve their coping skills. By improving coping skills, individuals would be better able to adapt in stressful situations.

Future research could address things like developing a discourse among academic success, however, a more wholesome picture. When addressing success among college students not only viewing standardized scores as well as GPA but also other forms of intelligence like emotional and social intelligence. An expansion of academic outcomes could help better determine what type of support is necessary to better cope with stress. Should a student be social; aware of emotional cues; or analytic when it comes to the whole academic process? This research would help better both the life and experience of a college student.

References:

Brady-Amoon, P., & Fuertes, J. N. (2011). Self-Efficacy, Self-Rated Abilities, Adjustment, and Academic Performance. *Journal Of Counseling & Development*, *89*(4), 431-438.

Baker, S. R. (2004). Intrinsic, Extrinsic, and Amotivational Orientations: Their Role in University Adjustment, Stress, Well-Being, and Subsequent Academic Performance. *Current Psychology*, *23*(3), 189-202.

Berry, C.M., Sackett, P.R., 2009. Individual differences in course choice result in underestimation of the validity of college admission systems. Psychological Science 20 (7), 820–830.

Carver, C.S., Scheier, M.F., & Weintraub, J.K. (1989). Assessing coping strategies: a theoretical approach. *Journal of Personality and Social Psychology*, 56, 267-283.

Chao, R. (2011). Managing Stress and Maintaining Well-Being: Social Support, Problem-Focused Coping, and Avoidant Coping. *Journal Of Counseling & Development*, *89*(3), 338-348.

intelligence. *Australian Journal Of Psychology*, *62*(1), 30-41. doi:10.1080/00049530903312881

Docan, T. N. (2006). Positive and Negative Incentives in the Classroom: An Analysis of Grading Systems and Student Motivation. *Journal Of Scholarship Of Teaching And Learning*, *6*(2), 21-40.

House, J. (1994). College Grade Outcomes and Attrition: An Exploratory Study of Noncognitive Variables and Academic Background as Predictors.

Lenning, O. T. (1975). Predictive validity of the ACT tests at selective colleges. ACT Research Reports, 69

McManus, B. (1991). A comparison of college admission tests-the SAT and the ACT. Clearing House, 64(5), 339.

Nounopoulos, A., Ashby, J. S., & Gilman, R. (2006). Coping resources, perfectionism, and academic performance among adolescents. Psychology In The Schools,43(5), 613-622. doi:10.1002/pits.20167

Petersen, I., Louw, J., & Dumont, K. (2009). Adjustment to university and academic performance among disadvantaged students in South Africa. Journal of Educational Psychology, 29, 99-11

Youniss, J., & Smollar, J. (1985). Adolescent relations with mothers, fathers, and friends. Chicago: University of Chicago Press.

SOCIOECONOMIC STATUS, STRESS, AND ACADEMIC PERFORMANCE IN COLLEGE STUDENTS

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Abstract:

Studies have shown that the socioeconomic status can have a profound effect on several key aspects of life, including health and academic performance in college students. Students with a lower socioeconomic status tend to be more stressed, which could impair the amount of time and effort invested in studying. Students who tend to perform better in class also benefit from an overall lower level of social stress. In the study participants were tested during a stressful task. Participants had five minutes to prepare a free speech that was given in front of a select panel of judges. Several measures of academic performance were also collected (GPA and ACT scores). We hypothesize that student with a lower socioeconomic status and less support would have a higher stress response during the stressful task. By looking at the participants academic performances we could also better understand the role of stress in college students.

Significance of the project:

Studies have indicated that chronic stress can cause cell death in the hippocampus, an area of the brain critical for memory and learning (Duman, 2004). Academic life can be a significant, prolonged stress for many students. For students who can also have to cope with low support and a low socioeconomic status, college life can be even more stressful. "The adverse impacts of economic downturn on mental health have become a social issue rather than an isolated or personal condition."(Diaz , Guo, Johnson, & Wang, 2011). With the current fall of this country's economy, many people are being affected by the economic turmoil.

Even though college students can receive support from their own institutions, they still have to deal with the stress of a weak economy on top what is expected of them socially and academically (Diaz et al. 2011). According to the ASCD- Association for Supervision and Curriculum Development, students that come from a lower socioeconomic background are faced with daily overwhelming challenges that affluent students never to confront. The brains of lower income students have adapted to suboptimal conditions in ways that undermine good academic performance (ASCD, 2012).It is more difficult for students that have to worry about money to concentrate on doing well academically. "Research indicates that children from low-SES households and communities develop academic skills more slowly compared to children from higher SES groups" (Morgan, Farkas, Hillemeier, & Maczuga, 2009). When their academic development is slower it causes additional stress on the student because they are now worried about poor academics.

College students are just as susceptible to the stressors of low socioeconomic status as establish adults. Diaz and colleagues (2011) have found that socioeconomic challenges are linked to a higher level of perceived stress. Socioeconomic status can have a profound effect on several crucial aspects of life, including health and academic performance in college students. Students with a lower socioeconomic status tend to be additionally stressed, which could weaken the amount of time and effort invested in studying.

We predict that college student with a lower socioeconomic status and less backing will have a higher stress response during the stressful task. Through observing the partaker's academic performances we can also enhance comprehension of the role of stress in college students.

Methods

Participants were selected from the Psychology Human Subject Pool (Gen Psy 201) using the SONA system and asked to complete the COPE questionnaire, the DASS questionnaire, and a demographic survey.

Self-report data regarding sleeping patterns, stress levels, and coping mechanisms during the week prior to the experiment were collected from each participant. Socioeconomic status was determined during the demographic survey. The student participants were asked what their average income was of their primary means of support. Academic performance was determined by taking American College Testing scores and the current grade point average of the student participants. We also considered whether or not the student had dropped or failed a class at any time.

Behavioral measures

After providing a saliva sample, participants received instructions to a free speech and a mental arithmetic task, both conducted under evaluative threat to induce stress (Trier Social Stress Test – TSST).The protocol began with the experimenter announcing the free speech task as two confederates of the experiment were presented as "experts" to evaluate the performance. The experimenter instructed the participant that the task was to prepare for a job interview and that 5 minutes would be given to prepare, during which the experts would leave the room. The experts were brought back into the room and a video camera was turned on to record the participants' performance. The experimenter then asked the participant to perform a 5-minute mental arithmetic task that consisted of continuous subtraction of the number 13, starting from 6233 as fast and as accurately as possible. The expert confederates monitored the performance with neutral facial expressions and offered no encouragement. Participants were then asked to provide a second saliva sample and were debriefed at the end of the session. The experiment lasted a total of 15 minutes, including 5 minutes in which participants prepared their speeches. The experiment did not produce any known harmful effects and it is routinely used to induce stress for human subject research. The level of frustration during the TSST test was gauged on a scale between 1 (no frustration at all) to 10 (very frustrated, the experiment was interrupted).

Academic Performance

In order to look at the academic performance of the student participant we will be looking at their grade point averages and their American College Testing scores. Test like the ACT are taken to predict what a student performance academically will be like when attending higher education institutions. The ACT tests the student's skill in English, Math, Reading, Science, and Writing. The highest score that can be earned is a 36. The national average score on the test is a 21. Studies have reported that the students with lower socioeconomics do not perform as well as their counter parts on the ACT test.

Results

There was no significant relationship between college students with a lower socioeconomic status and them having a higher stress response during the stressful task. There was not a correlation between the ACT scores and frustration that was felt by the participants (r=-0.3, P=0.81). When looking at whether there was a significance between ACT scores and the Average Income of the student or their care givers there was also no significance ($F_{3,20}$ =0.32 P=0.81) The student participants ACT scores were too not significantly linked with frustration felt during the stressful task ($F_{3,20}$=1.74 P= 0.19).

Discussion & Future Direction

We initially hypothesized that college student with a subordinate socioeconomic status and less aid will have a greater stress response during the stressful task. Our results indicated that students with lower income were not significantly more frustrated than the others during the TSST. Other research however has found that there is a correlation between higher stress and low socioeconomics (Diaz et al. 2011). "Economic stress extends its influences to the general public and breaches the shield of college campus." (Diaz et al. 2011). College student's certainly need additional attention and assistance from supportive resources during this economic contraction." (Diaz et al. 2011). Low economics do cause stress in college students.

They also did not perform significantly worse than the others in terms of ACT and number of classes dropped and failed. When looking at studies of socioeconomic status verse ACT scores result have shown that student with lower socioeconomic status do not do as well at the ACT test as student who have higher socioeconomics. This is because "initial academic skills are correlated with the home environment, where low literacy environments and chronic stress negatively affect a child's pre-academic skills. The school systems in low-SES communities are often under resourced,

negatively affecting students' academic progress" (Aikens & Barbarin, 2008).However there was a significant correlation between the student participants who support themselves and dropping and failing classes. This could be a significant finding because student whom support their self are on average are working to have money for living expenses. If students are spending a significant amount of time working that is less time when they are attending class or studying.

It is possible that the reasons for the insignificant findings within this study are that there were a limited amount of willing participants. College students are not always willing participants in studies because of the stressors of college life its self. With a larger sample size there would have been more variation and more participants to complete the study. The studies that had significant findings that supported their claims had up to 560 college participants.

During the studies it was difficult to know what the participant's income was and how they received their income. Information of that sort differs from person to person. It could have been more telling to interview the student about their primary means of support. We could have also looked at whether or not the student had received scholarships, loans, or grants. With this information we could have had a better understand of how much support they received outside of their family.

With the assistance of future studies looking at college student's socioeconomic status and its effect on academic performance and stress will help us to better understand how to help the college student's deal with their stress. Stress is sometimes inevitable and it is important that people are aware of healthy ways to deal with it.

References

(20012). In ASCD Learn. Teach. Lead. Retrieved , from http://www.ascd.org/Default.aspx

Aikens, N. L., Coleman, C. P., & Barbarin, O. A. (2008). Ethnic differences in the effects of parental depression on preschool children's socioemotional functioning. Social Development, 17(1),

Catalano, R. (1991). The health effects of economic insecurity. American Journal Of Public Health, 81(9), 1148-1152

Duman, R. S. (2004). Depression: a case of neuronal life and death?. Biological Psychiatry, 56(3), 140-145.

Guo, Y., Wang, S., Johnson, V., & Diaz, M. (2011). College students' stress under current economic downturn. College Student Journal,45(3), 536-543

Hillemeier, M. M., Farkas, G., Morgan, P. L., Martin, M. A., & Maczuga, S. A. (2009). Disparities in the prevalence of cognitive delay: how early do they appear?. Pediatric & Perinatal Epidemiology, 23(3)

Real Life in a Virtual World

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Abstract

Social Interaction involves back and forth manipulation and interpretations of human action and behavior. This study focuses on the organization of a virtual world, and whether or not such organization allows the virtual world to represent an acceptable alternative to the same type of social interaction experienced in the real world. For purposes of this study MMORPGs such as "World of Warcraft" were studied, while also acknowledging other social media such as Facebook. A number of interview participants were chosen randomly from a variety of backgrounds. A mass survey of "Introduction to Sociology" students enrolled in Marshall University was also utilized, with a greater depth of demographic information taken. Results suggest a positive correlation between level of familiarity with virtual worlds and social interaction comfort within virtual worlds.

Introduction

Do virtual worlds present an acceptable alternative to social interaction? I asked myself this question after viewing a video in my Social Organization class during the Fall semester of 2011. The video, "Digital Nation" (Frontline, 2010) was about the new digital age we find ourselves in today. We would be hard pressed to find someone who has not at the very least heard of the likes of Facebook and Twitter. The video showed a prominent computer firm (IBM) whose office building was now vacant due to the majority of their work, including board meetings, were taking place online in virtual 3D board rooms and offices. The video also showed children in Asia whose daily school life revolved around the use of technology and the internet. Their schools boasted banners and programs designed to teach children the proper ways of using the world wide web. Just the name, "world wide web" tells us this thing called the internet which we as a culture have objectified is global.

So why not use this novel tool to create a platform where persons from across the world could essentially meet and interact in a way the "old days" of chatrooms could only imagine? Game designers caught on to this thought a long time ago with games such as EverQuest and World of Warcraft. These games offer an organization that so closely resembles that of the real world it is easy to get caught up in the fantasy, to blur the boundaries of the real and the virtual, to create an entirely new reality comprised of both the real world and the virtual world (Woodsworth, 67-70).

Peter Berger and Thomas Luckmann (and all those other Constructivism fans) tell us reality is socially constructed, and will differ between cultures and societies. This is in a sense what happens with hardcore gamers-The ones who spend hours of their life sitting at their keyboards while they become a digital avatar in a virtual fantasy world. As I will show later in this essay, there are strong correlations in research to suggest a gaming subculture made up of a unique set of signs and symbols, roles, language-Culture. Why not tap into this wealth of possibility and use it for the workplace, schools, and as a form of therapy?

Research into Juvenile Delinquency reveals youth are more effected by violence in video games than violence watched on TV or in movies (Hess). This is due to the separation of that violence when only watching it compared to being an active participant in inflicting that violence in a game, causing a desensitization to violence. If youth can be desensitized to violence, then why can those with social disabilities not be desensitized to social anxieties by actively engaging in social roles and social play in a virtual world? Even though there are numerous virtual world games one could play to gain an understanding of the interaction that takes place, I focused mainly on World of Warcraft.

Before proceeding it is very important to define what exactly an MMORPG is. MMORPGs are

"Massively Multi-Player Online Role Playing Games." These are not the same as a profile based webpage such as Facebook, or a chatroom, or even a "first person shooter" game such as "Call of Duty." In these games real life people log on and play together or alone (but still in the presence of others) to complete quest goals. Quests are in game objectives, and sometimes these quests require the teamwork of at least two players working together. Facebook is considered on the level of a social profile while the games played on Facebook are similar to computer games one could play offline as well. Call of Duty and other first person shooter games require an internet connection for certain downloadable content that a player uses in the game, and it has also quest objectives. These games differ from MMORPGs in the fact that multiple people cannot log on and play together, achieving the same goals or defeating the same enemies in the manner of World of Warcraft. MMORPGs have an ever-growing sense of progression and improvement.

What is Social Interaction?

Figure 1. Stormwind City, Character Interaction

Social interaction is the back and forth manipulation and interpretation of actions and behaviors between two or more humans. Until the dawn of the digital age, this was seen as face to face interaction between people. With the advancement of the internet, people from all over the world can meet, talk, and interact in ways not possible before. Today we have internet chat rooms, Facebook, Twitter, online dating websites, and games we can use to challenge our friends. Who needs game night when each can log on and play a game of Monopoly online? The internet has even changed the old fashioned "mail order bride" notion when men and women from different countries can meet on dating websites, marry, and live happily ever after.

The technological advancements of the internet paved the way for a whole new society built around virtual worlds. These virtual worlds are designed with the same organization we see in real world societies, allowing symbolic interactionism to take over and produce functioning societies with their own traditions and culture. Research to date focusing on social interaction in virtual realms has deduced that virtual worlds become part of the reality of hardcore gamers. Research claims those who delve into virtual worlds and become a part of these worlds tend to prefer digital or online media rather than face to face contact (Woodsworth, 67-70).

The virtual world called World of Warcraft is the most played MMORPG (CITE THIS.) Studies show people get so engrossed in this type of virtual society that they often times will lose touch with the real world (www.squidoo.com.)The ties between the virtual world and real world frequently blend through a variety of institutions such as economic and education. A simple internet search on "world of Warcraft" will provide thousands of hits to show there is a cultural following of the game with a number of conventions, memorabilia, books, and how to guides. According to www.wowdetox.com, there is no dividing line between the fantasy world and the real world among hardcore players (Skeens, 2011).Hardcore players are constructing a reality that is vastly different yet strikingly similar to the real world reality with which most of us identify. This fantasy world has all the characteristics in place of a true society, even if some are limited in their strength.

Functionalism:

Functionalism sees society as being analogous to a biological organism. This theory assumes society is comprised of interworking institutions similar to the working organs of an organism. Through social evolution policies, behaviors, traditions, and the like are either carried forward generation after generation if they are useful, or they are lost if they are not. This explains the organizational framework of society, and how game designers have used this organization to develop

realistic worlds and alternative societies (Skeens, Soc Org. 2011).

Symbolic Interactionism:

Symbolic Interactionism[1] assumes we act toward people and things based on the meaning we give these things. We interpret the meanings through interaction, and these meanings are derived from these interactions with others and society (Nelson).While Symbolic Interaction is effective in its analysis of the real world, the remainder of this paper will also show symbolic interactionism to be a critical basis of interaction in the virtual world. A large part of this is due to the meanings we assign symbols and roles in the real world. Goffman's presentation of self says we act according to ascribed roles (Turner, 395-418). We have our front stage self, and this is the role we project out to others. This can change. My role as a student is different than my role as a mother, and I act accordingly. Our backstage self is our "true" self. This is typically considered to be the role we take on when we are alone, with no other actors to influence our "show." This is seen in virtual worlds, but it is concentrated and more complicated because one presents both the front stage and the back stage simultaneously. This is even more complicated when an individual has more than one character and he or she plays a different role for each character.

If you look at Fig. 2 on the previous page, this is a scene from the Horde city Orgrimmar. When looking at this one can automatically make an educated assumption that this shot was taken around Christmas time because of the real world meaning we as a society have given to the figure of Santa Claus and the objects of gifts and a decorated tree. So it is not a stretch for one to complete the holiday quest of giving cookies and milk to this "Santa" and opening gifts under the tree. This is a real world tradition based off signs and symbols that has been carried over to the virtual world.

Fig. 2. The meaning given to this holiday transcends the real world to the virtual world.

Fig. 3 on the previous page is a screen capture of my personal level 85 Demonology Warlock. Each area on this screen capture is a sign or symbol of my ability as a player. The 376 is called a Item Level. This level dictates the level of raid or dungeon a player can enter. Other players use this item level as a measuring stick to judge the level of ability a player has at playing the game. At the time, 376 was an average Item Level score, there were those who had IL's (Item Levels) in the 380's and these were seen as elite players. Now after the latest patches the average IL is in the 390's.

Fig. 3 My main character from World of Warcraft. Each category represents a symbol of my game style and ability.

Each piece of gear as a level associated with it. Purples are generally higher, followed by blues, then greens, then white, and finally gray is considered junk. Just by looking at the color or the name of a player's gear one can get an idea of what dungeons they have completed or how many battlegrounds they have fought in. The icons are symbols of my gear. Each box is designated for gear that serves a particular function. For

[1] Much of the following information is taken from a paper I

example Chest pieces are vests, robes, etc. that serve as armor. The bottom three are weapons such as swords, staves, wands, and axes. On the left is a list of links one can click on to see what achievements I have earned. Achievements require going above and beyond such as completion of all zone quests, completion of dungeons or a variety of dungeon levels, killing certain elite bosses, or equipping high level gear. Just the class of Demonology Warlock dictates to a large degree how others treat me because I am not seen as a critical need for a group like a tank or healer would be.

Fig. 4 on the previous page is a shot of a raid group. Each person in the foreground is a real human player, represented by their avatar. All of these players are working toward the same goal of conquering super elite bosses in a raid that takes as many as twenty-five people. Each person assumes a role, and all act accordingly. Healers know to heal the tanks first, stay out of the way, to not draw aggro, and pay attention to keep the team alive. Tanks know to pull the mobs, keep all the aggro, and assume a position of leadership. DPSers know to not pull ahead of the tank and keep the healer alive. Within those roles there are certain group norms as discussed that are followed.

Fig. 4. Each person in the foreground is a real human player. This is a raid group, and they are working together within the confines of their ascribed roles to achieve a mutual goal.

Do virtual worlds represent an acceptable alternative to real life social interaction?

Using these theories and my knowledge of social interaction and that of virtual gaming worlds I asked the question, do virtual worlds represent an acceptable alternative to social interaction in the real world? Beyond that, if the design of virtual worlds are conducive to meaningful social interaction, how comfortable are others in relating and socializing in a virtual world?

Methodology

This study is mixed methods, augmenting ethnographic observations and interviews with survey data. The data used for statistical testing were derived from a survey developed by the Marshall University Sociology and Anthropology Department's 2012 Capstone class. The survey was conducted in 15 general education classes taught by the two programs between March 6 and March 9, distributed through the weekdays and throughout the days. We received 384 forms. In general we found the distribution as reported in Table 1.

Table 1a. Age.

category	Frequency	Percent
1 18-20	299	77.9
2 21-24	51	13.3
3 25-29	17	4.4
4 30+	16	4.2
Total	383	99.7
missing	1	.3

Table 1b. Gender.

Category	Frequency	Percent
.00 female	246	64.1
1.00 male	136	35.4

Table 1c. Race.

category	Frequency	Percent
1 white	322	83.9
2 African Am	32	8.3
3 Asian	5	1.3
4 Native American	1	.3
5 other	19	4.9
6 international	5	1.3

Table 1d. College Year.

category	Frequency	Percent
1 Freshman	233	60.7
2 Sophomore	76	19.8
3 Junior	36	9.4
4 Senior	33	8.6
5 Grad student	1	.3
Total	379	98.7
missing	5	1.3

Table 1e. Parent social class.

category	Frequency	Percent
1 on assistance	15	3.9
2 working class	66	17.2
3 lower middle	52	13.5
4 middle	177	46.1
5 upper middle class	68	17.7
Total	378	98.4
0 no answer	6	1.6

Table 1f. Residence.

category	Frequency	Percent
.00 not given	17	4.4
1.00 WV	274	71.4
2.00 adjacent northern	47	12.2
3.00 adjacent southern	19	4.9
4.00 other not adjacent	27	7.0

I began an extensive ethnographic period beginning August 20, 2011 and ending April 10, 2012. I have been playing World of Warcraft since December 2009, but I never played it with a mindset from a sociological perspective-Dissecting and theorizing as to the types of stereotypes, roles, and meanings I was witness to during my time killing Murlocs and Defias Bandits- in order to gauge the level of social interaction within a social community. Starting in August I began taking notes, comparing the organization of the virtual world, and detailing the parallels as well as the differences between the virtual world and the real world. The next three months culminated into a twenty page essay titled, "World of Warcraft: The Organization of a Fantasy Reality." Much of the background research done for that essay is also used in this paper.

I also developed a set of online interview questions that were posted in survey format on www.Surveymonkey.com. I distributed that link using social media networking across the United States. The only demographic question asked was gender to determine if there was any correlation between real life gender, virtual world gender, and perceived stereotypes. No one under the age of 18 was allowed to participate, and all participants stated they were at least 18 years of age. Questions were to gauge the level of game play to segregate those who could be identified as virtual gamers from those who just played digital games or used social media outlets. Participants were asked if they had ever played virtual games. Those who were gamers would answer with yes and state 3D virtual world games. Those who were not gamers would answer yes, but state games such as "Farmville" on Facebook. These games are not considered virtual world games for purposes of this study since they are not MMORPG based games. Other questions were used to judge the depth of play and the depth of what I have termed "world blurring." World blurring is what I define as a blending of the virtual world and the real world. World blurring occurs when ones comfort level with the virtual society becomes as second nature as that of the real world. For example, I was traveling with a friend and pointed out the scenery around us looked like a particular zone in World of Warcraft. It is not a bending or altering of "reality," but an ability to see game zones in the outside world, or real world zones in the virtual world, and the ability to transpose real world and virtual world signs and symbols. Another example here is a particular quest chain in an area known as "Redridge Mountains." Through "world blending" one can get the joke that the quest chain is a spoof of "Rambo."

Ethnography Experience and Results[2]

Every society needs organization, and this is manifest through institutions that organize and work

2 Again, much of the following comes from the paper I wrote for Social Organization titled, "World of Warcraft: The Organization of a Fantasy Reality," and from the paper I wrote for Soc360 titled, "Symbolic Interaction of Fantasy Land (An Ethnography of the Gaming Community)."

together to promote the homeostasis of a given society. World of Warcraft and other virtual worlds are not lacking here. There is a strong parallel with the real world, and much of this organization is heavily dependent upon real world memes and meanings. The makers of World of Warcraft, Blizzard, have laid in place many of the needed foundations for a properly organized society, so that the society in World of Warcraft does not need to carry out some of the same plans of a real society. Regardless of the digital formal of the "society" of World of Warcraft, it is still a functional society that so closely resembles that of the real world many of the partakers have fused the two realities into one multi-option, interconnected world (Heider).

Societies need authority and leadership, and World of Warcraft has this. There are some limitations as to what a player can and cannot do in game, for example players cannot create their own factions, cities, or encampments, but by and large players have a great deal of in game freedom.

For character creation players are given a choice between two factions, Horde or Alliance, male or female, and a set of races and classes for each race depending on the faction chosen. Players are then given the ability to choose their own name, but their appearance is largely dictated by Blizzard via presets as there are not a lot of variations from which to choose. Blizzard assumes a great deal of authoritative responsibility in terms of what types of armor and weapons a player can choose, but there are in game abilities that will allow a player a certain level of choice as to appearance or specs on their gear and armor. Players cannot be leaders in the sense of in game decisions and impact. Limitations are placed in such a manner that a player can be a leader in a guild (club of sorts) or in a party (questing or raiding group.) But as far as having authoritative control over in game NPC's, players do not have this. Every interaction a player has with NPC's is largely pre-arranged by Blizzard. Even to the point that some areas or quests remain hidden until a certain level of "respect" is earned with a faction group.

Among players, authority is granted through a symbolic interaction based on roles, and this is largely based in Weber's view of traditional authority, where authority is legitimated by the sanctity of tradition (Turner).In guilds and among non-raiding groups, authority is often based on Weber's defined charismatic leader (Turner).For example, traditionally the tank is the leader of a group when in a raid or dungeon. There is a dungeon guide that may or may not be a tank, but most often the tank is still the one in charge. This is made even more evident by the game's design to designate the tank as the dungeon guide when no other players have chosen the role. While playing a Death Knight character in tank mode I purposefully did not choose the dungeon guide role, yet the game gave it to me anyway. This happened on a number of occasions. We assume roles based on our level, class, and abilities.

We choose our role, then we act accordingly to a learned set of norms. These norms and values are learned like most real life norms are learned. Peer reinforcement and punishment play a large part into this. When a player does the right thing they are either praised or some other form of positive reinforcement occurs. But should a player violate the unwritten player enhanced rules, the player can be punished by the group via humiliation or getting kicked out of the group. Blizzard controls roles in the sense that they dictate what classes can be tanks, healers, and just damage causing players. As stated previously, the tank is generally assumed to be the leader. Everyone in the group looks to the tank as the "boss" or main component of the group. The tank pulls all mobs (large numbers of enemy targets,) and controls the speed of movement through a dungeon instance. A violation of dungeon norms would be for a warlock to move ahead of the tank and pull mobs on their own, or a healer to heal everyone before the tank, or the tank allowing the mob to overtake the group. All of these acts are frowned upon.

Raid groups are more difficult. It is assumed that players are at a more advanced level, and overall better players. It is also assumed that all players can deal the same amount of damage. This is not a reality of the game. A paladin can deal a significantly higher amount of damage than a similarly leveled warlock. For example, I was playing my level 85 warlock (item level 372) in a raid group. A similarly leveled level 85 paladin waited until after the raid then he "spit" on my character and said he had carried me throughout the raid. This type of interaction was because he had assumed the role of dominant and labeled my character as a weaker, less-abled player because my damage level was below his.

At one point a player could "ninja loot" where they would click need on every piece of valuable loot in a

dungeon. Dungeon looting is based on a need before greed system where players roll for items, 0-100 with the highest number winning the loot. Need always takes precedent over greed, so if a player rolls need and no one else does, they win the loot. Blizzard has now made it impossible for a player to click need on loot they cannot use or that will not benefit them. This is an example of the social evolution that takes place in the gaming world.

During my last week of play I elected to try and violate as many norms as possible while trying to maintain my character role. In one instance I changed my high level gear for low level gear, this affecting my stats in a negative manner. This not only caused my "dps" to be much lower, but it also made it a lot harder on the rest of the group. I was verbally chastised in chat and blamed for the group's failure at defeating a boss. In another instance I pulled ahead of the tank. This did not last long as I was once again verbally chastised and kicked out of the group. Once I was kicked I had to wait nearly ten minutes before I could reenter the queue to find another group. Other times I would "need" on items I did not need, this led to verbal outbursts and demands of explanations on why I needed on such items. I also tried to do a "bad" job at being a tank and I did not hold "aggro" allowing the others to do the bulk of the work. This too led to verbal rage and got me kicked out of the group.

Another interesting aspect of the virtual gaming community is the use of guilds. Guilds are similar to unions, clubs, or fraternities of sorts. Each guild as their own bank with bank tabs, and the guild master controls who can take what from the bank. The guild master also has the ultimate power in terms of who gets promoted, who can promote others, etc. There are various levels of guild membership from guild master, down to guild officers, guild officer alts, members, member alts, and recruits. Recruits are generally the lowest. It takes a fair bit of time to climb the ranks to guild officer, unless you have friends or family in the guild. This is similar to the "good ol' boys" club we often hear of in terms of elite memberships in the real world, or even getting a job in coveted company. A personal friend of mine is a guild officer in an elite guild and added my character to his guild. After a couple of weeks he promoted me to member alt. That was the highest he could promote on that character so he switched and promoted me on to member. He said he would promote me to officer, but he had to get permission first from the guild master in order to not anger her. In the meantime, another guild member noticed the promotion and began to inquire as to how I was promoted so swiftly. This is a good example of the use and need for authority in game. It is also interesting to note that gender is not an aspect of this authority as the guild master is female.

Some players develop an "Us vs. Them" mentality to such a degree they believe that players of the other faction are all innately bad, and the only true good players are members of their own faction. This is seen from players who only play horde or only play alliance. I have personally seen people in real life who, after finding out I play a different faction than them, completely ignore me and refuse to interact at all. They affix a meaning to the faction in such a manner than it effects their interactions even in the real world. There are those who even go so far as to believe their race or class is better than all others. So to others their class/race they are nice, helpful, and forgiving. This "Us vs. Them" mentality is one way in which the game overlaps the real world.

Many guilds use a program called Ventrilo. This allows the members of the guild to use a mic and talk to each other. This is particularly helpful, I noted, while in groups so that you can talk and plan your mode of attack. It is also useful in getting to know each other. One interesting point of note is that with Ventrilo it is obvious who is male and who is female. Given the social stereotype and statistics that more males play than female (see survey results,) and the in game norm that female players are second to males, I was shocked to discover the guild master of the elite guild I had managed to become involved with was actually female. She had risen herself through the ranks and made quite a name for herself with in the guild. She was treated with the utmost respect, as one would treat another in charge. Another example of in game interaction crossing into the real world was when one guy was on Ventrilo talking about some computer issues he was having and another player offered to help him custom build a new laptop, so the two exchanged information. This connection would not have happened if not for their connection in the virtual world.

Interview Results:

Due to an extended delay in gaining IRB approval, interview results are limited and inconclusive. Of a small

sampling of 36 respondents from across the United States, less than half (13-14 depending on the question) completed the interview questions. Of that number, eight were female and six were male. Of those eight female, only three were considered "gamers," while all six of the males were "gamers." Of the three females, only one was a long time gamer, but all six of the males were long term gamers. All who can be classified as gamers were familiar with the game of World of Warcraft.

When asked about their initial ideas concerning virtual game worlds prior to actually playing the games, most felt they were a "silly waste of time," or had no opinion at all. Two of the fourteen who answered said they were excited to try them. One female respondent answered that they were silly, not real, and a waste of time, while one male answered that he was "frakking excited to play!"

When asked how the virtual world and real world overlap the general consensus was focused on no overlapping or similarities in social interaction. No one specifically pointed out the parallels noted concerning institutional organization. One male answered, "They overlap primarily in the people that you meet. I have made some "real life" friends by meeting them in the virtual world of the game." Another answered, "Interaction with other people is the primary way that I see both worlds overlapping. Some people are kind, generous and fun while others like to cause grief and hard to other players." And another answered that he could talk to his friends in the virtual world instead of calling them. These responses are quite different than the female responses such as, "none other than they force the real person to sit in front of a machine in which the virtual world lives." Most of the females either answered with a no or interjected with a comment about communication. There were a few who responded that work and needing to earn money was a parallel between the virtual world and the real world.

When asked if real world norms have an effect on in-game decisions and actions, nine out of fourteen participants answered yes, two answered that they didn't know, and the other three said no. This correlates with the claim that norms learned in the real world carry over to the virtual world. When asked what happens when norms are broken in game, those who were given an explanation, or an example said these violations are dealt with severely by either peer policing, or even as severe as administrative ban on an account. Those who were asked to answer the question online gave a variety of mixed responses that really did not mesh with the question being asked which tells me the question was presented in a confusing manner. When asked if real life experience helped with navigating and playing in a virtual world, ten out of fourteen answered yes.

Survey Results[3]:

It was easy to target a group of responders as being virtual gamers. These respondents answered the same for questions tagged as *Familiar: WOW, Familiar: everquest, Familiar: StarWars, Familiar: LOL, Familiar: 2ndlife, Familiar: minecraft, and Familiar: starcraft*. This asked how familiar you are to these virtual worlds/games. The constructed *vgamer* variable accounts for 45% of the variation between those combined measures, and the measure of how well they fit together is in the "Cronbach alpha" which for *vgamer* was .781. Anything over a .6 is ok. Think of the Cronbach Alpha as a grade, for a group of questions to point to a unifying underlying concept the grade must be passing. This will be discussed in more detail.

Those classified as gamers (not necessary MMORPG gamers) had a high correlation with virtual gaming with a Correlation P= .240. Virtual gamers also had the highest correlation with MMORPGs with a Correlation P= .421, as would be expected. Virtual gamers showed a statistically significant lack of social networking in terms of Facebook, Twitter, and the like as shown by the result of N-.284.

Of the 372 who responded to, "People can make real world friendships through MMORPG games," 52.5% agreed or strongly agreed. This shows, according to this sampling, it is possible to socially interact with others in a meaningful way on line and not face to face.

Many of those interviewed had the belief that it would be hard to develop a meaningful relationship with someone you've only "met" online due to the fact they may be so different in real life they may even be a different gender. But as stated before, the use of Ventrilo to actually speak alleviates that. Also, of the 372 who responded to, "I like to play different races in

3 Please refer to appendix section for a copy of the data sheets associated with this study.

MMORPG games," only 21.8% responded with agreement showing this is not a likely problem.

Another perk of online societies is that anyone can log on and become a member of this society. There are no initiations so to speak. There are bullies in every society, even the virtual ones, but this is kept to a very small minimum compared to the real world. Of the respondents to "I frequently feel unwelcomed by members of the MMORPG community," only 1.9% answered in agreement, P=-.211 for gamers. This points to the potential uses of virtual societies in teaching social stories to those with social anxieties or autism spectrum disorders. The anomaly here is that only 1.5% of respondents agreed that virtual worlds helped them in real world interactions, but this could go back to the interview respondents who confused virtual worlds with social media outlets such as Facebook or games such as "Farmville."

There were also some distinct correlations between variables in the survey. There was a question that asked respondents to identify how familiar they were with a set of virtual online games such as Everquest, World of Warcraft, and Star Wars: The Old Republic, along with digital media such as texting and Facebook. It was easy to spot a group we can label as "vGamers." And this group has a distinct relationship with other variables. For example, Gamers tend to also be partiers (ρ=.241), tend to be familiar with virtual games (ρ=.240) but less familiar with social media (ρ=-.160), think that homeless people are not bad (ρ=-.120),are more comfortable with virtual realities (ρ=.260) though not so with digital media. It is interesting but not unexpected that this group would be more familiar with the likes of World of Warcraft, but not that of Facebook. Gamers also tend to be virtual gamers, but less comfortable with digital media. Again, this is not surprising given the statistical data. Virtual gamers associate their friends as being their online counterparts. So they do not have a need for other social media to connect with friends as their friends are in game. Another factor is social ease. As stated before, gaming requires the use of symbolic interactionism and the meanings of roles and symbols assigned from the real world and transposed into the virtual world. These signs and symbols are how gamers navigate the virtual world. Each class has a designated role which they play, and interaction is based on this role. However, on Facebook and through use of other digital media there is no framework of this sort. There is no outlined plan of action like there is in the virtual gaming world. Given the response that less than 2% have ever felt unwelcomed, that is also a factor. It is easy to be "unfriended" on Facebook, but this is unlikely in the gaming world. Those classified as gamers or virtual gamers were also less interested in getting news via print, television, or by friends and family. This is another link to their virtual nature and comfort thereof.

Those who were grouped as being "gamers" (card/table top gaming such as "Dungeons and Dragons") were more likely to be virtual gamers as well. Virtual gamers were more likely to be comfortable in a virtual world and would prefer classes or business meetings held in a virtual meeting area. Males were more comfortable than females, but males were also more likely to be virtual gamers (P=.369 for males compared to P=0.032 for females-which is not statistically signification for females.) as well as gamers (P= .102 male). Males were more comfortable in a virtual world (P= .156) compared to females who were statistically not comfortable, (P= -.193.) This is almost a direct mirror opposite. So here the disconnect lies in familiarity with the media being used. Males tend to be more engaged in these worlds, and as my ethnography displayed, females are not always treated with respect or kindness in game. Males were also shown to not be partakers as much in social media outlets (P=-.270,) supporting the claim that virtual gamers are not social networkers.

During my ethnography period I was questioned several times by my real world friends about religion and religiosity. It became apparent that there is a stereotype that virtual gamers are either atheist or agnostic in nature. However, there were no statistically significant differences in the importance of religion between gamers, virtual gamers, and non-gamers. However, gamers did tend to agree that religion was not as important to younger generations.

It is very interesting that the relationship between social class and virtual gaming was not linear. Those who were on assistance and those who consider themselves upper middle class were less likely to take part in virtual gaming. Low middle and middle class were more likely to take part. Those receiving government funding sources such as veteran's benefits or disability were also more likely. There are a number of explanations for this. First, those of a lower economic status would have difficulty paying the monthly

subscription rate of up to $14.99 each month, not to mention the cost of having internet service at home. Those who are upper middle class may see these games as a useless waste of time, or they are too busy to deal with them. Those who are on government funding sources may not have the physical means to socialize in other ways, and virtual worlds give them that link to others. There is also the element of physical attributes. Those who are physically disabled in the real world would not be in fantasy world. They also agree that poor people are less likely to vote, but not because they do not wish to vote or they do not care. Again, this goes back to the correlations between virtual comfort, government funding sources, and understanding of the lack of mobility some suffer.

Another correlation was that gamers and virtual gamers were less likely to be interested in culture and heritage (males P= -.270 for heritage questions.) They were less likely to take part in social groups such as fraternities, and less likely to visit a museum. Again, if they are spending their time immersed in a virtual world then they have no need for museums or student groups.

Another very interesting correlation is that of the belief that dealing with death can be very traumatic. Males did not agree that dealing with death is traumatic, (P= -.185) while females did agree (P= .109.) This supports the claim that violence in video games desensitizes youth to violence and death when paired with the result that more males play virtual games than females. Males also disagreed with the idea they could not handle a job that dealt with death on a daily basis (P= -.251.) Nor did they agree that blood makes them queasy, (P= -.114.) Again, all supporting a desensitization claim.

Conclusion

Results for this study are quite mixed and dependent upon the research method. They are also inconclusive due to the time spent trying to gain IRB approval. The ethnographic time spent illustrates a definite social organization that is very similar on many levels to the real world, even crossing the unwritten boundary between the virtual and real world using real world resources for virtual world advantages. The level of emotion expressed at various time during in game chat and battles show that emotions do get involved, and interview results suggest that real world norms and values can dictate to some degree the way one handles these situations. "World Blurring" can easily occur after some time spent online, and adds to the level of societal understanding with in the virtual worlds, and also would add to the ability to take the game roles to the real world in the case of those with social anxiety disorders.

Interviews paint a picture of the virtual world being an outlet for emotional needs, which is consistent with background research suggesting virtual game worlds are an anger outlet for youth who would otherwise turn to violence (Hess). The interviews also support the idea that meaningful relationships can be sustained through virtual game play.

The mass survey conducted using participants from the intro classes shows a relationship and underlying factors concerning gaming and gamers. Those who are gamers agree with the statement that meaningful relationships can be built in an online virtual world. They prefer this world and its social organization to that of profile based social media outlets or other digital media forms. There is no need for social outlets such as Facebook and Twitter when those they consider their friends are online in the game. Perhaps there is no buffer zone of an avatar character on social profiles like there is in virtual worlds as they also have not felt unaccepted in the virtual world. Facebook uses real life names, real life events, real life photos while virtual worlds are built around fantasy, providing an outlet to daily stresses and emotional turmoil, as pointed out during interviews. More research needs to be done in this area, as well as in potential uses for virtual worlds in educational settings, business settings, and therapeutic settings.

Do virtual worlds represent an acceptable alternative to social interaction? The answer is undeniably yes. There is so substitute that this research found for in person face to face interaction. With 93% of language coming from body language and gestures it is hard to dominate that form of interaction (Radwan). But one cannot say that virtual worlds do not represent social interaction, or acceptable forms of alternative social interaction. Those who are familiar with virtual worlds are also comfortable with virtual interaction (P=.269) and all claimed to feel a sense of interaction when dealing with those they know personally in the real world, or at least know their backgrounds. With more familiarity in virtual worlds it is safe to say others would also develop an ease and comfort with virtual

means of interaction, doing business, or conducting meetings.

Interaction is defined as the mutual interpretation and reactions between two people based on shared meanings of signs and symbols. It is clearly obvious, virtual worlds rely heavily on the use of signs, symbols, and ascribed roles. From the roles chosen in dungeon groups, to the visual signs and symbols used to navigate the virtual world, all are based off a shared set of meanings that have their start in the real world.

In sum, those who are familiar members of the gaming community are comfortable and at ease in the virtual realm, and they develop relationships and friendships that are independent of the "real" world networks those who are not virtual gamers develop. Active engagement in these communities help to desensitize partakers, and this could be used for those who need help in social areas such as those suffering from Autism or social anxieties. Males tend to partake in virtual gaming more than females, and they also showed a higher correlation of desensitivity to blood and death. More research needs to be done in this area to explore possible correlations between this finding and youth violence.

Glossary of Terms:

- Battleground: An area dedicated to PVP action. Players from the Horde side battle the players from the Alliance side to win Honor points. These honor points are then redeemable like game gold for better gear and weapons.
- Boss: Top elites in the dungeons. These typically have 10x or more hit points than the other instance elites.
- Dungeon (also called an Instance): This is an area with elite enemies with higher than normal levels of hit points. It generally takes a much higher level character, or group of characters to successfully complete these areas. For example, an enemy NPC on the outside of an instance may have 900 hit points or health points, but the elite on the inside could have 2500.
- MMORPG: Massively Multi-Player Online Role Playing Game. Games such as World of Warcraft and EverQuest fall into this category. This does not include the likes of Facebook, Farmville, or Call of Duty.
- Mobs-Large numbers of NPC enemies grouped together. When pulled they all attack at the same time.
- Murlocs and Defias Bandits: These are enemy NPCs. Murlocks are fish like creatures that walk or swim. Defias Bandits are humanoid enemies.
- NPC: Non-playing character. These are in game creatures that are not played by a human. They are designed into the game.
- P.V.E: Player vs. Environment. This is when a player is playing only against NPC characters.
- R.P: Role Playing. These servers are intended for players to assume the role of their characters, to act like them, speak like them, and essentially think like them using the same stereotypes that character would base his or her actions on.
- P.V.P: Player vs. Player. This is when players actively engage one another in battle. Some servers are set up so that opposing players can kill on sight.
- Race: In game, race is not black, white, etc. It is Human, Night Elf, Blood Elf, Gnome, Dwarf, Orc, Draenei, Worgen, Goblin, Tauren, Troll, and Forsaken. Some say these have stereotypes associated with them based off real world stereotypes. Such as Trolls being of a voodoo heritage.Accents, music, dance, and movements are very stereotypical. (http://www.wowhead.com/forums&topic=127793.6/are-worgen-english for a rundown of opinions.)
- Realms: Within the game there are various realms. These are actually computer servers. In Star Wars: The Old Republic servers are dubbed worlds.
- Talent Tree: A list of "talents" or skills a playing character earns. See Warlock.
- Warlock: One class of characters. This can be played by any race or any faction. Other classes would include Paladin, Shaman, Warrior, Mage, Hunter, or Death Knight. Each class as specific character traits, job duties, and skills. Within each class there are sets of talents. For example, Mages can choose to be Arcane, Fire, or Frost Mages. At level 30 once can choose to Dual Spec. which means they can choose two talent trees, and swap between the two.

References

Woodsworth, Anne. Exploring the Digital Frontier. 32. Emerald Group Publishing, 2010. 67-70. Print.

Turner, Jonathan. The Structure of Sociological Theory. 7. Belmont: Thomson-Wadsworth, 2003. Print.

"Lessons learned from playing female characters in MMORPGs." Jem Report. (2007): n. page. Web. 30 Nov. 2011. <http://www.thejemreport.com/lessons-learned-from-playing-female-characters-in-mmorpgs/>.

"Are you Addicted to WoW?" Web. 30 Nov. 2011. http://www.squidoo.com/wowaddicts

"The Wow Detox Center for Your World of Warcraft Addiction." http://www.wowdetox.com

Vincent, D. (2011, May 25). China used prisoners in lucrative internet gaming work. The Guardian. Retrieved from http://www.guardian.co.uk/world/2011/may/25/china-prisoners-internet-gaming-scam

Nelson, Lindsey. "Herbert Blumer's Symbolic Interactionism." www.colorado.edu. N.p., 1998. Web. 26 Apr 2012. <http://www.colorado.edu/communication/meta-discourses/Papers/App_Papers/Nelson.htm>.

Heider, Don. Living Virtually: Researching New Worlds. New York: Peter Lang Publishing, Inc, 2009. Print.

http://www.wowhead.com/forums&topic=127793.6/are-worgen-english

Radwan, M. Farouk. "Reading body language."2KnowMyself. N.p., n.d. Web. 26 Apr 2012. <http://www.2knowmyself.com/body_language/body_language_main>.

All other information included in this paper was taken from class discussions over the last several semesters as well as conversations between Dr. Marty Laubach and myself regarding this paper and general conversations with gaming friends.

Hess, Karen. Juvenile Justice. 5th ed. Belmont: Wadsworth, 2010. Print.

www.6sociologists.com

www.karr.net

www.vectorstudy.com

www.sociologyguide.com

Skeens, Missica. "Social Organization, Fall 2011." World of Warcraft: The Organization of a Fantasy Reality. 2011. Print.

Skeens, Missica. "Soc. 360, Fall 2011." Symbolic Interactionism of a Fantasy Land (An Ethnography of the Gaming Community) . 2011. Print.

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Gender Difference and Peer Influence in Body Image Perception

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Abstract

Within our society, women and men often feel pressured to obtain a certain body image because of their own attitudes and the attitudes of their peers. This study examines how college-aged women and men feel about their own body image and how that compares to their perceptions of the views of their peers. Participants included undergraduate students enrolled at Marshall University, who were asked to complete an online survey regarding attitudes toward body image. Several variables are examined including participant gender, current level of satisfaction with body image, current Body Mass Index (BMI), and participants' perception about peers' attitudes toward body image. It was anticipated there would be significant differences between the genders about acceptable body image. It was also expected there would be a significant relationship between an individual's attitude regarding body image and perceptions about peer attitude toward body image.

Women and men often feel a societal pressure to obtain a certain body image due to their own attitudes and the attitudes they perceive from their peers. This pressure that women and men feel about their body image tends to cause body dissatisfaction within the individual. It also leads to misconceptions that heavier people, or those that do not fit the societal body image norm, are responsible and no one else. Within this study, college-aged women and men were surveyed on how they feel about their own body image and how that compares to their perceptions of the views of their peers.

Gender Differences

It is not surprising that there are some differences between women and men, even though women have been fighting for years for equality in many areas. However, within certain aspects there are studies that indicate women and men do have differences. Previous research has shown that women are more likely to be dissatisfied with their body image than men (McKinley, 2006).Due to the previous results from other studies, it is important to look at gender as variable when looking at body image (Befort & Rickard, 2003).Both genders respond differently to different types of feedback; personal and peer influences. For example, Arguete, Yates, and Edman (2006) suggest that "the societal pressure to be thin results in different cognitive patterns among men and women."They go on to say that women tend to internalize their value of being thin and men externalize. What this means is that women will focus on the fear of becoming fat and they will be more prone to diet if they are dissatisfied with their body; for men it is slightly different. Men will externalize by focusing on other people's bodies and being more likely to show a dislike for heavier people.

Another difference between women and men is the way that they perceive feedback. It has been shown that men tend to selectively hear--only hearing what they like. According to Befort & Rickard (2003) men do, in fact, selectively accept positive feedback and reject negative feedback. In contrast, women pay more attention to both positive and negative feedback because they see all feedback as being relevant and informative (Befort & Rickard, 2003).A reason for women perceiving all feedback as relevant and informative is due to the societal pressure women endure compared to men. Women tend to be judged more cruelly for their physical appearance than men. When considering the cognitive patterns women and men have, it does not seem to be a surprise that women would be judged more harshly than men about their body image.

In addition to cognitive patterns, women being judged more harshly about their physical appearance may be due to the way men externalize their values about being thin onto others. As men externalize, they become pickier about the women they will become

physically attracted to. Befort and Rickard (2003) and Hoyt and Kogan (2001) report that men tend to value physical attractiveness in their partners more than women do. In contrast, women are less likely to have prejudicial attitudes toward heavier people (Arguete, Yates, & Edman, 2006). Women are more likely to judge what the ideal body would be for a man to be attracted to. This could be due to the differences in how women and men are influenced by their peers.

Peer Influences

Within our society, it is not unusual to be influenced by our peers, in fact, it is almost impossible to not be influenced at some point and time. When it comes to the ways women and men are influenced by their peers there are two main sources that they are influenced through: the media and interpersonal relationships. The ways that the media influence people are endless, and they are known for using sexual images and partially clothed models. For example, Feungold and Mazzella (1998) mention how beer commercials use barely dressed women when advertising their product, and gym equipment commercials show shirtless muscular men using the advertised product. With this example, women have learned that they should be nearly naked and thin, and men should not wear a shirt while trying to achieve a buff body. Research has also shown that media images have been attributed to eating disorders amongst women because they emphasize that thinness is fashionable (Allen & Demarest, 2000).

Interpersonal relationships seem to have a larger impact on the dissatisfaction of women's body image than men's. Sira and White (2010) say that strong parental control prevents young girls from developing their own individuality which causes them to be more likely to be dissatisfied with their bodies. Another study shows that same-sex peers have a larger impact on women than the media, family, and men (Shomaker & Furman, 2007).One reason there is not much evidence on the impact of interpersonal relationships among men could be that they selectively accept some positive feedback and ignore the negative, as mentioned earlier. Interpersonal relationships are more likely to directly affect a person's attitude about their body image than the media. The cause for this is the proximity that people have with those with whom they have interpersonal relationships. Peer influences lead to the distinguishable differences that women and men have about their own body image perception and dissatisfaction.

Body Image Among Women

Through several studies, it has been found that the majority of women are dissatisfied with their bodies. Women's perception about their body image often correlates with eating disorders, due to women going on diets to achieve a better attitude about their body image. According to Source 8, "women rated their current figures as significantly larger than their ideal figures" (Allen & Demarest, 2000).When they were asked to guess what body figure men would find most attractive, they guess thinner than what men actually preferred (Allen & Demarest, 2000).Women are often unclear about why they proceed to diet when they are dissatisfied with their body image, and they tend to underestimate what female body size is more attractive (Park, DiRaddo, & Calogero, 2009).

Another reason women tend to be dissatisfied with their body image is they are more likely to be discriminated against if they are overweight (Park, DiRaddo, & Calogero, 2009). Within our society, women are often portrayed as objects, especially within our media. Women being objectified could cause them to feel less satisfied about their body image. In contrast, men usually do not have the same societal pressures as women.

Body Image Among Men

Until recently, it was not as common for men to report being dissatisfied with their body image. Research has found "that males are not immune to body concerns and more males report having poor body image and experience pressure to fit societal ideal" (Sira & White, 2010).It has been found that men are less likely to go on a diet when compared to women and that men view dieting as a feminine aspect. Instead of dieting, men will go to the gym so that they can "bulk up" their bodies. Frederick, Forbes, Grigorian and Jarcho (2007) found that men have the desire to become more muscular because it makes them appear more masculine. Men also have different ideas of what their bodies should look like compared to women. They are not as concerned about being skinny and thin if they are dissatisfied with their body, they want their bodies to look like they are sculpted and shaped (Markey & Markey, 2005).

It is not always the case that men will be less likely to express their dissatisfaction about their body image. Ousley, Cordero, and White (2008) did a study comparing eating disorders and body image dissatisfaction among men. They found that when comparing men that have eating disorders with women that there was not a relationship between their body image dissatisfaction. However, when they compared men that have eating disorders compared to men that did not there was a significant difference. The study stated that "a greater percentage of eating-disordered men reported that they always, often, or frequently felt fat and were very or moderately fearful of becoming flabby or untoned" (Ousley, Cordero, & White, 2008).This evidence indicates that men are capable of internalizing their values about acceptable body image just the same as women.

For this study, college-aged women and men were examined on how they feel about their own body image and how that compares to their peer's perception. It was hypothesized that there would be a significant difference between women and men about acceptable body image. Several studies found that women are far more likely to be dissatisfied with their body image than men. Also, it was hypothesized that there would be a significant relationship between an individual's attitude toward regarding body image and perceptions about peer attitudes toward body image. As discussed, the media and interpersonal relationships have an effect on women and men regarding attitudes about their body image.

Methods

Participants

For this study, the participants were undergraduate students enrolled in psychology courses at Marshall University. The age of the participants was 18 years old and above. There were a total of 201 participants; 170 female and 31 male. The ethnicity of the participants was predominately Caucasian.

Materials and Procedure

A 52-item survey was designed using elements from previous research on obesity attitudes and body image perception (Stunark, Sorenson, & Schulsinger, 1983; Morrison & O'Connor, 1999; Mciza et al., 2005).The participants completed the survey anonymously online through Survey Monkey. Participants were asked to answer a variety of questions regarding anti-obesity attitudes, followed by a series of questions about body image perceptions. From the survey, four questions that were most relevant to this study were analyzed.

The first two questions regarded the participants using a self-reported height and weight so their Body Mass Index (BMI) could be calculated.BMI is divided into Normal, Overweight, Obese, and Extreme Obesity. Normal BMI (24 or below) and Overweight and Beyond BMI (25 and above) was analyzed for this study. The participants were asked, "Which figure of your gender represents what you desire to look like (ideal)?"They were able to answer this question by choosing from a series of body image figures on a scale of 1 through 7.

The next two questions that were analyzed asked the participants to choose the body image figure that they believed their peers and family would want them to look like. They were asked, "Choose the figure that your family would want you to look like." and "Choose the figure that your friends would want you to look like."Participants answered the questions the same way they did for the BMI questions, by choosing the body image figures based on a scale of 1 through 7. Figure 1, taken from the 52-item survey taken by participants, displays the body image figures that participants viewed when answering the questions. The survey was designed using elements from previous research on obesity attitudes and body image perception (Stunark, Sorenson, & Schulsinger, 1983; Morrison & O'Connor, 1999; Mciza et al., 2005).

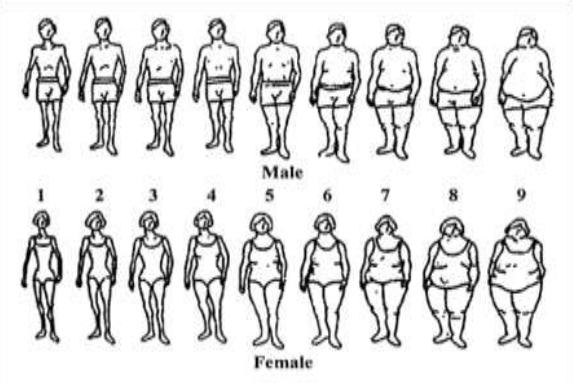

Figure 1 Body Image Figures

Results

No significant differences were found from the analyzed data within this study. For participants with a "Normal" BMI (24 or below), females stated their ideal body shape between figures 2 & 3 with a mean of

2.7.Males stated their idea shape between figures 3 & 4 with a mean of 3.6. For participants with an "Overweight" BMI (25 and above), females stated their ideal is between figures 3 & 4 with a mean of 3.7.Males stated their ideal is between figures 4 & 5 with a mean of 4.4.

To analyze the data based regarding the participants' influence from their peers, a one-way ANOVA was used to test between the groups. The figure that participants indicated their family would want them to look like had no significant difference between genders, F(1.156, 1.169) =.989, p =.321. When broken down between genders, females had a mean of 3.79 and a standard deviation of 1.07, and males had a mean of 4 and a standard deviation of 1.145.The figure that participants indicated their friends would want them to look like had no significant difference between genders, F(2.748, 1.1016) = 2.703, p =.102.Females had a mean of 3.61 and a standard deviation of 1.03, and males had a mean of 3.94 and a standard deviation of .90.

Discussion

From the results of this study, neither hypothesis is supported. There was no indication of a significant difference between the genders about acceptable body image. Also, there was not a significant relationship between an individual's attitude regarding body image and perceptions about the participants' friends and family toward body image. However, the question regarding the values of body image based on the participant's friends is trending towards a significant difference. The p value of this question was a .102; which is only 5.2% under the significant value.

Limitations

Within this study there are a few limitations that could have influenced the results. First, the ratio of females to males is vastly different. Of the 201 participants in this study, 85% of them are female and 15% are male. This could be corrected by controlling the number of females and males participating in the study so there could be a more proportional number between genders.

Second, the sample of participants could be a cause for limitations. Having a college student sample may not have been a truly representative age group for this study. It is not surprising for the mean gender differences in body image to increase during an individual's early to mid-adolescence and decrease once adulthood is reached (Feingold & Mazzella, 1998).For future studies, it is recommended that an adolescent sample be utilized.

The last cause for limitations is the method used to produce the results of this study. This study relies on a self-report method which could have caused some participants to be reluctant about expressing their true opinions. Participants may have refrained from giving honest answers about their dislike about certain aspects of body image because they know it is a violation of the social norm. One study states that "some measures of anti-fat attitudes are related to social desirability," which supports the cause for dishonest feedback within the study (Aruguete, Yates, and Edman, 2006).

Implications

One factor of importance for this study was the misconception that heavier people, or those that do not fit the societal body image norm, are responsible for their body dissatisfaction. Due to this factor, it created another significant aspect within this study; the importance of examining what other variables may influence an individual's attitude toward their overall body image satisfaction. These variables, of course, included gender, BMI, and self and peer attitudes about the participant's body image; with gender being of the highest importance throughout the variables. It was important to compare body image dissatisfaction between women and men in this study because women and men have different focuses about their bodies.

Results suggest that the perceptions of friends' attitudes toward body image have a greater influence than family attitudes toward body image. However, further research would be required to analyze whether or not this is a significant aspect to consider. Shoemaker and Furman (2007) stated in their study that the pressure from peers to be thin has a higher influential impact on female's body image satisfaction. Also, men are more influenced by their friend's peer pressure to obtain a thinner body image compared to other peer influences (Shoemaker & Furman, 2007).This suggests that with further research there could be a higher probability of finding significant differences between females and males when looking at how their friends effect their body image perception.

The results have shown that there is a difference in desired body shape between genders; females desire an

overall smaller body shape than males. This is true for females with a "Normal" BMI and with "Overweight" and above Bixby females desiring a smaller body shape than males it distinguishes how there are differences between females and males concerning their body image. Again, this relates back to how women internalize their values which causes them to desire a smaller body image. In contrast, men externalize their values and wish to obtain a more toned body image.

In the future, prevention efforts should target educating young females about the tendency of women to internalize their dissatisfaction with their body image, and the dangers associated with unhealthy dietary practices to control weight. If efforts could be taken to target younger females about healthier dietary practices, that could possibly lead to the prevention of body dissatisfaction as an adult. Not only could this prevent body dissatisfaction, it could help maintain a lower statistic on eating disorders among women.

References

Arguete, M., Yates, A., & Edman, J.(2006). Gender Differences in Attitudes about Fat. North American Journal of Psychology, 8(1), 183-192.

Barlett, C., Vowels, C., & Saucier, D.(2008). Meta-Analyses of the Effects of Media Images on Men's Body-Image Concerns. Journal of Social and Clinical Psychology, 27(3), 279-310.

Befort, C., &Rickard, K.(2003). Gender Similarities in Response to Figure-Size Feedback in a Selected Nonclinical Population. Sex Roles, 49(1/2), 71-79.

Demarest, J., & Allen, R.(2000). Body Image: Gender, Ethnic, and Age Differences. The Journal of Social Psychology, 140(4), 465-472.

Frederick, D., Forbes, G., Grigorian, K., & Jarcho, J.(2007). The UCLA Body Project I: Gender and Ethnic Differences in Self-Objectification and Body Satisfaction Among 2,206 Undergraduates. Sex Roles, 57, 317-327.

Feingold, A., & Mazzella, R.(2008). Gender Differences in Body Image are Increasing. American Psychology Society, 9(3), 190-195.

Hoyt, W., & Kogan, L.(2001). Satisfaction With Body Image and Peer Relationships for Males and Females in a College Environment. Sex Roles, 45(3/4), 199-215.

Markey, C., & Markey, P.(2005). Relations Between Body Image and Dieting Behaviors: An Examination of Gender Differences. Sex Roles, 53(7/8), 519-528

McKinley, N. (2006).Longitudinal Gender Differences in Objectified Body Consciousness and Weight-Related Attitudes and Behaviors: Cultural and Developmental Contexts in the Transition from College. Sex Roles, 54(3/4), 159-173.

Ousley, L., Cordeo, E., & White, S. (2008).Eating Disorders and Body Image of Undergraduate Men. Journal of American College Health 56(6), 617-620.

Park, L., DiRaddo, A., & Calogero, R.(2009). Sociocultural Influence and Appearance-Based Rejection Sensitivity Among College Students. Psychology of Women Quarterly, 33, 108-119.

Sira, N. & White, C. (2010).Individual and Familial Correlates of Body Satisfaction in Male and Female College Students. Journal of American College Health, 58(6), 507-513.

Shomaker, L. & Furman, W.(2007). Same-Sex Peers' Influence on Young Women's Body Image: An Experimental Manipulation. Journal of Social and Clinical Psychology, 26(8), 871-895.

An Analysis of the U.S. Energy Policy: The Energy Independence and Security Act of 2007

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Abstract

This paper focuses on the United States energy policy, particularly clean energy policies, including alternative fuels, cleaner plants, and cleaner emissions of cars. Energy policies have been a very debated topic in the last few decades. Among other things, the policies aim to reduce America's dependency on foreign oil, create energy security, create cleaner energy production facilities, and increase the production of renewable fuels; they also usually involve transportation, energy production, storage, and use (Baker 2010). To look in depth into energy policies this paper analyzes the *Energy Independence and Security Act of 2007* (H.R. 6) and traces its history back to the *Connolly Hot Oil Act of 1935*. In analyzing the policies this paper will also show how the policy is funded, how it is implemented, and how much it costs per year. Then this paper will discuss the author's proposed changes to the policy and what it may take for those changes to be implemented.

The U.S. energy policies affect all citizens in one way or another (Baker 2010). Energy is of the utmost importance and is the backbone to economic growth and development, and it ensures military and national security. Energy policies deal with many aspects of American lives, including political, environmental, and economic aspects. These policies dictate the price of gasoline that Americans pay every day at the pump, as well as home and business heating and cooling costs. Americans need to know and understand these policies because they affect all citizens in one way or another. Most American energy consumers and producers do not understand how their energy use is linked to the economy, and just how complex the entire energy system really is. For instance, consumer and producer interactions may affect others in different markets, in which their reactions may feed back to them. Reasons like this are why energy policies are so important and should be understood by everyone in the country.

Energy security means either fuel to support the military and protect national security, or, in a broader sense, it means providing energy consumers whatever energy is required by the economy to keep the country operating (Baker 2010). All of this must also take into account the physical security of energy production, transportation and distribution facilities, and ever increasingly in today's time-- cyber security-- being that electrons have the same energy supply that is used in producing other forms of energy. Energy security is also important because of imported oil. The U.S. imports about 60 percent of its oil, and sends $1 billion offshore, making America dependent on a number of countries around the world (Koonin and Gopstein 2011).

Along with energy security is the concern over global climate change and how the environment can be improved through energy policies (Koonin and Gopstein 2011). Energy policies have been increasingly trying to reduce greenhouse gas emission, particularly carbon dioxide. These policies are aimed at developing and utilizing technologies that will improve air quality in the U.S., which in turn the U.S. could use to its economic benefit in selling its products to other countries around the world. The goals that these policies produce will change the ways Americans and the world produce, deliver, and use energy.

History of the U.S. Energy Independence and Security Act of 2007

The *U.S. Energy Independence and Security Act of 2007* can trace its roots back to the 1935 *Connolly Hot Oil Act* (Baker 2010). This legislation was passed to prohibit oil shipments outside of the Texas Railroad Commission's (the commission in control of allowable oil production in the U.S.) system of authority. The

legislation stabilized oil prices and allowed for the excess production of oil in the U.S. which was very important to national security. In the 1950s, as Middle Eastern oil began to flood into the U.S., President Eisenhower tried to restrain imports by initiating a voluntary oil import program. When this failed to achieve the desired results, Eisenhower mandated an oil import program hoping to avoid increasing U.S. dependency on foreign oil. The program was done away with in 1973 when oil imports became too much to control.

In 1970, the *Clean Air Act* (AFDC 2011) was passed. This act established the U.S. Environmental Protection Agency's (EPA) role in improving and protecting air quality. Among other things the act included federal and state regulations to limit stationary and mobile sources of emissions. It included the establishment of the National Ambient Air Quality Standards (NAAQS), and also required State Implementation Plans to help achieve the standards. The standards included emission standards on hazardous air pollutants, and also requirements to control motor vehicle emissions. The 1970s also proved to be a decade that saw the passing of many energy policies. Price controls were put on interstate natural gas encouraging consumption but greatly discouraged production (Baker 2010). Soon a natural gas shortage ensued, and in 1978 the *Natural Gas Policy Act* was passed to help protect America's supply of natural gas. Also passed in 1978 was the *Fuel Use Act*. This act prohibited using oil or natural gas in newly built power plants and other plants, but encouraged the use of coal and nuclear power. It is important to note that because of all of this legislation restricting natural gas usage, growth in natural gas demand ensued and the *Fuel Use Act* was repealed in 1987.

All of this was leading up to legislation that encouraged the use of renewable fuels to protect America's energy supply and to ensure energy security. So, in 1978, the *National Energy Act of 1978* was passed (Duffield and Collins 2006). This act also established the *Public Utility and Regulatory Policies Act of 1978* (PURPA). PURPA encouraged factories and other facilities to generate electricity from renewable fuels. Also in 1978, the *Energy Tax Act* was passed giving the alternative fuel ethanol blends a 40 cent per gallon exemption in the federal motor fuels tax. In 1988, the *Alternative Motor Fuels Act* was passed to encourage auto makers to manufacture cars that are fueled by alternative fuels by issuing credits. The *Clean Air Act Amendments of 1990* amended the *Clean Air Act of 1970* in increasing the EPA's authority and by creating many initiatives to help reduce motor vehicle pollutants (AFDC 2011). In 1992, the *Energy Policy Act* extended the fuel tax exemption, and also established many alternative fuel vehicle (AFV) mandates for government and state vehicles, which has encouraged bio-fuel use (Duffield and Collins 2006). The act is also aimed at reducing America's dependence on foreign oil (AFDC 2011). In 1998, the *Conservation Reauthorization Act* amended the *Energy Policy Act of 1992* to include biodiesel fuel credits (Duffield and Collins 2006). The *Energy Policy Act of 2005*, among other things, included grant programs, demonstration and testing initiatives, and tax incentives that help to promote alternative fuel usage (AFDC 2011). The act also aimed to reduce America's dependency on foreign oil.

An In-depth Look at U.S. Energy Independence and Security Act of 2007

The *U.S. Energy Independence and Security Act of 2007* was signed into law by President George W. Bush on December 19, 2007 (EPA 2012). In general, the act aims to keep moving the U.S. towards more energy independence and security, increase the use of alternative fuels over gasoline, ensure protection of consumers, increase efficiency in many different sectors, increase research on greenhouse gas capture and storage, improve the energy performance of the U.S. government, and improve fuel economy in vehicles. The act also enacts three key provisions: the Corporate Average Fuel Economy Standards, the Renewable Fuel Standard, and Energy Efficiency Equipment Standards. In addition, the act also includes the Repeal of Oil and Gas Tax Incentives to offset the cost to implement the Corporate Average Fuel Economy Standard.

The three provisions are the basis for the bill and state many standards that must be met over the next couple of decades (Sissine 2007). The Corporate Average Fuel Economy (CAFE) Standards states that cars and light trucks must have a minimum 35 miles per gallon fuel economy by the year 2020. A separate program dealing with fuel economy for medium and heavy duty trucks has also been put into action along with a program for work trucks. According to the act, manufacturers must come within 92% of the set

standard. With that said though, they can also earn credits for a model that exceed the standard, which can be applied to a model that is below the 92%. The act also allows credits to be bought and sold among manufacturers. Under CAFE Standards, federal agencies are not allowed to purchase light or medium duty vehicles that are not, according to the standards, low greenhouse gas emitting vehicles. By 2015, all federal agencies must achieve a minimum reduction of 20% in annual petroleum consumption and they also must achieve an increase of annual alternative fuel consumption of at least 10%.

The Renewable Fuel Standard (RFS) set a standard that increases from 9 billion gallons of renewable fuels to be used in 2008 to 36 billion gallons by 2022 (Sissine 2007). Also, of the 36 billion gallons in 2022, 21 billion gallons is to be from cellulosic ethanol and other advanced bio-fuels. By 2016, all advances toward the target goal must done by using advanced bio-fuels and other bio-fuels made from feedstock other than corn starch. A safeguard is in place that states that if a significant renewable feedstock or other market disruptions occur, the Environmental Protection Agency (EPA) Administrator can waive part of the mandate. The act also incorporates grants for the research and development of biodiesel and biogas as motor fuels. The Department of Energy also must create a grant program that helps to develop America's infrastructure to incorporate renewable fuels, including E85 ethanol.

The last major provision of the act is the Energy Efficiency Equipment Standards (also known as Appliance and Lighting Efficiency Standards) (Sissine 2007). This provision sets standards for light bulbs, reflector lamps, and fluorescent lamps. Lighting efficiency is specified as well as labeling on consumer electronic products. Other efficiency standards under this provision include external power supplies, residential clothes washers, dishwashers, refrigerators, freezers, dehumidifiers, electric motors, boilers, and commercial coolers and freezers. Standards are also set for the efficiency of furnace fans and battery chargers. Under these standards, federal agencies must purchase products that limit standby power usage. The Consumer Product Safety Commission is required to set energy efficiency labeling requirements for all electronic products available to consumers.

Other provision of the *U.S. Energy Independence and Security Act of 2007* include provisions for energy savings in building and industry as well as energy saving in government and public institutions (Sissine 2007). This encourages high-performance commercial buildings, federal buildings that are to use green energy. The EPA is required to establish a recoverable waste inventory program for energy intensive industries. A grant program is also in place that encourages states and school systems to build energy efficient schools. Accelerated research and development of thermal and solar energy is also included in the act. Carbon capture and sequestration, improvements of the management of energy policy, international energy programs, green jobs, energy transportation and infrastructure, small business energy programs, a smart grid system, and pool and spa safety provisions are also included in the act.

Costs, Funding, and Implementation of the U.S. Energy Independence and Security Act of 2007

The *U.S. Energy Independence and Security Act of 2007* has many costs involved, but its main purpose is to help save Americans money. The costs involved are numerous. There is $25 million established for bio-fuel research, development, demonstration and for use in states with low rates of ethanol production (Sissine 2007). There is also $2 million for grants to universities for research and development on renewable energy technologies. Funding is increased for the Department of Energy's Weatherization Program to $3.75 billion over a five year period. There is authorization in the act to pay $4 million per year over five years for work on federal buildings to make them energy sufficient. There are two $10 million dollar funding authorizations that are to go to universities and other federal projects over a five year period for the development of guidelines and demonstration projects, which involves research plans for green buildings and their benefits. Training for contract officers in negotiating for the Energy Savings Performance Contracts is going to cost $750,000 per year over 5 years. The General Service Administration can use $30 million for the installation of a solar photovoltaic system for the Department of Energy's headquarters in Washington, D.C. There is $30 million of funding available to the Federal Energy Regulatory Commission for a variety of projects. The Energy Efficiency and Conservation Block Grants (EECBG) is granted $2 billion annually over five years for strategy

development. The money for the EECBG is split up in the following manner: $40 million to the U.S. Department of Energy Competitive Grant Program, $40 million to tribal programs, $1.36 billion to the Formula City and County Program, and $560 million to the Balance of State Program (Conference of Mayors 2007). The Intermountain West Geothermal Consortium is awarded $5 million annually, and $5 million annually is allocated to the Department of Energy to support international geothermal energy development (Sissine 2007). For the research and development of energy storage for transportation and electric power $10 billion is allocated over a 10 year period. The Department of Energy is also allocated $80 million dollars over a five year period to determine and implement ways of lowering motor vehicle weights to improve fuel economy without jeopardizing passenger safety. The Department of Energy is also allocated $8 million dollars for the funding of a program that looks into the cost savings of advanced insulations. Hydrogen energy programs directed by the Department of Energy are funded by the authorization in the act to provide $1 billion over ten years. For the section of the act dealing with improved management of energy policy, $5 million is allocated over five years. About $10 million dollars a year through 2012 is authorized for the Administrator of the Energy Information Administration to in dealing with states and other federal agencies in data collection and data needs. The U.S. is awarded $3 million to invest in the Extractive Industries Transparency Initiative (EITI) Multi-Donor Trust Fund. To establish national and state wide job training programs, administered by the Department of Labor, $125 million is funded. To help small firms develop renewable energy sources and technology, $30 million dollars over two years is funded to the Renewable Fuel Capital Investment (RFCI) program. To implement new pool and spa standards, $2 million is funded to the Consumer Product Safety Commission, and a further $5 million per year for five years is funded to the Commission for a public education program to prevent drowning and entrapment in pools.

Calculating all of the above, it is estimated that the *U.S. Energy Independence and Security Act of 2007* will cost tax payers approximately $3,944,000,000 per year for the first few years after the act is implemented. As time goes on and the time limits for appropriations runs out this amount will decrease. When time limits were not mentioned, 5 year limits were assumed for this calculation. Revenue for the act is provided by tax provisions outlined in the legislation. The act extended the *Federal Unemployment Tax Act* surtax for one year which provided $1.5 billion of revenue (Lazzari 2008). Higher penalties for failure to file partnership returns were also in the bill, which increase revenues by $655 million. There was also an extension of the amortization period for geological and geophysical expenditures from five to seven years, increasing revenue by $103 million.

Multiple levels of government, including federal, state, and local governments are involved in implementing the *U.S. Energy Independence and Security Act of 2007*. The federal government passed the legislation and appropriated the funds to certain agencies mentioned above. Most of the policy deals with the federal government, however, this all trickles down to state and local governments for more implementation of the legislation. Coordination among the three levels of government becomes the key for implementing the policy (Doris et al. 2009). The state and local levels of government come into play. State and/or local governments have authority over building codes, including enforcement and design. Some of the products and appliances that meet federal efficiency standards, may still have to meet state standards that the federal standards do not cover. Overall, to accomplish the goals set forth by energy policies in the U.S., all three levels of government must work together to achieve the greatest benefit.

Proposal for Changing the U.S. Energy Independence and Security Act of 2007

I support any legislation that aims to reduce America's dependency on foreign oil by using our own resources here at home. I also support legislation that supports clean energy. The *U.S. Energy Independence and Security Act of 2007* accomplishes that, but I think that there are some areas of the policy that should have done more. The CAFE Standards state that cars and light trucks must have a minimum 35 miles per gallon fuel economy by the year 2020. I would have liked to have seen a number in the 40 to 50 miles per gallon range by 2020. Technology is rapidly improving every day, and we must have goals to work towards too. Thirty five miles per gallon , while an improvement over many of today's cars, I believe we can do better. I would also remove the fuel credit provision and make it a strict

standard that must be met. However, the 92% leeway, I believe is appropriate. The legislation also states that by 2015, all federal agencies must achieve a minimum reduction of 20% in annual petroleum consumption and they also must achieve an increase of annual alternative fuel consumption of at least 10%. I think that this is much too low and I would raise the minimum reduction to 50%, and alternative fuel consumption to the same, 50%. With all the legislation being passed for green energy, the federal government should be a model for the rest of the country, and by increasing the amount of alternative fuels and lowering the use of petroleum among government vehicles achieves that. I would have also put in provisions allowing for more drilling and exploration of natural gas. President Obama is his 2012 State of the Union address said that there is enough natural gas in America to last us 100 more years. Natural gas has the potential to create 600,000 more jobs and help relieve America's dependence on foreign oil (Obama 2012).

The above proposal would require the standards to be enforced just as they already are, but would not require any more money than already stated for the government. The part of my proposal that would cost more money is the provisions allowing for more production of natural gas. Cutting the red tape to allow this to happen would be easy. The part that would cost money would be the enforcing of the rules and regulations on the companies drilling. The EPA would be the agency in charge of overseeing that the companies are not polluting and polluting the earth. The costs would come down to the labor and paperwork involved in keeping up with the natural gas companies and their drilling, and also research into natural gas drilling. The federal government would have to fund the EPA per year, according to my estimate, an additional $8 million for research and an additional $7.5 million for additional labor on top of what is already spent. I arrived at this calculation by looking at the money already spent on the research of hydraulic fracturing, which is $8 million (Stockstad 2012). If my proposal were enacted it would at least need double that amount because of all the extra drilling taking place, in which research would have to be expanded to make sure the additional drilling was not creating more environmental problems. The labor amount was calculated by multiplying the per capita money income of $27,344 and the number of people that would have to handle the actual regulation and paper work, estimated at 250 new jobs (taking the EPA's current number of workers of approximately 18,000 people and estimating that the new regulations and increase in drilling will require at least an additional 5 workers per state) (Baughman et al. 2011; U.S. Census Bureau 2012).

Automobile manufacturers would also face additional costs in achieving a higher fuel mileage standard. The increase to 35 miles per gallon by 2020 is estimated to cost automobile manufacturers $52 billion (Thomas 2010). My proposal asks for even higher standards-- in the 40 to 50 miles per gallon range by 2020. I estimate this will cost automobile manufacturers at least$250 billion. I estimated this cost from a recent proposed U.S. rule requiring automobile manufacturers to build cars with 54.5 miles per gallon fuel economy by 2025, and costing them $157 billion according to the EPA and the National Highway Traffic Safety Administration (Keane 2011). An additional $102 billion (approximately $20 billion per year from 2020 to 2025) was needed to increase the fuel mileage to 54.5 miles per gallon by 2025 from 35 miles per gallon in 2020. To achieve this by 2020, I estimated that the cost would double, adding about $100 billion to the proposed $157 billion ($20 billion per year for the five year earlier implementation of my proposal). This is also going to cost consumers at least an additional $2,000 for a new vehicle. However, the extra fuel mileage is expected to save consumers somewhere between $419 billion and $515 billion in fuel savings.

My proposal would attract some support and some critics. In general, Republicans would support my proposal because of the natural gas drilling, which democrats would be against. However, Democrats would likely support my proposed increase of the fuel economy, the decrease of government usage of petroleum, and the increase in alternative fuel usage. My proposal would also draw a mix of support from interest groups. Environmental interest groups would support the same parts of my proposal that the Democrats support, while interest groups that are for oil, gas, and more drilling in America would support my call for more natural gas production here in America.

For my proposal to be successfully adopted, Democrats are going to have to be persuaded to vote for the passage of my proposal. I believe that getting them to allow the drilling on American soil would be the biggest obstacle to my proposal. Using the research

being done now, they would have to be persuaded that drilling would not cause environmental harm. My proposal for an increase in federal usage of alternative fuels and a decrease in the use of petroleum would be met with some opposition, however, the time frame may be the biggest question. I think most members of Congress would support it if the time frame were longer. But what I have proposed is something that is supposed to make changes quickly and drastically. Taking our time and waiting around is not going to do anyone any good. Once they can be persuaded, a new bill allowing for my proposed changes should be drafted and put before Congress. When it passes both houses, President Obama, according to his 2012 State of the Union address would sign it into law.

Conclusion

The affects that the U.S. energy policies have on Americans is critical. Everyone needs to know what is within these policies because all of our lives are affected by them. The *U.S. Energy Independence and Security Act of 2007* sets forth many regulations and laws regarding reducing America's dependency on foreign oil, creating energy security, creating cleaner energy production facilities, and increasing the production of renewable fuels; it also involves elements of transportation, energy production, storage, and use. All of this is vital to all Americans and affects us all economically, politically, and socially.

The *U.S. Energy Independence and Security Act of 2007* is going to cost American tax payers a lot of money. However, if America is going to continue its path to dependency from foreign oil and to go green, then these costs are necessary. My proposal would only add to those costs and regulations put forth by the original legislation, but it would benefit America in the long run. Americans have to start making greater strides to energy independence and more environmentally conscious policies. We must be able to balance the two for the greater good.

References

AFDC. 2011. "Energy Independence and Security Act of 2007." Alternative Fuels and Advanced Vehicles Data Center. http://www.afdc.energy.gov/afdc/laws/eisa (January 24, 2012).

Baker, Arnold. 2010. "International Economic Interdependency and U.S. National Energy Policy." *Energy Journal* 31,4: 57-78.

Baughman, Chris, C. El-Zoghbi, K. Kimmel, et al. "EPA Needs Better Agency-Wide Controls Over Staff Resources." U.S. Environmental Protection Agency: Office of Inspector General. February 22.

Conference of Mayors. 2007. "The Energy Efficiency and Conservation Block Grant (EECBG)." The United States Conference of Mayors. http://www.usmayors.org/climateprotection/documents/eecbghandout.pdf (February 20, 2012).

Doris, Elizabeth, J. Cochran, and M. Vorum. 2009. "Energy Efficiency Policy in the United States: Overview of the Trends at Different Levels of Government." *National Renewable Energy* Laboratory. December.

Duffield, James A. and K. Collins. 2006. "Evolution of Renewable Energy Policy." *Choices* (January-March): 9-14.

EPA. 2012. "Summary of the Energy Independence and Security Act." United States Environmental Protection Agency. http://www.epa.gov/lawsregs/laws/eisa.html (February 29, 2012).

Keane, Angela G. 2011. "U.S. 54.5 MPG Fuel-Economy Standard May Cost $157 Billion." Bloomberg, L.P. November 16. http://www.bloomberg.com/news/2011-11-16/doubling-fuel-economy-may-cost-2-000-a-car-157-billion-u-s-draft-says.html (March 29, 2012).

Koonin, Steven E., and A.M. Gopstein. 2010. "Accelerating the Pace of Energy Change." *Issues in Science and Technology* 27 (Winter): 45-50.

Lazzari, Salvatore. 2008. "Energy Tax Policy: History and Current Issues." *Congressional Research Service Report for Congress*. June 10.

Obama, Barack. 2012. "Remarks by the President in the State of the Union Address." The White

House: Office of the Press Secretary. January 24.

Sissine, Fred. 2007. "Energy Independence and Security Act of 2007: A Summary of Major Provisions." *Congressional Research Service Report for Congress*. December 21.

Stockstad, Erik. 2012. "Good News for Research at EPA, USDA, USGS." *Science Insider*, February.

Thomas, Ken. 2010. "New Mileage Rules May Boost Prices of Vehicles." Associated Press. April 1. http://www.msnbc.msn.com/id/36132350/ns/business-autos/t/new-mileage-rules-may-boost-prices-vehicles/ (March 29, 2012).

U.S. Census Bureau. 2012. "State and County Quick Facts: USA." United States Census Bureau. http://quickfacts.census.gov/qfd/states/00000.html (March 1, 2012).

ALTERNATIVE FUELS AND THE ECONOMY

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As pollution concerns continue to rise and environmental damage from fuels becomes more of an issue, alternative fuels (fuels other than gasoline and diesel) for vehicles are being considered for use by more and more people every day (Balat, 2005). Alternative fuels include (but are not limited to) natural gas, ethanol, biodiesel, methanol, hydrogen, electricity, and solar. Although the United States did not endorse it, the Kyoto Protocol to the United Nations Framework Convention on Climate Change in December of 1997 has helped open the door for alternative fuel use. The protocol required that all developed countries lower their CO2 (carbon dioxide) emissions, and in turn, lessen the greenhouse effect that is contributing to global climate change. All of the alternative fuels that are being considered for use today produce less CO2 than gasoline and diesel fuels (Meyer et al., 2011). Advanced vehicles using alternative fuels could help save the environment in the future (Wang, 2010). The potential effects on the environment that alternative fuels have include improving urban air quality, reducing greenhouse gas emissions, and reducing oil use, which could lead to a complete change in the structure of the economy.

Natural gas, as an alternative fuel, has been promoted by governments around the world as a clean, viable alternative to gasoline (Balat, 2009). Natural gas, as a fuel for vehicles, is produced in two forms, compressed natural gas (CNG) and liquefied natural gas (LNG), with CNG being the most commonly used form (Demirbas, 2006; Meyer et al., 2011). Natural gas is a very clean fuel, and the cleanest burning fossil fuel (Demirbas, 2006; Balat, 2009). But because of economic reasons, like its high transportation costs, it has failed to catch on. However, the future of natural gas, at least over the next century, is positive. Because of its use as a fuel and as a feedstock (the raw materials used in the production of fuels) for other alternative fuels, and its potential for greater use in the industrial sector, natural gas and gas chemistry could possibly take over and play the same role in the economy that petroleum has had in the 20th century (Lapidus et al., 2009). Adding to the favorability of natural gas is the declining petroleum reserves across the world, and an ever increasing demand for energy.

Besides natural gas, biofuels are also being considered as alternatives to gasoline. Biofuels are produced from biomass, a generic term for all vegetable materials that can be used to make fuels (Demirbas and Demirbas 2010; Kralova and Sjoblom, 2010). Today, biomass only represents 3% of energy consumption in developed countries. With 98% of carbon emissions coming from fossil fuel combustion, biofuels, with their zero to very low emissions, are being considered for use more and more every day. According to Kralova and Sjoblom (2010), the European Renewable Energy Council predicts that by 2040 half of the world's energy supply will come from renewable sources like biofuels. There are many benefits to using biofuels, including lower greenhouse gas emissions, plenty of supply, and sustainability (Kralova and Sjoblom, 2010). The two main fuels that have the potential to replace gasoline are bioethanol, and biodiesel (Demirbas and Demirbas 2010; Kralova and Sjoblom, 2010). The single most important aspect of using biofuels is their ability to decrease environmental pollution (Demirbas and Demirbas 2010). However, biofuels must be produced cheaper than gasoline, and they must be produced in an environmentally friendly way or they will not be sustainable (Trindade, 2009). Biofuels, in general, have many positives and negatives. One negative that Clancy (2008) mentions is that biofuels create social, economic, and ecological problems. Governments have to step in to make sure the process of making biofuels does not hurt the economy in the long run, making the poor poorer; they also have to keep regulations under control or ecological problems will arise. For biofuels to catch on costs are going to have to be lowered. The cost of "large-scale production of bio-based products is currently high in developed countries. For example, the production cost of biofuels may be three times higher than that of petroleum fuels, without, however, considering the non-market benefits. Conversely, in developing countries, the costs of producing biofuels are

much lower than in the OECD countries and very near to the world market price of petroleum fuel" (Demirbas and Demirbas, 2010 p. 1072). Besides the improvements in air quality and the environment that biofuels provide, they also have many other benefits. Benefits include an increased number of manufacturing jobs, increased income taxes, a larger manufacturing sector and more investment, increased tax base from plant operations and income taxes, an improved current account balance, and reductions in health care costs (Demirbas and Demirbas, 2010).

Hydrogen is expected to become more popular as an alternative fuel in the next few decades (Wang, 2010; Balat, 2005). It is very sustainable, safe to manufacture, and does not emit pollution, which makes it a great alternative to hydrocarbon fuels like natural gas and gasoline (Balat, 2005). It can be used as a direct fuel like gasoline, and tests show that it was at least 20% more efficient when compared to gasoline. The problem with hydrogen is that it is much less dense than gasoline, and for a car to be able to travel long distances it is going to have a large fuel tank to hold the gas.

Electricity is also used as a fuel in the form of batteries, and can also be used to power fuel cell vehicles. Electricity is cheaper than gasoline and using it as a fuel to power vehicles would mean fewer emissions and fewer parts to be serviced, although power plant emissions would likely rise from more electric vehicles. Battery powered vehicles are expected to increase in use and their performance is expected to increase in order to be comparable with gasoline vehicles in the next few decades (Wang, 2010).

Alternative fuels like ethanol, natural gas, biodiesel, and other bio-fuels are increasing in use every day. Alternative fuel vehicles are becoming more popular among Americans because of their cheaper fuel prices and benefits such as tax breaks. The government has been stressing alternative fuels as a solution to pollution and America's reliance on foreign oil. The data have shown that, overall, alternative fuels have been increasing in production over the last twenty years. But what is causing this increase? How does the economy affect the consumption and production of alternative fuels? Do government laws and incentives have any effect on alternative fuels? By looking at the data over the last twenty years including the gross domestic product, unemployment rate, imports, exports, alternative fuel consumption and production, alternative fuel stations, and the number of laws and incentives this study attempts to answer these questions. If alternative fuels are truly going to be a viable alternative to gasoline, it is important that we understand all the effects that the United States economy has on alternative fuels, as well as the effects on small businesses that are supporting alternative fuel vehicles.

Methods

The analysis for this study was limited to the years from 1990 to 2010. Economic Indicators were obtained from the Bureau of Economic Analysis website. The following indicators were examined for their response to economic downturns: gross domestic product, gross private domestic investment, net exports of goods and services, government consumption expenditures, and the unemployment rate. After visually analyzing the trends in the data, gross private domestic investment was used as the independent variable when analyzing alternative fuels because it showed the greatest impact of economic decline and incline, as seen in Figure 1 and Figure 2.

Alternative fuel data were obtained from the Alternative Fuels Data Center (AFDC) website. The website included data from many other sources. This study examines the number of alternative fuel vehicle models from 1991 through 2010. Alternative fuel vehicle (AFV) model types in "AFV Models" included vehicles that run on E85 (fuel made up of 85% ethanol and 15% gasoline), CNG, electric, hybrid, and LPG (liquefied petroleum gas)1. Also examined in this study were the number alternative fuel vehicles in use, which included vehicles that run on LPG, CNG, LNG (liquefied natural gas), E85, and electric for the years of 1992 through 2008; the total alternative fuel category "Vehicles in Use" examined for that same time period2. "AFV Stations" data, which included stations that sold E85, CNG, LPG, LNG, biodiesel, and fuel for electric vehicles were gathered for the years from 1992 to

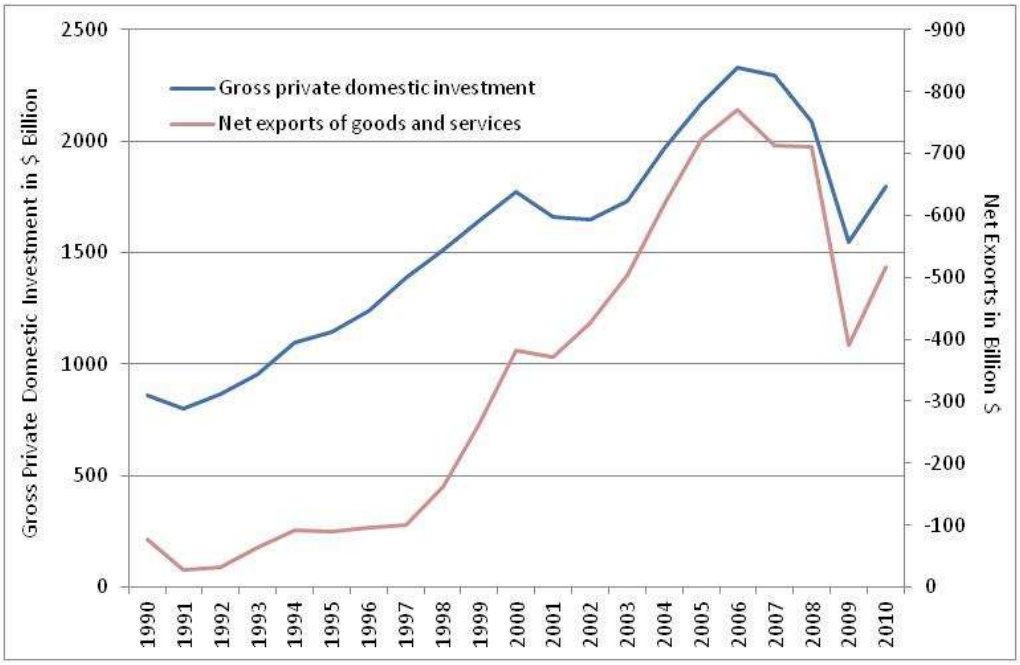

Figure 1. Gross Private Domestic Investment and Net Exports of Goods and Services. Source: The Bureau of Economic Analysis

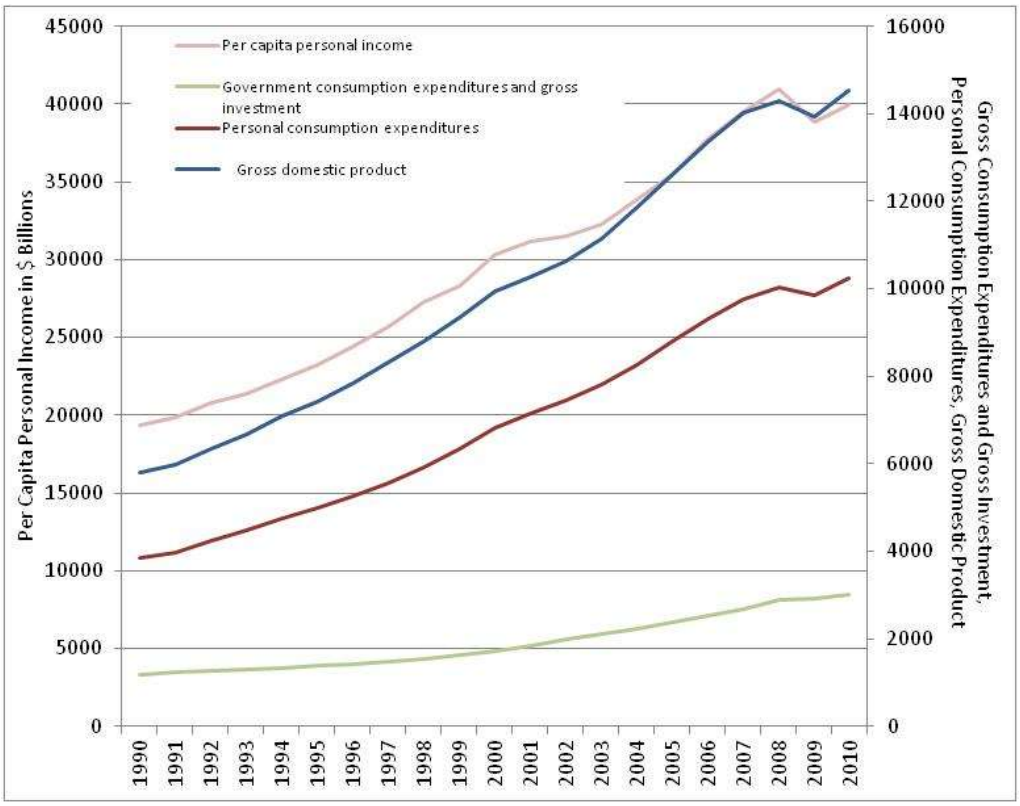

Figure 2. Economic Indicators of Per Capita Personal Income, Gross Domestic Product, Personal Consumption Expenditures, and Government Consumption Expenditures and Gross Investment. Source: The Bureau of Economic Analysis

20103. Ethanol production and consumption data was obtained for the years from 1990 to 2010 and was measured in millions of gallons, while net imports were measured in

thousands of barrels4. Biodiesel data were obtained for the years from 2000 to 2010; production and consumption was measured in millions of gallons, and net imports were measured in thousands of barrels. Natural gas production (wet and dry), consumption, and net imports data were gathered for the years from 1990 to 2010 and were measured in billions of cubic feet. All of this data were then transferred into Microsoft Excel where line graphs were made for visual analysis. SPSS was used for to run regression analysis on the data.

Results

Gross domestic private investment (Figure 3) was regressed with the number of alternative fuel models produced each year. As seen in Figure 4, it significantly explained the fluctuations of alternative fuel vehicle models run on ethanol (E85) and hybrid alternative fuel vehicles. All other parameters were not significant.

Figure 5 depicts alternative fuel vehicles in use from the years 1990 to 2008. Table 1 shows the regression analysis that revealed that gross private domestic investment significantly explains many alternative fuel vehicles in use including ethanol (E85), CNG, electric, and LNG. In looking at whether or not gross domestic investment affected the number of alternative fueling stations, regression analysis revealed that it did significantly affect the number of ethanol (E85) fueling stations, as well as the number of LNG (liquefied natural gas) fueling stations. Regression analysis was also run using gross domestic private investment on production, consumption, and net imports of ethanol, biodiesel, and natural gas. Biodiesel results proved not to be significant. However, it was found that ethanol production, consumption, and net imports were significant when regressing against gross private domestic investment. In analyzing natural gas, regression analysis revealed that gross domestic private investment had an effect on natural gas production, consumption, and net imports. Table 1 shows the regression results and Figures 6 and 7 depict these findings.

In order to examine how government laws and incentives affect alternative fuels, the number of laws and incentives of each fuel type per year were regressed against each fuel type category. The regression analysis found that the number of ethanol laws and incentives significantly affected the number of E85 vehicles in use, $R2 = 0.596$, p-value = 0.042. No other ethanol category was found to be significant. The number of natural gas laws also proved not to be a significant factor when looking at the natural gas categories. As seen in

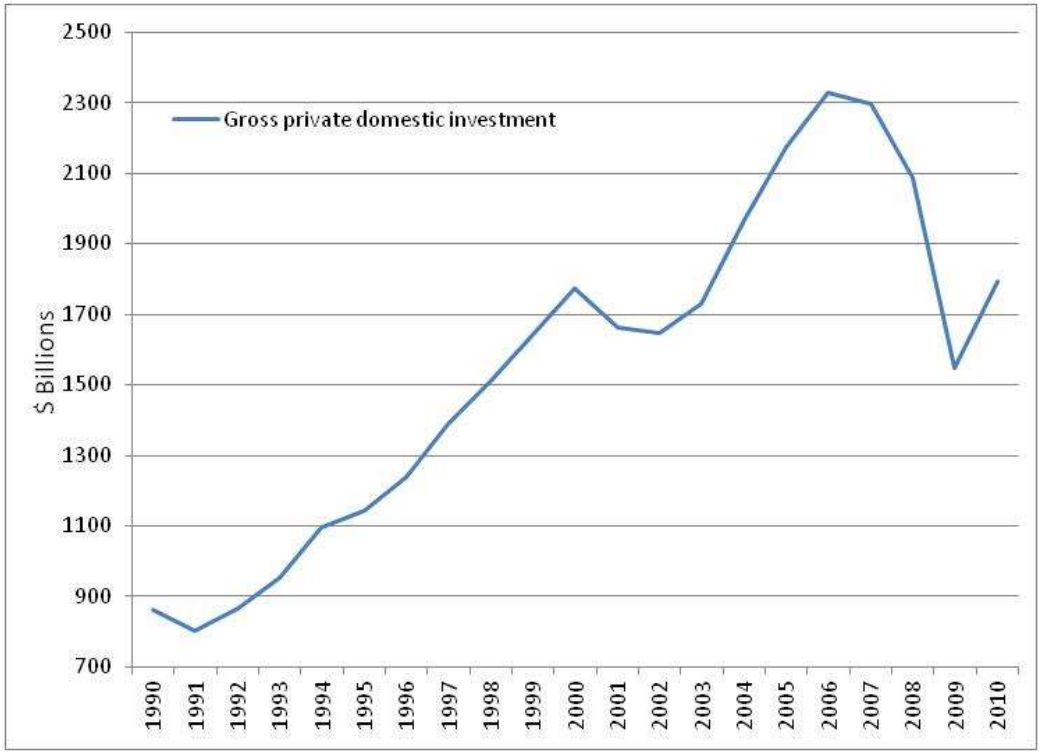

Figure 3. Gross Private Domestic Investment Source: The Bureau of Economic Analysis

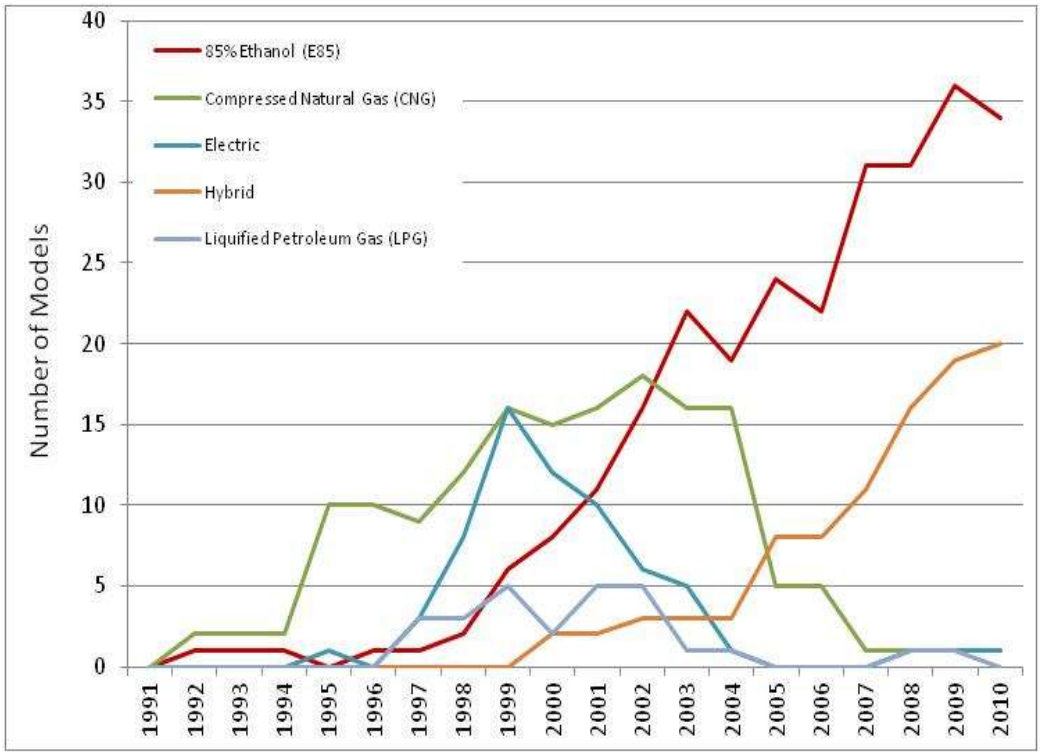

Figure 4. Alternative Fuel Models per Year Sources: The Alternative Fuels Data Center and EVworld.com

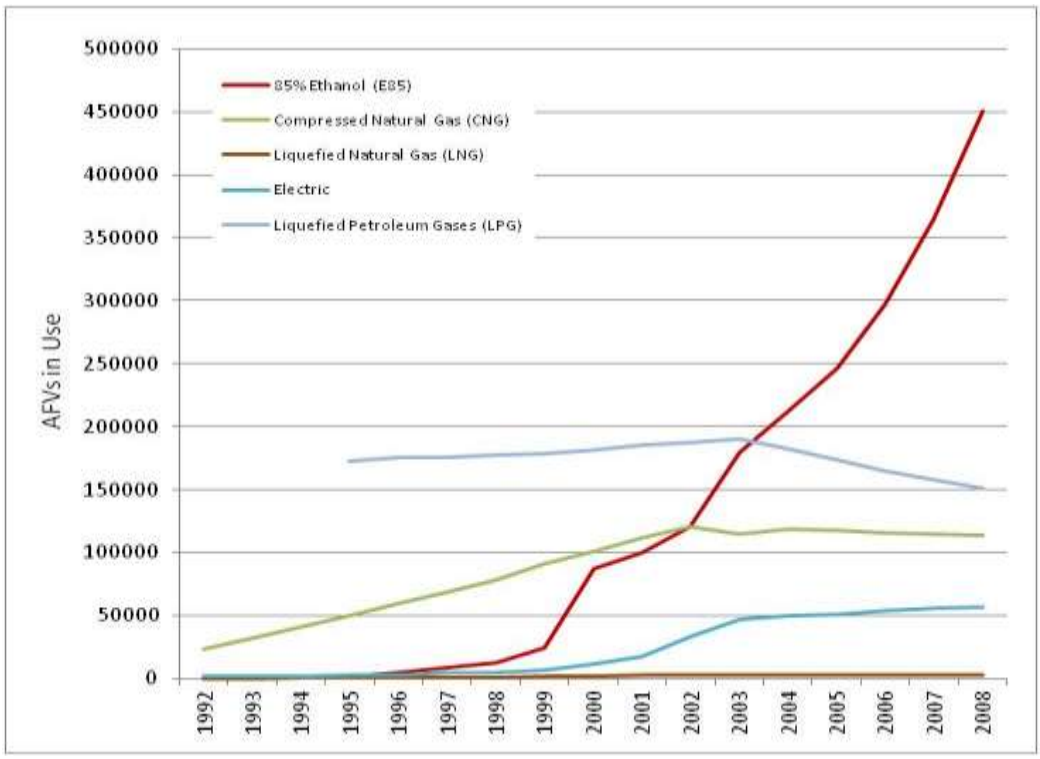

Figure 5. Alternative Fuel Vehicles (AFVs) in Use. Source: The U.S Energy Information Administration.

Table 1. Regression Analysis Results: Correlation Coefficient and Significance Levels. Alternative fuel parameters were regressed against gross private domestic investment

Alternative Fuel Type	Vehicle Models	Vehicles in Use	# of Stations	Production	Consumption	Net Imports
Ethanol				0.276*	0.304**	0.344*
E85b	0.574***	0.75***	0.223*			
Natural Gas				0.188*	0.461***	0.732***
CNGb	ns	0.832***	ns			
LNGb	ns	0.849***	0.411**			
Electric	ns	0.779***	ns			
Hybrid	0.308*	.	.			
Total	ns	0.825***	ns			

a) Significance levels: ns – non-significant; *- 0.05; **- 0.01; ***- 0.001; '.' – no data available

b) E85: 85% Ethanol; CNG: Compressed Natural Gas; LNG: Liquefied Natural Gas

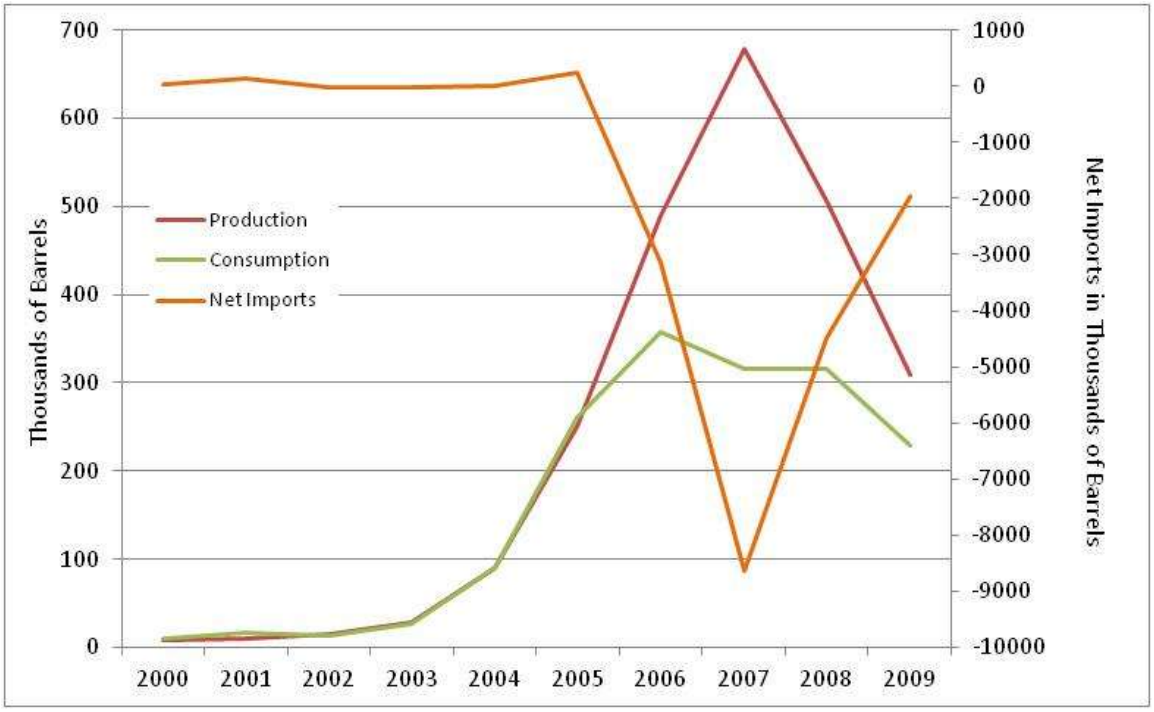

Figure 6. Ethanol Net Imports Sources: The U.S Energy Information Administration

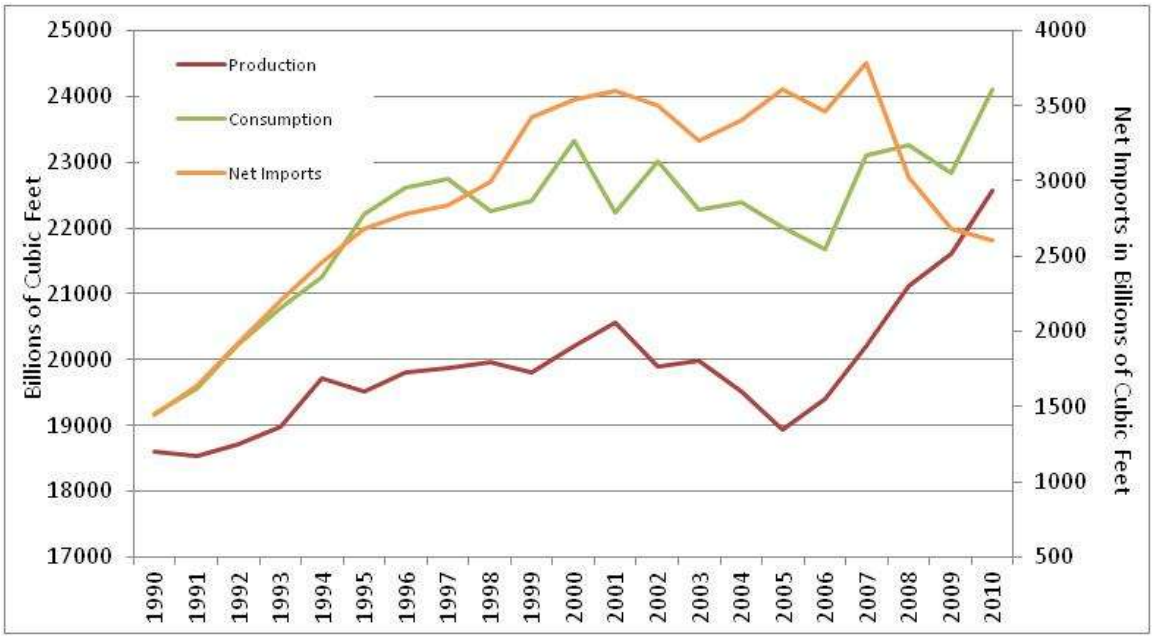

Figure 7. Natural Gas Production , Consumption, and Net Imports. Sources: The U.S Energy Information Administration

Table 2, the number of biodiesel laws were significant when analyzing biodiesel alternative fuel stations, biodiesel production, and number of biodiesel laws and incentives. biodiesel consumption. Figure 8 depicts the relationship between ethanol and ethanol laws and incentives, and Figure 9 depicts the relationship between biodiesel and biodiesel laws and incentives. Laws and incentives had no significant impact on electric vehicle categories.

Figure 9 revealed a lag in the time it took biodiesel laws to effect production. To test for this lag, the number of biodiesel laws and incentives were shifted positive one year and regressed against production and consumption. The results found a very strong, highly correlated relationship between the biodiesel laws and incentives and production, while the consumption became less significant (see Table 2).

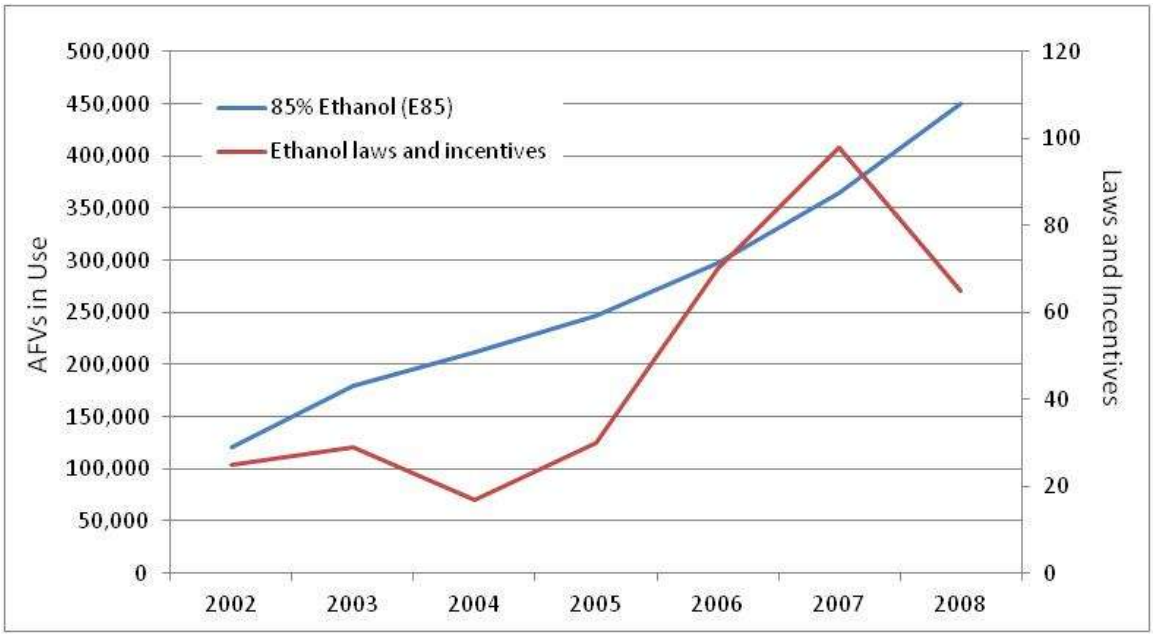

Figure 8.Ethanol Alternative Fuel Vehicles (AFVs) in Use and Ethanol Laws and Incentives. Sources: The U.S Energy Information Administration and the Alternative Fuels Data Center.

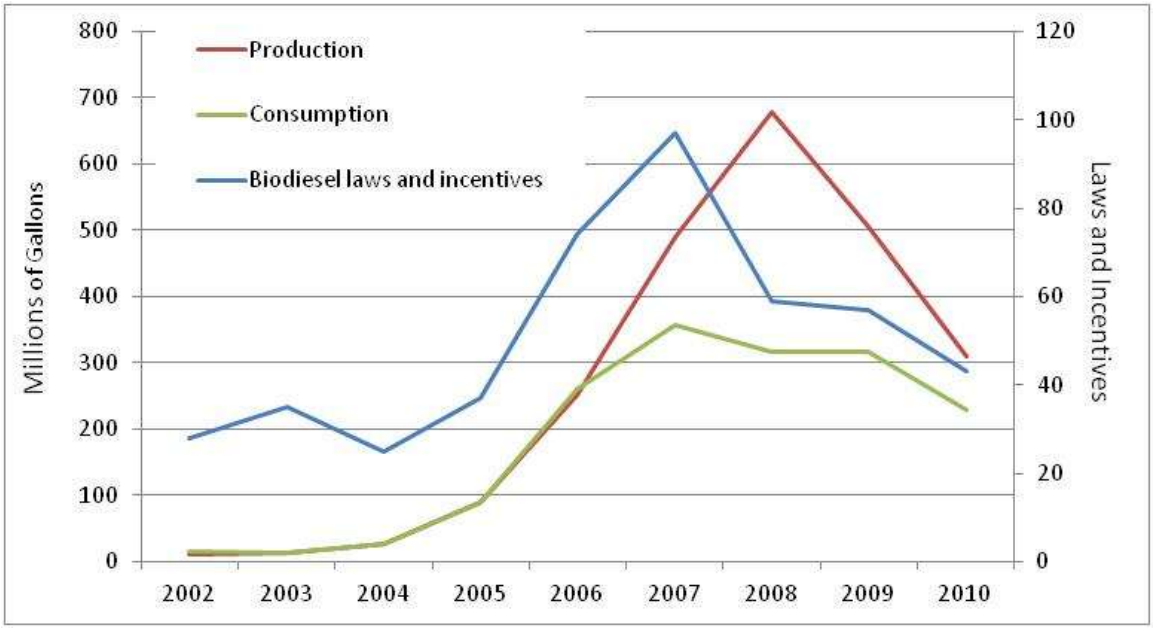

Figure 9. Biodiesel Production, Consumption, and Biodiesel Laws and Incentives.
Sources: The U.S Energy Information Administration and the Alternative Fuels Data Center.

Table 2. Regression Analysis Results: Coefficient of Determination and Significance Level. Biodiesel parameters were regressed against biodiesel laws and incentives.

Independent Variable	Dependent Variable	R Square	Adjusting for 1 Year Lag Time
Biodiesel Laws	AF Stations: Biodiesel	0.587*	
	Biodiesel Production	0.488*	0.882***
	Biodiesel Consumption	0.739**	0.624*

a) Significance levels: ns – non-significant; *- 0.05; **- 0.01; ***- 0.001

b) AF: Alternative Fuel

Discussion and Conclusion

After analyzing the data it was interesting that gross domestic private investment affected every category that contained ethanol. Ethanol is heavily subsidized by the government. Also, one of the concerns is that more fossil fuels and energy are put into the production of ethanol offsetting the benefits of it. This makes it seem as though big corporations are just out to make a profit, harvesting subsidies, while not truly going green. The data testing laws and incentives was based just on the number of laws enacted each year, and not what each law and incentive actually did. To test for this, a study would have to analyze all the laws and incentives affecting alternative fuels, in particularly ethanol. However, this study did find that ethanol production, consumption, and net imports followed the same trends as gross private domestic investment. "Alternative Fuel Vehicles in Use" was the category most affected by gross private domestic investment, with nearly all alternative fuel vehicle types being affected, except for LPG. This makes it clear that as the use of alternative fuel vehicles is related to economic conditions. It was also interesting that biodiesel proved not to be affected by gross private domestic investment. However, the number of laws and incentives affecting biodiesel had a significant effect on biodiesel stations, production, and consumption. The high correlation that was produced after the lag time was accounted for on biodiesel production showed that the effect the government has on biodiesel is very important. The more laws and incentives regarding biodiesel, the more biodiesel is produced, and vice versa. When looking at the consumption and production of biodiesel, it seems as though the government's funding is not worth the effort because big oil companies are still in control. Consumers withdraw support as soon as the incentive is withdrawn. This is a major burden for small companies that are looking to do something new and truly go green. As more focus is turned to bio-fuels, it would be interesting to do this study in a few years to see what changes happen in terms of the relationship between bio-fuels and the economy.

As the U.S. makes strides to lessen its dependence on foreign oil, more attention is going to be placed on alternative fuels. The infrastructure must be built up for alternative fuels to become an everyday fuel for all Americans. The government is making changes and is slowly instituting alternative fuels. This study has shown the effects of the economy on various aspects of alternative fuel usage, and in the coming decades this is likely to increase as the government continues to focus in on using alternative fuels.

Appendix

1 Data was gathered by the AFDC from EVworld.com (for electric).

2 The data for "Vehicles in Use" was gathered by the AFDC from the U.S. Energy Information Administration's website. Note that "Vehicles in Use" represents accumulated acquisitions, less retirements, as of the end of each calendar year. They do not include concept and demonstration vehicles. And it includes only those E85 with vehicles believed to be using E85, primarily fleet-operated vehicles; excludes other vehicles with E85 fueling capability.

3 Data was gathered by the AFDC from the Transportation Energy Data Books.

4 Biodiesel, ethanol, and natural gas production, consumption, and net imports, data was gathered by the AFDC from U.S. Energy Administration's "December 2011 Monthly Energy Review."

References

Balat M. (2005). Current Alternative Engine Fuels. Energy Sources, 27, 569-577.

Balat M. (2009). Global Trends on Production and Utilization of Natural Gas. Energy Sources, 4, 333-346.

Clancy J.S. (2008). Are Biofuels Pro- Poor? Assessing the Evidence. The European Journal of Development Research, 20(3), 416-431.

Demirbas T., & Demirbas A.H. (2010). Bioenergy, Green Energy. Biomass and Biofuels. Energy Sources, 32, 1067-1075.

Demirbas, A. (2006). The Importance of Natural Gas as a World Fuel. Energy Sources, 1, 413-420.

Kralova I., & Sjoblom J. (2010). Biofuels-Renewable Energy Sources: A Review. Journal of Dispersion Science and Technology, 31, 409-425.

Lapidus A. L., Golubeva I. A., Krylov I. F., & Zhagfarov F. G. (2009). Production of Alternative Motor Fuels Based on Natural Gas. Chemistry and Technology of Fuels and Oils, 45(5), 305-312.

Meyer P. E., Green E. H., Corbett J. J., Mas C., & Winebrake J. J. (2011). Total Fuel-Cycle Analysis of Heavy-Duty Vehicles Using Bio fuels and Natural Gas-Based Alternative Fuels. Air and Waste Management Association, 61, 285-294.

Trindade S.C. (2009). The Sustainability of Biofuels Depends on International Trade. Energy Sources, 31, 1680-1686.

Wang G. (2010). Advanced Vehicles: Costs, Energy Use, and Macroeconomic Impacts. Journal of Power Sources,196, 530-540.

EXPLORING THE USA PATRIOT ACT

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Abstract

It is the evening of September 11, 2001. Americans stare at their television screens in horror and disbelief, hardly able to believe that the planes they see crashing into buildings are part of reality instead of a movie. How could anyone kill thousands of people like this? The incidents of this infamous day may have terrorized the United States but left its citizens feeling determined to prevent such a tragedy from ever happening again. America's executive branch reflected this sentiment by introducing the USA PATRIOT Act, a piece of legislation they claimed would help crack down on terrorism at home and abroad. Many American citizens liked the idea of this measure until they learned that it came with a price: it could reduce the threat of terrorism but risked possibly infringing upon their personal liberties. Is such a piece of legislation worth enacting if it could interfere with innocent citizens' private affairs? This paper will seek to identify and address the problems of this controversial policy while also providing information on its background and key provisions.

History of the Policy and Enacting Legislation

The USA PATRIOT Act was created in response to the terrorist attacks which occurred on September 11, 2001. President George W. Bush, Attorney General John Ashcroft, and Deputy Attorney General Viet Dinh introduced this legislation just a few days after the attacks occurred (Banks 2011, 7). The title of this bill is an acronym which stands for Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism. These leaders were adamant about enacting this legislation because they claimed that there were no second chances in keeping another September 11 from happening (Banks 2011, 6).

The Patriot Act was also intended to grant the executive branch a stronger role in foreign affairs. Supporters of this act asserted that the president should be given more extensive powers because they were granted to him by the Constitution (Banks 2011, 7). President Bush and his advisors claimed he should have such powers so that the legislative branch could not weaken American foreign policy, as these proponents claimed it had previously done in situations like the 1987 Iran-Contra Affair (Banks 2011, 7).

Many congressional members opposed the Patriot Act because they felt like there was too much pressure to enact it in a very short amount of time. In fact, there was intense pressure from the White House and Department of Justice to pass House and Senate versions of the bill within a few short weeks of the terrorist attacks (Banks 2011, 7). Persistent negotiations took place and several congressional deliberations were bypassed so that the bill could be enacted around the time that the Afghanistan invasion began (Banks 2011, 7-8). President Bush signed the USA PATRIOT Act into law on October 26, 2001, just six weeks after the September 11 attacks had occurred (Banks 2011, 8).

Funding and Implementation

The Patriot Act is mainly funded by the Assets Forfeiture Fund of the Department of Justice. It also receives funding from criminal and civil fines paid as a result of violating one or more of its provisions. The Patriot Act is a national level policy that is mainly implemented by the Department of Justice and the Central Intelligence Agency. This legislation centralizes federal law enforcement authority in the Department of Justice by giving it authority to investigate numerous federal crimes that were previously under the jurisdiction of other federal law enforcement entities (Whitehead and Aden 2002, 1088). This shift in command has given the Attorney General and Justice Department the ability to investigate acts of terrorism as well as most acts of violence against public officers and property (Whitehead and Aden 2002, 1089). At the same time that authority for international and domestic

law enforcement has been centralized in the Justice Department, the authority for coordinating domestic intelligence gathering has shifted from the Justice Department to the Central Intelligence Agency (Whitehead and Aden 2002, 1090).

Cost of the Policy

The Congressional Budget Office states that this legislation will have discretionary costs for budget functions of national defense and administration of justice. It claims that these costs will total approximately nine million dollars from 2011 to the year 2016. This calculation is first derived by the fact that this measure cost around one million dollars last year (Congressional Budget Office 2011, 3). This prediction is also formulated by assuming that the Patriot Act will cost about four million dollars in 2012 and nearly three million dollars in 2013 (Congressional Budget Office 2011, 3). The calculation is last arrived at by estimating that the legislation will cost less than half a million dollars in the years 2014, 2015, and 2016, respectively (Congressional Budget Office 2011, 3). Adding the costs from each of these years reveals that the Patriot Act will cost approximately nine million dollars over the course of six years.

Problems with the Policy

The Patriot Act is problematic because it contains many controversial provisions. One such statute is the expansion of the definitions of terrorism and domestic terrorism. The Patriot Act is intended to only target terrorists, but its new qualifications significantly expand the criteria for being considered a terrorist suspect. For instance, Section 802 of this legislation now defines domestic terrorism as any violent act within American borders which appears to be aimed at scaring the population and sending a message to the US government (Whitehead and Aden 2002, 1093). This expanded definition could consider the actions of various political groups to be terrorist acts when they were only acts of intimidation or property damage (Whitehead and Aden 2002, 1093). Many Americans are alarmed by this provision because they do not think that actions intended to utilize their freedom of expression should be labeled as acts of domestic terrorism. Officials defending this new provision claim that terrorism only includes those violent acts which are politically motivated, premeditated, and target noncombatant targets (Whitehead and Aden 2002, 1093-94). Individuals refuting this argument claim that such definitions did not need to be expanded to begin with if they still apply to the same select group of individuals.

Many Americans dislike the Patriot Act because they feel like it threatens their First Amendment rights. All American citizens, and even undocumented aliens with substantial ties to the United States, are entitled to freedom of speech, freedom of the press, and the right to peaceably assemble (Whitehead and Aden 2002, 1096). Such liberties do not give Americans the right to do whatever they please, however, as First Amendment rights are prone to some limitations. Section 411 of the Patriot Act exemplifies some of these limits by threatening to deport those individuals who offer any form of support to terrorist organizations (Whitehead and Aden 2002, 1099). This provision is controversial because it could negatively affect the First Amendment rights of Muslims living in America (Whitehead and Aden 2002, 1099). For instance, American Muslims have been accused of having ties to terrorism simply because they are associated with the Muslim religion.

Another common criticism of the Patriot Act is that it suppresses the First Amendment rights of businesses. Under section 215 of this legislation, records and other tangible items, like computer systems, can be seized from businesses for the purpose of protecting against international terrorism or clandestine intelligence activities (Whitehead and Aden 2002, 1100). This provision prevents people from announcing that they were subjected to such a seizure. Furthermore, such individuals are also unable to find out why they were the target of such treatment in the first place (Whitehead and Aden 2002, 1100). It is not surprising that businesses would be alarmed by this kind of treatment when the US Constitution guarantees that they have freedom to express their grievances.

Many Americans also worry that the Patriot Act violates the Fourth Amendment, which protects US citizens from unreasonable searches and seizures. Section 218 of this legislation amends the Foreign Intelligence Surveillance Act, which originally allowed wiretapping of US citizens and resident aliens to occur upon a showing of probable cause that they were a foreign power or an agent of a foreign power (Whitehead and Aden 2002, 1103). The Patriot Act allows wiretapping to take place even if the target of the investigation does not pertain to foreign intelligence; in

other words, this measure allows federal authorities to conduct wiretapping on US citizens and residents who are unlikely to threaten national security (Whitehead and Aden 2002, 1103).

Sections 206 and 207 of the Patriot Act make wiretapping even more controversial by permitting roving wiretaps. Section 206 permits federal authorities to wiretap unspecified persons instead of specific communications providers; more clearly speaking, this statute allows federal agents to conduct wiretaps to any provider of communications services regardless of geographical location (Whitehead and Aden 2002, 1105). Section 207 states that authorities do not have to obtain a warrant in advance of conducting such wiretapping. Officials defending this provision claim that this kind of power must be given to federal agents since terrorist activity is time sensitive and could result in deadly consequences if speedy action is not taken (Whitehead and Aden 2002, 1105). In contrast, Americans have complained that these kinds of practices are likely to invade the privacy of citizens who are not a national security threat to begin with.

One of the most problematic statutes of the Patriot Act is Section 213, which permits the use of "sneak and peak" warrants. This provision allows law enforcement officials to search a home without giving its residents notice in advance (Whitehead and Aden 2002, 1111). These officials do not even have to immediately inform such residents that their homes were searched, as the period of notification can be extended if it is for a good reason (Whitehead and Aden 2002, 1112). As a result, a person could have his home searched and not even know the event happened until several months later. Such warrants risk violating the Fourth Amendment, which prohibits unreasonable searches. "Sneak and peak" searches are definitely reasonable if they are aimed at preventing possible terrorist acts, but many critics of this type of warrant argue that it can target citizens who are completely innocent of such accusations.

Many Americans dislike section 203 of this legislation, which threatens to violate the secrecy of grand juries. The transcripts and documents obtained by the grand jury have historically been kept secret, but this statue allows witnesses' information to be shared with a wide array of law enforcement agencies (Whitehead and Aden 2002, 1114). Moreover, this provision treats suspects like criminals by threatening to share their private records in a central databank of suspect information, essentially refuting the idea that individuals are considered innocent until proven guilty (Whitehead and Aden 2002, 1114). This statute was created to improve federal officials' access to foreign intelligence information; its definition is so broad, however, that it makes any person residing in the United States subject to this seemingly criminal treatment.

The Patriot Act is also problematic because it threatens to infringe upon Sixth Amendment rights. The Sixth Amendment ensures that individuals will have the right to privately consult with an attorney; the Patriot Act can violate this statute, however, by having the ability to monitor the correspondence and private conversations between prisoners and their counsel (Whitehead and Aden 2002, 1116). What is so alarming about this provision is that it is applicable to all incarcerated individuals instead of just terrorists. Law enforcement officials claim they must have this authority to protect against acts of violence, but they define violence so broadly that no protection exists to keep them from monitoring any federal prisoner they please (Whitehead and Aden 2002, 1116). The Patriot Act has also made it more difficult for prisoners to consult with an attorney; in fact, there have been instances where this legislation has resulted in prisoners being denied legal counsel altogether (Whitehead and Aden 2002, 1117). Perhaps one of the most disturbing parts of this legislation is the fact that it can deny individuals the right to a trial by jury. Those defending this idea claim that non-American citizens who aid terrorists should be tried in a military tribunal; the Constitution refutes this argument, however, by stating that all crimes except impeachment must be tried before a jury (Whitehead and Aden 2002, 1119). All of these statues have the potential to make it incredibly difficult for prisoners to receive the legal representation that the Constitution guarantees them.

Section 412 of the Patriot Act also poses some problems because it risks violating the US Constitution's Fifth Amendment, which guarantees the right to due process of law. This part of the Patriot Act allows officials to take aliens into custody if they appear to be engaging in activity that could harm American national security (Whitehead and Aden 2002, 1126). Similarly, Section 106 of this legislation permits seizure of property or assets of any foreign individual,

organization, or country planning to engage in violence against America (Whitehead and Aden 2002, 1127). These statutes may be intended to protect the United States but nevertheless violate the Fifth Amendment, which contends that no individual can be deprived of life, liberty, or property without due process of law (Whitehead and Aden 2002, 1126).

Proposing what changes should be made to this legislation is controversial because so many opinions exist on how to reform it. Some Americans are willing to sacrifice as many personal liberties as necessary if it means that the United States will be protected from another terrorist attack. Other Americans value their personal liberties above all else and are outraged by any government threats to violate them. Regardless of where American citizens stand on this issue, the majority of them can probably agree that federal officials have done a respectable job of protecting them from terrorist threats over the past decade. After all, no terrorist act has been committed on American soil since the September 11 attacks. This fact does not resolve the problems that exist with the policy but certainly makes them seem worth enduring if they help to keep America safe. There are some provisions of the Patriot Act, however, which should be amended or abolished from the legislation altogether.

Proposed Changes

Abolish Section 215

Section 215 of this policy should definitely be abolished because it will not even allow targeted businesses to find out why they were the subject of a search and seizure. It seems appropriate for law enforcement officials to conduct a search and seizure upon a business engaging in suspicious behavior; being forced to endure such an ordeal without being able to find out why it was conducted in the first place, however, seems completely unconstitutional. Furthermore, the fact that citizens cannot announce that they were ever subjected to such treatment seems to be a clear violation of the First Amendment, which guarantees Americans freedom of speech. This issue was so important to America's first settlers that they were willing to begin a completely new life to have the liberty to express their concerns. Does it not seem appropriate that such a privilege should be held in the highest esteem? It is for such reasons that it seems necessary to allow targeted businesses to express their opinions on these search and seizures.

Abolish Section 213

Section 213 of the Patriot Act, which allows for the use of "sneak and peak" warrants, should also be abolished. Having the ability to search a home without notifying its residents is one matter; being able to seize items from that residence without having to notify its owners for months, however, seems completely unreasonable and downright unconstitutional. What if such a search and seizure results in an innocent citizen losing items that are crucial to his way of life? This statue seems like a significant threat to the Fourth Amendment, which states that citizens should not be subjected to unreasonable searches. Such information provides a convincing argument as to why this controversial provision should be terminated.

Deriving the Cost

These statutes seem to be in most need of being altered or abolished since they overwhelmingly risk violating citizens' personal liberties. Such changes would probably lower the cost of the policy since these proposals advocate prohibiting certain types of searches and seizures instead of restructuring any of the agencies administering this legislation. Abolishing these measures would actually help decrease the amount of money that the Justice Department must give to its Assets Forfeiture Fund since these practices would no longer be implemented (Congressional Budget Office 2011, 3). It is projected that these modifications along with other recent changes made to the legislation would help reduce the policy's cost by about half a million dollars over each of the next two or three years (Congressional Budget Office 2011, 3). This calculation was derived from the estimates of recent financial records relating to the Justice Department. This change would be implemented by the Justice Department because it is the entity in charge of domestic law enforcement.

Assessment of Political Will

Potential Supporters and Opponents

Businesses would likely be the biggest supporters of abolishing Section 213 since this provision mainly targets them. Labor unions in particular would probably favor this policy change since they are avid supporters of worker rights. Private sector businesses would especially

favor this proposal because they do not favor government involvement in their affairs to begin with. Regardless of their size or beliefs concerning government regulation, all businesses would probably favor this change since it would grant them a larger voice in government affairs.

The American public at large would express support for terminating Section 215 since it would forbid law enforcement officials from ever conducting "sneak and peak" warrants in their own homes. This amount of support would probably prompt most legislators to support the proposal as well since they are supposed to represent their constituents' interests. Many legislators would also be likely to favor this policy change because their reelection prospects depend on listening to the people's interests. Interest groups favoring the protection of personal freedom, such as the American Civil Liberties Union, would also probably favor these ideas since such organizations are adamant about preserving personal freedoms.

The Central Intelligence Agency and Department of Justice may oppose both of these changes since enacting them would reduce the authority they are permitted to exercise over businesses and individuals. Other intelligence agencies like the Federal Bureau of Investigation would also probably oppose abolishing these provisions since they would pose an obstacle to gathering the best intelligence information. The American executive branch would probably oppose enacting these changes since doing so would reduce the amount of oversight it is allowed to have. After all, one of the chief purposes of the Patriot Act to begin with was granting the executive branch more authority concerning foreign and domestic intelligence gathering.

Necessary Political Action

Having a widespread advertising campaign to promote the benefits of these proposals would be one of the best ways to raise awareness about enacting them. This would likely be most effectively accomplished by proclaiming that these statutes are unconstitutional and clearly violate citizens' personal liberties. Since funding such a campaign would be a difficult task, its organizers would probably be wise to begin promoting their causes at the local level while simultaneously striving to raise money to fund their endeavors. These proposals could also be adopted if they had the support of some prominent interest groups. This would likely best be accomplished through befriending lobbyists who are dedicated to promoting personal freedoms.

Conclusion

The USA PATRIOT Act is a relatively new piece of legislation but already has a storied and controversial past. Many legislators opposed this bill since they were pressured to vote in favor of it before they even had time to read its contents. Furthermore, many Americans dislike this policy because they think it infringes upon their personal liberties. It is difficult to propose what changes should be made to this legislation since all Americans have differing opinions on national security and individual rights. Moreover, it is impossible to strike a perfect balance between national security and personal liberties, as one can only gain prominence at the expense of the other. Policymakers and citizens may never agree on what direction to take concerning this legislation but should strive to remain dedicated to its fundamental cause of standing united against the threat of terrorism.

References

Banks, Christopher P. 2011. "Security and Freedom After September 11." *Public Integrity* 13 (Winter) 5-24.

Congressional Budget Office. 2011. "S. 93, USA PATRIOT Act Sunset Extension Act of 2011."

Whitehead, John W., and Steven H. Aden. 2002. "Forfeiting 'Enduring Freedom' for 'Homeland Security': A Constitutional Analysis of the USA PATRIOT Act and the Justice Department's Anti-Terrorism Initiatives." *American University Law Review* 51 (August) 1081-1133.

American Antitrust Law

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Introduction

Since the beginning of our nation's history, we have always prided ourselves in being the land of equal opportunity. We have thought of ourselves as a place where if a man works hard, he can flourish. The economy in the United States is one that requires free and competitive trade in order to be one of the world's most powerful markets. For competitive trade to exist, monopolies must not. The anti-trust laws, or the rules of the competitive marketplace as defined by the Free Trade Commission, are in place to ensure just that, a market where there is no one answer for electricity, or just one carrier for your cell phone service. While it may seem to be no major issue to the common consumer, choice and competition in the economy does indeed benefit everyone. Fair competition allows for lower prices on goods and services, as well as better quality for those very same things.

Today, we are very fortunate as we do not hear nearly as many claims of companies attempting to monopolize to the scale of what they had in the past. However, it does happen. Our laws have become refined to the point where businesses understand what is expected of them. Lines are crossed and bodies such as the Free Trade Commission or the Department of Justice's Antitrust Division must intervene in order to protect the market from unfair practice. Most importantly, these offices protect the consumer.

These laws that help ensure that our national economy is one that is fair and unrestricted by anticompetitive practices can trace its origins to over 120 years ago. They have indeed evolved with the times. One can only hope that by understanding the history of these laws Americans will not only further grasp the primary objectives of them, but also interpret how their implementation effects the economy and the country as a whole.

Origins the of Antitrust Laws

The origins of these antitrust laws in the United States are somewhat debated. Some believe that they began with the Interstate Commerce Act of 1887, which saw the creation of the Interstate Commerce Commission. This commission was the first one of its kind to deal with railroads and their monopolizing practices that caused fares to be held at very high levels due to the lack of competition (J Rank, 2011). This initiated the transition from the state regulation of markets to the federal regulation of business practices.

The Sherman Antitrust Act of 1890

Americans began to argue that in order for the economy to be successful, competition must be forever present. John Sherman, a Republican senator from the state of Ohio, championed the act that would bear his name in 1890. This act aimed to combat trusts all across the nation, including one of the most infamous trusts that had established refineries in Ohio, Standard Oil (J Rank, 2011). With the passage of the Sherman Antitrust Act of 1890, the United States entered into the antitrust era. This act stated that the federal government would investigate, and if necessary prosecute, any businesses that were thought to be engaging in unfair practices such as monopolization or price-fixing (J Rank, 2011). It is of no surprise that following implementation of the act in 1890, the country saw sizable economic growth and an increase in the overall standard of living.

Amendments to The Sherman Antitrust Act

The years following the act, as mentioned, saw significant economic development. However, they also saw supplements to the Sherman Act. The Clayton Antitrust Act of 1894, which amended the Sherman Act, outlawed any practice that could possibly be unfavorable to consumers (Clayton Antitrust, 1914). It was the year 1914, the date many deemed the official year in which the government took a firm stance against trusts and unfair business practice in this nation. During

this year, Washington passed the Federal Trade Commission Act of 1914. This act marked the creation of a formal body formed to issue 'cease and desist' orders to corporations that were thought to be engaging in unfair practices towards the consumer (FTC History, 2012). In 1936, the Robinson-Patnam Act amended section II of the Clayton Act. The Robinson-Patnam Act made it illegal for producers to price-discriminate, or to sell identical good for different prices, depending on the market (Clark, 1995). Further strengthening the Clayton Act yet again was the Cellar-Kefauver, passed in 1950. This act allowed government the ability to halt vertical mergers that could possibly hinder competition.

Implementing the Antitrust Laws

All of these acts passed by Congress were unique individually, but together they were one collective force that aimed to disable those unlawful corporations. These corporations attempted to monopolize their respective industries and force their consumers to use their good or service, no matter the cost, subjecting them to unfair labor practices. Now the issue became implementation. These acts were passed late in the 19th century with no real federal body to which corporations had to answer.

Establishment of the Federal Trade Commission and Antitrust Division

Fortunately, in 1914 after the Federal Trade Commission Act, an agency bearing the name of the act that created it was formed. This commission did well in enforcing the laws of its time, primarily being handled by the Attorney General until 1903. In that year the Assistant Attorney General position was created under the presidency of the Theodore Roosevelt. The duties of enforcing the current laws fell to this office until the year 1933 when President Franklin Roosevelt and his Attorney General Homer S. Cummings established the Antitrust Division under the Department of Justice (USDOJ, 2012).

This Division's purpose is to prosecute violators of antitrust laws by filing criminal charges that could result in fines or imprisonment. The Division also has the ability to seek court orders to forbid further violations of the laws (USDOJ, 2012). The Antitrust Division also is in place to be an advocate for competition in areas of the economy that could be regulated by the government. These agencies range from communications to energy on the federal level and from insurance to public utilities on the state level. Their efforts to advocate on these levels could mean creating task-forces to combat the issues or even publishing reports on certain industries and their performances.

Since then, the Department of Justice Antitrust Division has worked jointly with the Federal Trade Commission to help businesses understand the boundaries of acceptable behavior and aid in reducing the uncertainty of the criteria of legal conduct. However, for these two bodies to offer their guidance to businesses, they must first be asked to issue a formal business review by the businesses (USDOJ, 2012). In instances where there is a clear violation, each body will bring a separate suit against the offending cooperation. The Federal Trade Commission would file a civil suit and the Department of Justice would possibly file a criminal action. The government, as allowed in the Hart-Scott-Rodino Act of 1976, could investigate further any possible mergers in order to prevent market concentration, or where a small number of firms could potentially hold a large number of shares in the entire market. (Hart-Scot-Rodino, 1976). If a large company wishes to merge and do so lawfully, they must inform both the Antitrust Division as well as the Federal Trade Commission (Areeda, 1967).

Costs of Implementing the Law

No matter the law, enforcement, research, and staffing all cost money. Nothing can be done if not for those people who work tirelessly in order for the necessary preparations to be completed. Based on research of the Department of Justice Antitrust Division's budget, (which, as of 2011 stood at $167 million with 880 employees and 390 of those being attorneys) (DOJ Budget, 2011), and the Federal Trade Commission's budget standing somewhere around the $300 million range as of 2011 (Federal Trade Commission Appropriations, 2011), we can accurately speculate that the cost of such laws as those pertaining to antitrust can be between $465-$475 million dollars a year. This figure is leaving room for error as the Federal Trade Commission has not posted an accurate number for the funds appropriated for their Commission for the fiscal year of 2011. This is a rough estimate, but one that we can safely assume is within reason.

Skepticism Towards Antitrust Law

There have been hundreds upon hundreds of laws created in the United States since the beginning of our history. With each new law passed, there have always been opponents. Antitrust law is no different. There are individuals in the past as well as in the present who have criticized antitrust law in the United States. Alan Greenspan, a former Chairman of the Federal Reserve, only supported competition for the low prices that resulted from such activity, not for the benefits to the overall market. He felt that low prices by firms are entirely necessary for it is those low prices that halt competition firm arising, drawing no need for legal action (Greenspan, 1998). As recently as 1999 the economist Milton Friedman had stated that while he had initially believed the laws were beneficial to the economy, they now are more of a detriment than anything else (Friedman, 1999). It was not only economists and money men who disagreed with the antitrust laws. Ayn Rand, a writer from the United States, claimed that antitrust violations are given to those people who are making their business one that is successful and goes against everything they as business owners feel is the right of not only themselves as persons, but also goes against the right of their businesses (Rand, 1962).

Possible Change to the Laws

While it is clear to see antitrust laws were created and have remained in place for the good of the economy and for the protection of its consumers, some remain skeptical. It is hard to determine on which side you would fall, depending on which political ideology you may subscribe to, though who is to say you must choose? Much like any governmental system, there are things that could be changed in regards to these laws. A blend of what is currently in place and reform would make an ideal environment for not only the market to flourish, but also a way for businesses to thrive like never before, without the threat of governmental intervention.

Efficiency

The way in which the government responds to mergers after the passage of the Scott-Rodino Act of 1976 is efficient. It allows the Federal Trade Commission in connection with the Antitrust Division to review all applications to ensure that the merger will still allow the market to remain competitive. However, in terms of cost, it seems as though there could be a more cost efficient way to do so. As found on the website of the Antitrust Division, they have handled no less than 64 merger claims since the fiscal year of 2001 (ATD Workload, 2001). With that being said, it would seem beneficial to make this process, that of investigating possible mergers, more efficient. This is due to years like 2001 where they saw the number of merger investigations reach 145. While the merger investigations do start with a period where the companies are able to report the information requested voluntarily, this is not always the case (Merger Review, 2001).

In order to expedite these initial stages, it would take efforts from each party. From the initial request, a standard list of basic data requirements should be given to the companies. There should be a set number of days where all information should be gathered and given to the Division. In the age of technology, collecting the necessary files should not take much longer than this. If it is understood that most of the filing for one or more of the companies applying for merger is done through paper methods; plans will be altered according. However, it is vital the altering of these plans take no more time than absolutely necessary in order to not hinder progress. If further assistance is required to procure the necessary documents for the investigation, than the employees tasked with the investigation should aid the companies in locating the documents. While this may alter their responsibilities slightly, it will allow for the Division to get the needed work done without bringing in any more staff.

Governmental Demands

Under the current policy, the investigating staff will request a meeting with the parties involved in order to discuss a number of things such as the status of their respective organizations or the industries that could be affected by the proposed merger. The idea of requesting a meeting is concerning. It should be the right of the investigating body, in this case that body is the Department of Justice Antitrust Department, to set the date of the meeting. Just as they should set the date for when the required documents should be handed over to them, the Division should reserve the right to inform the parties involved when they should meet to discuss the merger. In 2002, acting Assistant Attorney General

R. Hewitt Pate gave an address in which he claimed that his office found that the tactic or surprise was 'vastly overrated' (Merger Review, 2002). With that being said, this proposal of issuing deadlines to the companies involved accomplishes two things: it will continue to promote efficiency by way of eliminating non-productive time when the investigation is taking place as well acting as a driving force for the companies in order to be punctual with meeting dates.

It is understood that in terms of high-profile mergers such as the recent case of AT&T attempting to merge with T-Mobile (FFC, 2012), that this could be too much to ask. Yet it is companies like these who have the resources and the manpower to meet the demands of the Division under this proposal. Mergers that deal with smaller companies who are not as high-profile as some could enlist the help of Division staff as stated earlier in this paper.

In the very same address Assistant Attorney General Pate stated that in investigations, regularly the parties request the Division to render recommendations as to how to amend antitrust infractions. This is not the Division's job, and Pate acknowledged that. However, he does go on to say that they will do everything they can in order to ensure that the loss of the proposed merger at hand would not hurt the market. This is a novel concept, but again it is not the job of the Division to do so. They are there to review.

New Role of the Federal Trade Commission

We should not punish businesses who are willing to cooperate with the federal government in order to merge. This job of correcting the wrongs of companies applying for merger should fall to that of the Federal Trade Commission. They are already the body that ensures that companies are behaving in a manner which they have deemed as fair, so it should not be outside of their abilities to outline for prospective companies what they need to do in order to merge. This proposition will in fact ask the Commission to add another office, but ultimately it will disperse the burdens of the Antitrust Division, a body which they have worked closely with for some time. The Commission will not be entered into the situation without knowing what has transpired, for they have been just as active in this process as the Antitrust Division. This is the benefit of having two separate agencies working together and allowing the workload to be spread amongst them in order to ensure no one will be overburdened.

Costs of the Proposed Change

The cost of the proposed change would be next to nothing for the Department of Justice for it is just extending the duties of their analysts. Research analysts employed by the Department of Justice have an average salary of just over $51,000 a year (Salaries, 2012). If needed, an increase could be administered for compensation of more hours worked in order in aiding companies in locating files. The only change to the Antitrust Division would be the hours worked by analysts may increase if they were needed by applying companies. Therefore change in salary would be in order.

For the Federal Trade Commission, it is not as subtle a change. The proposal would call for the creation of a new office. This office would be in charge of reviewing the applications of companies wishing to merge and offering remedies to situations that the Antitrust Division and the other office of the Trade Commission had deemed in violation of the antitrust laws. It is hard to estimate this cost, but if we were to add at least 10 more analysts to this office whose sole purpose was to offer suggestions on fixing antitrust issues to applying companies, we could say that the cost would be no more than $1 million in total cost to the Commission. This figure takes into account the total possible salary for analysts and administrators which, if we were to use the analyst salary of the Department of Justice Antitrust division as a baseline, would equate to no more than $600,000. The remaining $400,000, if it were to be completely utilized, would be used for training and administrative duties to get the new section of the Commission established. It is hoped that after the initial stages are completed, the cost of the office per year would drop to only paying the salary to those involved.

Cost With these changes becoming implemented, monetary support becomes the primary issue. The two departments, the Anti-Trust Division and the Federal Trade Commission, would have to call upon Congress to appropriate more money to both of these offices in order to fund the new office as well as further training for both bodies. As stated previously, the money that would be asked of Congress would be somewhere just over $1 million dollars that would ideally pay for itself

over the following years as it would help promote productivity and efficiency.

Space It is apparent that real estate within the District of Columbia is not cheap. The space required to run such a new office within the Federal Trade Commission is minuscule to say the least. When a new office is proposed, it is not to say a new building or office space is needed. It is meant to mean that a new group of individuals are to be assigned new duties and are to only focus on such duties.

Utilities Much like any other new office or section of office, more electricity and water is required. However, in this instance, the only additions made to the Federal Trade Commission would be a new select group of employees to focus on anti-trust cases. No further extension of utilities would be required

Equipment Providing these new employees who are trained to deal with cases involving anti-trust issues with the proper equipment is paramount. Their ability to quickly and efficiently deal with requests in regards to issues is vital to the offices success. The equipment required is nothing more than what could already be found within the Federal Trade Commission, with the exception of portable computers and cell phones that could be taken with employees if they were asked to handle matters on location of companies in which they are assisting. With the advances of technology from what seems like a day to day basis, a laptop and cell phone seem to be all that is necessary to accomplish the goal of this proposed change.

Implementing The Change

The implementation of this proposed change to this process is one that is simple. When in the past a business was informed of a violation of antitrust laws, they would immediately ask the investigating body what could be done to amend their ways to allow for a merger. It was not and is still not the responsibility of that body to offer any remedies. With the creation of the new section of the Federal Trade Commission, the application can now be handed to the Commission and the analysts can report to the companies what is to be done in order to be granted permission to merge. It will help those businesses who wish to play ball with the federal government as well as help the Antitrust Division continue to do what they are tasked to do and that is investigate merger claims.

This change would not be immediate. It would take months of training in order to fully prepare analysts for the jobs they would be doing as well as ensuring their knowledge of the laws that are in place. Antitrust laws are vital in ensuring a fair and safe market for consumers and we have to be certain those who are making the recommendations are well versed in all that they read as well as observe.

Political Will Behind The Change

Political will is crucial in any piece of legislation that flows through Capitol Hill. Antitrust laws have long been in place in the United States and support is forever present while there are few that remain who have criticisms. The proposed changes are not be new laws themselves, for the laws have been in place for over 100 years with amendments added to strengthen them. These amendments have kept the American market fair for consumers as well as enabling it to stay one of the world's most prominent economies. With that being said, the proposed changes only make these laws more efficient. The only thing to attempt to do with entities that are functioning properly is make them perform even better. That is the sincere hope of the efficiency changes.

Political Groups in Favor of Change

It is plain to see that those individuals who subscribe to the theory of a laissez-faire economy do not typically agree with the antitrust laws in their principle. However, those who do will favor these proposed changes for it will make a system that is already performing properly function all the better. The Democrats would be the party that would most favor this proposal as they are generally the group who encourages government interaction within the economy. Now, being the year 2012, we have a man in the Oval Office who has shown he is not afraid to enter the economic arena and do whatever is necessary to help Americans. With the possible re-election of President Obama coming in just a few months, his second term would be an excellent time to try and implement such a change in efficiency.

Opposition to the Change

Republicans would most likely be those who oppose it most. People who ascribe to the Republican way of thinking have not necessarily opposed the antitrust laws, but they have opposed government intervention within

the economy. As these laws were developed to ensure that the consumer would be protected from unfair business tactics, one would assume that any enhancement to the already existing laws would be welcomed by all. Businesses may oppose it for it could conceivably cause more work in terms of preparing for a merger review. This review is beneficial for all due in large part to the Federal Trade Commission's ability to now render feedback to those businesses that have issues with falling in line with antitrust law guidelines. It would be difficult to say that an improvement in efficiency would be opposed. However, if it were agreed upon, it could conceivably open an avenue in which those on Capitol Hill to alter the entire institution of antitrust laws.

Political Action Necessary

Much like anything else in today's world, change requires money. I am not striving to implement something that will change the world. I am proposing an extremely effective set of laws that much more efficient with the addition of a new office that would grant potential merging businesses the ability to receive valid feedback. The new office in the Federal Trade Commission, as stated previously, would cost roughly $1 million dollars in start-up costs that would have to be appropriated by Congress. This is the political action necessary in order to get the proposed changes off the ground. It will surely raise debate on the floor of both the House and Senate as it is on the topic of antitrust. But it is not a dramatic change, only a subtle alteration that would alleviate some of the burdens the Antitrust Division and the Federal Trade Commission have dealt with in the past.

Conclusion

The American economy has always been one that has been looked upon by the world as something that is almost unflappable. With the exception of a few instances in our history this has certainly been the case. This imperturbable market is due in large part to all of the laws and regulations put upon it by our government. These laws allow for our economy to not only flourish, but also allow for our citizens to reap all of the benefits of a stable economy.

While trusts are not thought to be a major factor in today's world, they have not always been on the back-burner. In the early part of this century, trusts were the entities that looked to doom the economy and the consumer in one, price-gouging swoop. However, the federal government identified this issue and made certain that the consumer as well as the country would be safe from companies who wished to monopolize their respective industries. These laws have now since been in place for over 100 years and have maintained our economy in such a way that we can be assured of safety.

Efficiency is now the name of the game. These laws do not need to be changed. Their body of work speaks volumes as to their effectiveness. Now we must turn to making them run as smoothly as they have ever run. If the Federal Trade Commission adds the additional office as the proposal states, that is a minor change to an already well-oiled machine that will make these laws even more beneficial to our economy.

References

"AT&T and T-Mobile." Federal Communications Commission (FCC) Home Page. 2012. http://transition.fcc.gov/transaction/att-tmobile.html.

"Antitrust Division, Workload Statistics FY 2001 - 2010." Welcome to the United States Department of Justice. 2011. http://www.justice.gov/atr/public/workload-statistics.html.

Areeda, Phillip. 2004. *Antitrust Analysis: Problems, Text, Cases*. 4th ed. Aspen: Aspen Publishers.

Clark, Donald. 1995. "The Robinson-Patman Act: General Principles, Commission Proceedings, and Selected Issues." Federal Trade Commission. http://www.ftc.gov/speeches/other/patman.shtm.

"DOJ Antitrust Division Salaries | Glassdoor." Glassdoor an inside look at jobs & companies." 2012. http://www.glassdoor.com/Salary/DOJ-Antitrust-Division-Salaries-E41458.htm.

"FTC Bureau of Competition - Hart-Scott-Rodino. 1976. " Federal Trade Commission. http://www.ftc.gov/bc/hsr/.

"FTC Fact Sheet: Antitrust Laws: A Brief History." Federal Trade Commission. 2012. www.ftc.gov/bcp/edu/microsites/youarehere/pages/pdf/FTC-Competition_Antitrust-Laws.pdf.

"FY 2011 Budget Request at a Glance." Department of Justice Antitrust Division. 2010. www.justice.gov/jmd/2011summary/pdf/fy11-atr-bud-summary.pdf.

"FY 2012 Budget Request." U.S. Department of Justice. 2011. www.justice.gov/jmd/2012factsheets/docs/fy12-savings-efficiencies.pdf.

"Federal Trade Commission Appropriations." Federal Trade Commission. 2011 http://www.ftc.gov/ftc/oed/fmo/appropriationhistory.shtm.

"Federal Trade Commission Bureau of Competition - Resource Guide to Business Competition." Federal Trade Commission. 2012. http://www.ftc.gov/bc/antitrust/index.shtm.

"Federal Trade Commission: A History." Federal Trade Commission. 2012. http://www.ftc.gov/ftc/history/ftchistory.shtm.

Friedman, Milton. 1999. "Policy Forum: The Business Community's Suicidal Impulse." The Cato Institute. http://www.cato.org/pubs/policy_report/v21n2/friedman.html.

Greenspan, Allan. 1998. "Antitrust by Alan Greenspan." Internet Archive: Wayback Machine. http://web.archive.org/web/20051217172640/http://www.polyconomics.com/searchbase/06-12-98.html.

J Rank Articles. 2011. "Interstate Commerce Act - Railroads, Transportation, Fares, and Railroad" Law Library - American Law and Legal Information- http://law.jrank.org/pages/7759/Interstate-Commerce-Act.html

Luchansky, Bill, and Jurg Gerber. 1983. "Constructing State Autonomy: The Federal Trade Commission and the Celler-Kefauver Act." In *Sociological perspectives*. Beverly Hills, CA: Sage Publications, 217-241.

"Merger Review Process Initiative - Policy." 2001. Welcome to the United States Department of Justice.

http://www.justice.gov/atr/public/220237.htm

Peritz, Rudolph. 2008."The Sherman Anti-Trust Act of 1890." America - Engaging the World - America.gov.

http://www.america.gov/st/educ-english/2008/April/20080423212813eaifas0.42149.html.'

Rand, Ayn. 1962. "“Antitrust Laws” — Ayn Rand Lexicon." The Ayn Rand Lexicon: Objectivism from A to Z — Ayn Rand Lexicon.

http://aynrandlexicon.com/lexicon/antitrust_laws.html

"The Clayton Antitrust Act." 1914. St. Olaf College. http://www.stolaf.edu/people/becker/antitrust/statutes/clayton.html.

Sherman, John. 1890. "Our Documents - Sherman Anti-Trust Act (1890)." Welcome to OurDocuments.gov. http://www.ourdocuments.gov/doc.php?flash=true&doc=51.

"USDOJ: Antitrust Division Mission. 2012. " Welcome to the United States Department of Justice. http://www.justice.gov/atr/about/mission.html.

WHO NEEDS TORT REFORM?

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Liability remains a driving force in the fight to lower expenses in many types of business. For example, every year the operation costs of hospitals rise. This would be easy to explain if medicines or other types of daily needs increased in price, but that is not the case. It would almost be understandable if doctors and other staff members set forth demands for higher pay, and that was why healthcare was so expensive, but once again that is not the reason. The high cost of operation hospitals are facing is actually on the incline because of the amount of malpractice costs that they now incur annually. The American Medical Association explains that the United States is currently experiencing its third medical liability crisis with many physicians limiting their practices as a result of rising malpractice costs (Gasaway 2002).

Reform on liability is being suggested in other fields as well. Commonly, the term tort reform is used across the board to describe a legislative change that will limit the compensation that can be received from a wrongdoing. There have been many cases that have caught national attention and make the legal system look less than efficient (Anderson 2007). These cases range from a lady suing McDonald's in 1992 because she was burnt by her coffee (Liebeck v. McDonald's Restaurants) to another lady suing two teenage girls for delivering cookies to her door anonymously at 10:30p.m in 2004. It seems that the average citizen is starting to become distanced from the legality of how these rulings are decided (O'Connell 2008). Many even become fearful that something from his or her daily life will spark a lawsuit that could result in fees that the average person is not prepared to pay (Trautner 2011).

Tort reform is not a term that began being thrown around in the last decade. It can actually be traced back many decades and has a lot of its footing in the 1950s (O'Connell 2008). At that time, there was a need for the organization of a legal movement aimed at holding big industries accountable for injuries suffered by workers and consumers. Industry jobs made up a big part of jobs available in the United States, and injuries were not uncommon at that time. With injuries in the workplace on the incline, the question of responsibility took center stage. Before there was such a boom in industry, it was not such a necessity to protect large employers from backlash that may occur if one of the employees were harmed during his daily tasks.

The next big wave of tort reform was signaled by a dramatic increase in the size and number of medical malpractice and product liability claims in the 1970s. This is the tort reform that largely evolved into the issues that legislators face today. During this period, the face of the average plaintiff was changing to encompass the general public, and it was starting to become accepted by the public that compensation was available to those who had a grounds to seek it (O'Connell 2008). Unlike previous calls for reform, there were no major outside changes. According to a study published in an article titled "State Tort Reforms and Hospital Malpractice Costs" published in the Journal of Law, Medicine, and Ethics, there was not a higher rate of people being harmed by medical malpractice, but more and more people who received damages were actively taking part to collect for those damages (Kim 2010).

This new change reshaped the legal system and the way that it is understood today. Those who saw an increased amount of plaintiffs filing suit often saw the medical field as producing error and did not take into consideration that the statistics were the same, but that more people were actively seeking compensation for harm.

It was the 1980s that had one of the biggest impacts thus far regarding tort reform (Pierce 1985). Sometime around 1985 most states enacted tort reform in response to problems resulting from rising insurance costs and decreasing insurance availability. With every well-established insurance company now having lobbyists as part of their staff, state legislatures began passing laws that limited who could sue, and for how much they could sue. Since then, there have only been cries for expansion of tort reform, and many corporations and physicians would like to either eliminate the right to sue, or structure it in a way that makes it so strict that there is no need for a case by case judgment.

Groups in favor of tort reform often preach the loudest and can be over-representative of their cause. This means that those in favor of tort reform are often far more passionate than those who are against it, or even neutral on the subject. Proponents of the laws say they will help prevent the filing of junk lawsuits and improve the business climate. Opponents say they would improperly shield wrongdoers and close the courthouse doors to all but the very wealthy (Gasaway 2002). These are both very extreme angles, and usually with such extreme beliefs the truth lies somewhere in the middle. The overall purpose of tort law is to compensate a plaintiff for an injury sustained as a result of the unreasonable conduct of another. The main concept that distinguishes tort law from other laws, particularly contract law, is that the law is not based on the idea of consent.

Tort law can be divided into three major categories that are dependent on the conduct of the dependent in question. They are intentional, negligent, and strict liability (Kim 2010). Intentional torts can be generally described as conduct by a defendant that is intended to bring about some sort of physical or mental affect upon another person, but does not require a desire to harm that person. Negligence is by far the most common type of tort in the United States (Haltom, McCann 2004). In order to establish a claim for negligence, the plaintiff must show that the defendant owed a duty to conduct himself according to certain standards, the defendant failed to hold his conduct to those standards, that the plaintiff's harm is proximately caused by the defendant's act of being negligent, and that the plaintiff has suffered actual harm to receive damages (Kenitz 2004).

If all of the above mentioned requirements can be met, it is likely that damages will be awarded to the plaintiff. Those on either side of the issue seem to agree with that. The issue occurs when it is time to discuss a sum in compensation for the damages received. At that point, ideologies come into play. Two separate cases with similar grounds for compensation can receive very different amounts in the final judgment. It is argued by critics of the legal system that how badly you were wronged becomes less pertinent than how well your legal counsel was able to "play the game" (Trautner 2011).

While there are many good arguments for tort reform, it is certainly not the answer. According to *Distorting the Law: Politics, Media, and the Litigation Crisis* there are two major theories that are used to help understand why the tort system is useful in America. First, the tort system is designed to compensate plaintiffs for unreasonable harm. The argument is that the system is abused and unreasonable harm is sometimes loosely defined, and therefore plaintiffs are loosely compensated. Secondly, the American tort system attempts to act as a deterrent for certain kinds of conduct. This idea is based around the belief that society must limit an excess of harmful behavior by imposing liability for the negligent infliction of harm. Tort law can be a deterrent in those situations (Haltom, William, and McCann 2004).

The costs associated with tort reform are not low either. As of right now, all acts of reform have been enacted at the state level. Therefore, out of all of the money spent lobbying at the state level, over 25% is spent on healthcare and often toward a reform (Kim 2010). That is not the only cost associated with tort reform. Whenever a person is denied compensation, providing that the person's quality of life has been damaged to the point that he or she can receive government assistance, they will be cared for with taxpayer dollars. The costs associated with this can be very high. In February of 2012, according to the Social Security database, the average compensation paid to a disabled person under 65 was $1,612 and there were 13,812 of those cases. If only 10% of the annual expenses could be supplemented by awarded damages, $26 million would be saved annually. Consideration for oversight committees even becomes an issue. Once reform is enacted, some sort of committee receives the responsibility of monitoring effectiveness. This proves to be such a strenuous job that it will require a creation in jobs as seen in Wisconsin (Kenitz 2012). This is more money that could be deflected away from the taxpayer. The only potential cost saver with tort reform enacted is that we actually see a decrease in the amount that the healthcare sector spends on attorneys because they now have less at risk. In many cases, it is cheaper for them to poorly represent themselves and lose a case than to do adequate research and provide a good defense; even if the odds of them winning the case is good (Pierce 1985) but it is hard to say whether or not the savings are passed on to the consumer.

With so many negative cases regarding awarded settlements in the media, it is understandable that the public does not receive regular reports that contain

cases where plaintiffs were not awarded damages that they potentially deserve, but are stripped of compensation in the name of tort reform. Laws are not only supposed to protect the majority, they are to be written in a way that also takes into consideration a minority. In this situation, the minority is any individual, or group of individuals that seek damages for being the victim of a wrong doing and are not awarded the potential amount due to legislation limiting how much they may be compensated (Trautner 2011).

For example, 23 states now have a cap of $250,000 for paralysis received as part of a wrongdoing (Kim 2010). This may seem almost fair at first glance. No one would want to spend the rest of his or her life in a wheelchair, but $250,000 is a sum of money that many would consider to make the burden a little more bearable. After further consideration, it's clear that the settlement the person received will not make up for the change in quality of life, the added medical expenses, and the almost certain change in income that the individual will experience. In this instance, whoever did wrong and caused the plaintiff to be paralyzed took far more from the plaintiff than he or she was awarded.

There is now an incline in situations where children were harmed by physicians during delivery procedures and the state in which the wrongdoing occurred has a cap on damages received that parents are not even receiving adequate compensation for the medical expenses that the child will incur. There are now 32 states with a cap on malpractice suits (Kim 2010). At that point, the burden will go to the state or the health insurance company of the injured (not the malpractice insurance) and a more general target will pay for the damages created by the physician. This could potentially be a reason as to why tort reform has been so successful. It requires a great amount of lobbying and pressure, and with physicians and malpractice insurers having so much at stake, they are most likely to contribute at a higher rate to lobbyists than those who oppose tort reform.

For every case that has media spotlight because damages were awarded to someone who the general public would say does not deserve them, there are far more cases where someone did actually deserve compensation, but access was limited or denied. The motivation of the original tort reform advocates was probably far from evil, but it is hard to believe that these people envisioned reform taking the direction that it has taken today, and becoming less and less accessible with every congressional year.

Tort reform has taken on so much support from those who feel like people are getting rich because of misfortune that it fails to consider examples like the Gourley family who were featured in a HBO special "Hot Coffee." Mrs. Gourley was expecting twin boys and was very religious in her doctor visits to ensure that both babies were healthy. One of the doctors had overlooked the fact that the twins shared only one placenta (increasingly common among twins). This would not have been a fatal or life altering circumstance had it been noticed when Mrs. Gourley was regularly attending check-ups that she was paying for in the name of safety for her children. One evening it was clear to her that something was wrong and she was rushed to the hospital. Upon arrival, it was noticed by a different physician that there was only one placenta for both twins and the physician made the decision to perform an emergency c-section. Both physicians and parents agree that this was the best choice at that particular time, seeing as how one or both of the twins would certainly be lost if action was not taken immediately. One of the twins was born with cerebral palsy as a result of the oversight that the original physician made.

Upon one of the children being born with severe and irreversible damage, the parents sought compensation for their son. They were hoping for an amount that would provide for adequate care, seeing as this child would need care for his entire life. In the original settlement, they were awarded $5.6 million, which they believed to be an adequate amount to provide care for their son. It seemed like justice had been served until a state mandated cap had been placed on this type of compensation. The awarded amount decreased 80 percent and they were awarded $1.2 million (Gasaway 2002). Not a drop in the bucket by any means, but not the compensation that the couple was expecting.

What the Gourley family brings to light is the fact that their child will not go without care. So, if the insurance company that provided the physician with malpractice insurance is not forced to pay, then who will? The answer is that once the $1.2 million is depleted, the child will receive government assistance for the rest of his life. This inadvertently throws the burden on the taxpayer, while the insurance company will continue to receive profits.

The proposed changes would have serious consequences regarding the issue of healthcare, but that is not necessarily a bad thing. As far as the issue of rising premiums, as of now there is no statistical evidence to indicate that premiums are higher in states that haven't yet enacted tort reform. There is a variety of insurance companies, therefore the competitive nature of multiple options will keep the prices in line going forward (Kim 2010).

The future of tort reform should be of a less restrictive nature. So much money is wasted annually on lobbying for reform that could be better invested in settling litigation. Tort reform could potentially take several directions, and suggestions are often made on how to better the situations that we face. Our justice system is one that is evolving rapidly to meet demands that we face. This is just another example of a situational need for change. While we were able to be controlled by large corporations and insurance companies, they are starting to be exposed for their true motives and we should see this as an opportunity to separate ourselves from what they have come to represent. Judges are popularly elected, and have minimum qualifications for their role. They should be trusted to handle the daily tasks regarding law, and do not need restrictions placed on their capacity to make decisions.

Reference

Anderson, David A. "Judicial Tort Reform In Texas." Review Of Litigation 26.1 (2007): 1-46.

Gasaway, Robert R. "The Problem Of Tort Reform: Federalism And The Regulation Of Lawyers." Harvard Journal Of Law & Public Policy 25.3 (2002): 953. Academic Search Premier. Web. 25 Jan. 2012.

Haltom, William, and Michael W. McCann. Distorting the Law: Politics, Media, and the Litigation Crisis. Chicago: University of Chicago, 2004. Print

Kenitz, Michael S. "Wisconsin's Caps On Noneconomic Damages In Medical Malpractice Cases: Where Wisconsin Stands (And Should Stand) On "Tort Reform." Marquette Law Review 89.3 (2006): 601-624. Academic Search Premier. Web. 25 Jan. 2012.

Kim, Bullock, et al. "State Tort Reforms And Hospital Malpractice Costs." Journal Of Law, Medicine & Ethics 38.1 (2010): 127-133.

O'Connell, Jeffrey, and Christopher J. Robinette. A Recipe for Balanced Tort Reform: Early Offers with Swift Settlements. Durham, NC: Carolina Academic, 2008. Print

Pierce, Richard. "Institutional Aspects Of Tort Reform." California Law Review 73.3 (1985): 917. Academic Search Premier. Web. 25 Jan. 2012.

Trautner, Mary. "Tort Reform And Access To Justice: How Legal Environments Shape Lawyers' Case Selection." Qualitative Sociology 34.4 (2011): 523-538.

AN EMPIRICAL ANALYSIS OF THE USA *PATRIOT ACT*

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On September 11, 2001 people from all over the world watched as the twin towers fell and smoke filled the streets of New York City. First responders selflessly rushed to aid those in trouble, and in some cases this meant giving their own lives to do so. As the dust settled crews began working around the clock to unearth those stuck in the debris.

Americans looked to President George Bush for answers. A heart-wrenching picture of togetherness and patriotism was portrayed on September 14, 2001 as George Bush spoke at ground zero. The world watched as President Bush spoke to the first responders. With a firefighter under his arm, President Bush attempted to raise the spirits of the American people by shouting; *"…I hear you, the rest of the world hears you, and soon the people who knocked these buildings down will hear all of us"*(Buky 2006). George Bush's legacy will, in part, be defined by this quote, because not only does it symbolize the remarkable amount of patriotism at the time, but it also marked the beginning of a radical shift in American policy.

With approval ratings high and Congress antsy to act, the Bush administration passed legislation that violates even the most basic of democratic principles. On October 26, 2001, the United States signed into law the *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001,* also known as the *Patriot Act*.

My intent in the following research paper is to empirically evaluate the *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001*. I will intrinsically demonstrate how the attacks on September 11, 2001 led to an attack on American civil liberties. Following the evaluation of the *Patriot Act*, I will be determining what the best course of action should be in the future of the policy.

Following the terrorist attacks on September 11, 2001 a push started inside the White House to pass legislation which would greatly increase the powers of the executive branch in an effort to fight terrorism. The *Patriot Act* was proposed and quickly approved, in both the Congress and the Senate. Even though the proposed *Patriot Act* openly restricted civil liberties and granted unprecedented power to the executive branch, it took only five weeks to pass. The Senate passed the bill by an overwhelming 98-1 votes. The lone Senator to vote against the massive 1,016 Sectioned legislation was Wisconsin Senator Ross Fiengold. The House also passed the act with by a wide margin, at 357- 66 (Buky 2006)

The bipartisan acceptance of the *Patriot Act* mirrors public opinion at the time. President Bush's approval ratings sky rocket after the terrorist attacks in September 2001. In the months leading up to the attacks Bush's approval ratings were between 50-60 percent, but by mid-September his ratings jump to 85-90 percent (Buky 2006). The terrorist attacks had a damaging effect on the American psyche. The fear of future terrorism had driven the public to support broad domestic national security policies. The citizens willingly gave government permission to withhold their civil liberties, in an effort to improve domestic security.

George Bush was granted the kind of power usually only enjoyed by rulers of authoritarian regimes. His situation was unusual, in that, he did not instill fear into the public in an effort to gain power, but rather a fearful population was begging him to use his power. He used these newly born powers in a numbers of ways. The president pushed an agenda for wars in both, Iraq and Afghanistan, increased defense spending, and strengthened policy to help fight terrorism.

A large part of the *Patriot Act* is actually amendments of the previous Foreign *Intelligence Surveillance Act of 1978* (*FISA*). *FISA* established limits to the power of government to obtain search warrants, and also restricted law enforcement's ability to secretly wiretap suspects.

The *Patriot Act* involves a multitude of government agencies. Government organizations ranging from the Department of Homeland Security to local police forces are directly affected by the *Patriot Act*. This section of the paper will evaluate how oversight of the *Patriot Act* is carried out.

As previously noted the *Patriot Act* entails over 1,000 pages of either newly written or amended law. With such an expansion of newly installed government capabilities it is obviously of vital importance to properly control and monitor the use of the new powers. There was little if any oversight of the *Patriot Act* prior to 2004. Even though congress is constitutionally appointed the responsibility of responding to any perceived abuses of executive authority, the branch failed to raise any legitimate concerns. In the years leading up to 2004, the House and Senate held only two meetings that were specifically to discuss the *Patriot Act* (Banks 2010).

The legislative branch undoubtedly fell short of properly overseeing the legislation, but when meetings were held to evaluate the *Patriot Act* significant changes did occur. A couple of sponsored bills were developed as a result of the congressional meetings involving the *Patriot Act*. *The Patriot Oversight Restoration act* and the *Security and Freedom Ensured Act* were introduced in the Senate, and both of the proposed bills were established in an effort to prevent civil rights abuses and limit the use of sneak-and-peak searchers (Banks 2010).

Congress also enacted legislation that furthered the powers granted to the executive branch in the years following the signing of the *Patriot Act*. The *Intelligence Reform and Terrorism Prevention Act of 2004* (*IRPA*), established a new governmental position, the director of national intelligence, and expanded the powers of government to search" lone wolf" terrorist (Banks 2010).

Congress passed the *USA PATRIOT Reauthorization and Improvement Act of 2005*, which aimed to make certain provisions of the *Patriot Act* permanent. After the new legislation was passed in 2005 fourteen sunset provisions of the *Patriot Act* were made permanent. The *Reauthorization Act* did however, put in place provisions allowing for more congressional and judicial oversight pertaining to wiretapping and seizure of records.

The *Reauthorization Act* also required the Department of Justice's Inspector General to monitor how the act was being administered by federal agencies. Audits and other investigations are carried out by the Inspector General, and if any abuses are found they are to be presented to congress.

Two major themes became apparent following the first reports made by the Inspector Generals. First, government agencies were taking full advantage of newly established powers. National Security Letter requests (NSL), which are requests made by the FBI for permission to obtain personal records without a court order, saw a sharp increase after the *Patriot Act*. In 2000, there were approximately 8,500 NSL request issued by the FBI. In 2003, the Inspector General's report indicated the number of requests had risen to an unbelievable 39,346 a year (Banks 2010).

The second concern of the Inspector General reports is the amount of money spent to fight terrorism. In 2001 approximately $737 million dollars was appropriated for terrorism prevention. Five years later the Inspector General reported that $3.6 billion had been spent to fight terrorism in that year alone. In the 2006 Inspector General's report to congress concerns were raised pertaining to the appropriation of funds for terrorism cases (Banks 2010).

The Privacy and Civil Liberties Oversight Board was created in response to the *Intelligence Reform and Terrorism Prevention Act of 2004*. The purpose of the board was to monitor the implementation of the *Patriot Act* and to prevent any civil liberty abuses (Banks 2010). The newly born regulation agency was to report to both the President and Congress any found abuses.

On the surface The Privacy and Civil Liberties Oversight Board appeared like a great organization that would act in the best interest of the American people, but it failed to meet the perceived appearance. The committee suffered from understaffing and insufficient funds, and because of this the oversight committee was unable to adequately oversee the implementation of the new antiterrorism policy.

The *Patriot Act* relies on cooperation between multiple departments of government. To effectively fight terrorism federal agencies must rely on state and local governments. Whether it is, a local police department contacting the Department of Homeland Security to report suspicious behavior, or the CIA briefing state police on how to respond during a terrorist attack, cooperation is obviously important.

In a 2004 speech, Secretary of Homeland Security Tom Ridge stressed the importance of the *Patriot Act* with regard to information sharing. According to Ridge, the *Patriot Act* provides government with the

capabilities of obtaining terrorism information and then redirect that information to it the appropriate agency. He went on to say: *"We needed a new philosophy – a philosophy of shared responsibility, shared leadership, and shared accountability. The integration of a nation"*(Congressional Digest 2004).

The cost incurred from the *Patriot Act* is a hard statistic to obtain. Costs are hard to measure because a large portion of the act is simply amendments to previous acts, and they do not require any appropriation of funds. However, the costs become clear when evaluating defense spending trends from 2000-2006.

In February of 2007 the Office of the Inspector General released the findings of an audit on terrorism defense spending. The audit stated that the Justice Department's collection of terrorism statistics was hazardous and misleading. A wave of allegations was directed at the Bush administration. Critics began to accuse President Bush of purposely inflating terrorism success rates in an effort to gain public support and justify large budget request. The Justice Department stated; that due to the lack of internal controls they could not provide support for the terrorism statistics presented to Congress (Banks 2010).

According to the Office of the Inspector General, the Justice Department procured $3.6 billion dollars for counterterrorism activities in 2006. The amount spent it 2006 to help fight terrorism is 400 percent more than the amount spent in 2001 ($737 million) for the same purpose (Banks 2010). This is a scary statistic when considering that this money may have been appropriated based on less than factual statistics.

In my evaluation of the *Patriot Act* I have found multiple injustices that should be addressed. While many problems could certainly be outlined, there are four outcomes of the *Patriot Act* that I feel are the most troubling. To me, the following conditions should be addressed; *the centralized power of the president, the loss of civil liberties, the discrimination of foreigners, and the reality of homeland security*. In this section of the paper I will look at each of these problems.

The Power of The President

The *Patriot Act* gives unprecedented powers to the White House. The only real oversight of the powers granted to the president in the act is the audits performed by the Office of the Inspector General.

Loss of Civil Liberties

The *Patriot Act* provided the framework of multiple civil liberty abuses. The legislation allows government agencies to obtain telephone calls, internet searches, and other electronic records without the knowledge of the suspect. The government is allowed to do this because of an amendment made to the *Foreign Intelligence Surveillance Act of 1978* (*FISA*). *FISA* was intended to protect citizens' Fourth Amendment right by limiting government capability in wiretapping cases. The *Patriot Act*'s amendments to *FISA* ease government restrictions, as it pertains to wiretaps and other law enforcement tactics.

Discrimination

Section 102 of the *Patriot Act* condemns discrimination against Arab and Muslim Americans. The United Sates government has failed to live up to this standard. As a result of the *Patriot Act* thousands of Arab and Muslim Americans have had the civil rights' abused.

Since September 11, 2001 anti-Muslim sentiment in America has skyrocketed. Approximately 5,000 Muslim Americans were detained within two months of the terrorist attacks. A special registration program, established in the *Patriot Act*, has fingerprinted over 80,000 people from predominately Arab and Muslim countries (Gaskew 2009). Racial profiling and civil rights' abuses have had dramatic effects on the psyche of Muslim Americans. A survey conducted by The Pew Research Center reported that 74 percent of Muslim Americans feel singled out in anti-terrorism policies (Gaskew 2009). With the Muslim population feeling abused by government policy, it stands to reason that they would be hesitant to even cooperate with counterterrorism efforts.

The Reality of Homeland Security

The last problem that should be addressed is the realization that restricting civil rights does not always improve security. Throughout American history we see examples of civil liberty abuses that did not lead to any real benefit. During WWII, Japanese citizens were denied civil rights, and held captive in camps around the US. The abuse to Japanese Americans was out of fear that they may try curb the US war efforts. In the end the civil rights violations did little to improve the security of the country, in fact it may have actually hurt the US (Buky 2006).

In reality absolute homeland security is unobtainable. It is simply impossible to predict and prevent every terrorist threat. The *Patriot Act* was enacted as a response to the events of 9/11. What happens if there is another attack on the United States? Will government push legislation that restricts civil liberties even more? These are vital questions to ask when evaluating the countries priorities.

In my opinion the *Patriot Act* has played an active role in diminishing civil liberties in the United Sates. An enormous amount of unchecked power has been awarded to the executive branch. Thus far, I have provided a brief history of the *Patriot Act* and detailed the various ways the act has been used against the American people. I would now like to propose various changes that should be made to the legislation.

Proposed Policy Changes

I would like to offer some proposed amendments to the *Patriot Act*. After the mentioned changes have been proposed I will determine if the changes are politically feasible in today's political climate.

Nullifying the Legislation

In my opinion the *Patriot Act* should be completely nullified. The stated mission of the *Patriot Act* is; to deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes (USA *PATRIOT ACT* 2001). To me, the *Patriot Act* has succeeded in its mission, but with dire consequences. The legislation has led to endless civil liberty abuses, racial profiling, and appropriation of government funds under false pretenses.

By nullifying the Patriot Act the country can truly begin to heal from the terrorist attacks. Civil liberties will once again become the norm in this great nation. Billions of tax payer's dollars will be saved as a result of the nullification. The money saved can then be redirected to things like education and infrastructure.

Political Cooperation

The political feasibility of nullifying the *Patriot Act* is minimal at best. In the current political arena compromise is hard to come by. Even the most miniscule of topics are feverishly debated in Washington and minimal policy changes are made. Therefore, the chance of radical progressive change succeeding is improbable.

Presidential Approval

In order for the *Patriot Act* to be nullified the President must approve. President Barrack Obama has demonstrated that he is not willing to relinquish any of the powers granted to him. In 2010 certain provisions of the *Patriot Act* were due to expire. Privacy advocates urged Obama to repeal provisions in the act which allowed for the following: *authorization of court-approved roving wiretaps that allow authorities to monitor multiple communication devices, permit court-approved seizure of records and property in anti-terrorism operations without the suspect's knowledge, allow surveillance against a so-called lone wolf a non U.S citizen engaged in terrorism or who may have ties to a recognized terrorist group* (Information Management Journal 2010).

Senate Democrats also proposed revisions of the act. The recommendations purposed in the Senate included stricter privacy protections and improved oversight of government authority. As a Senator, Barrack Obama emphasized the importance of dialing back the powers of government, which are granted in the *Patriot Act* (Information Management Journal 2010). Following his election President Barrack Obama appears to have changed his position on the *Patriot Act* by voting to extend the legislation for another year. With progressive policy at a virtual standstill in Washington and a President who enjoys broad power, the abolishment of the *Patriot Act* is unlikely. However, I do believe that valuable changes can be made to the bill. For change to occur an assortment of factors must be present.

Importance of Advocacy Groups

Advocacy groups must become vocal about the abuses made possible through the *Patriot Act*. Libertarians, such as Ron Paul, will have to start informing citizens on the powers that have been granted to government agencies. Democrats and Republicans alike must show at least an inkling of cooperation. Most importantly in order for real change to occur the citizens must refuse to accept the current legislation.

As the election nears, public pressure has real political power and could actually result in policy changes. The citizens of this country will be given a platform in which to address the President on his extension of the *Patriot Act*. Public scrutiny is the last thing President Obama needs in an election year,

therefore it is vital that the issue is presented and adequately debated.

The *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001* was a great injustice in American history. As debris still lay scattered through the streets of New York City, the Bush administration pushed legislation that denounces our core democratic values. As a result of this act the government has left the entire Muslim American community feeling helpless and abused. At what point do we say enough is enough? In my opinion, the time is now for abolishing the *Patriot Act*.

While it is unlikely that the act could be completely abolished, given the political grid lock currently taking place in Washington, it could certainly be improved. In order for improvements to take place advocacy groups and parties from both sides of the aisle must take a stand. The American people also have a responsibility to demand change. With an election drawing ever so near, the chance of citizens being heard is much greater.

Benjamin Franklin once famously remarked; "Those who would give up essential Liberty, to purchase a little temporary Safety, deserve neither Liberty nor Safety. If he were alive today, I believe Franklin would be appalled by the Patriot Act. We, as a country, have embellished the idea that it is ok for the federal government to impede on civil rights in the pursuit of homeland security. Absolute security is an unobtainable request. No matter how many civil liberties the government takes, the country will still be vulnerable to more attacks. When security is a higher priority than civil liberties, the country becomes no more secure and a lot less protected.

References

Buky, Michael. 2006." Patriot Games: Taking Liberties." *Social Alternatives* (Third Quarter): 32-37

Congressional Digest.2004. " *Patriot Act* Overview." (November): 258-288

Gaskew, Tony. 2009. "Peacemaking criminology and counterterrorism: Muslim Americans and the War on Terror." *Contemporary Justice Review* (September): 345-66

Hines, Barbara. 2006. "An Overview of U.S Immigration Law and Policy Since 9/11." Texas *Hispanic Journal of Law & Policy* (spring): 9-28

Information Management Journal.2010. "*Patriot Act* Provisions Renewed." (June): 9-120

Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001

TIME SERVED: RESTORATION OF THE RIGHTS OF EX-FELONS

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Abstract

Should United States citizens be disenfranchised from the rights granted to them by the Constitution of the United States of America, or be denied access to programs and services that others are entitled? The Constitution is the foundation of United States government and the rights that the citizens enjoy. After being convicted of a felony and serving their full sentence, ex-felons lose many of their constitutional rights, such as voting, holding public office, and serving on a jury. Ex-felons may also lose the right to governmental services, such as housing assistance. While one of the goals of the penal system is supposed to be to rehabilitate prisoners and integrate them back into society, it seems that there is a coherent attempt to segregate them. This research will look at what states are doing in regards to this issue, and the different views people hold about it. The literature review will also review current public opinion trends, and the problems caused by taking away ex-felons' rights after they've paid for their crime. Proposals will then be made of how to compromise between the sides so that justice prevails for the ex-felons.

RIGHTS

After being convicted of a felony, many people lose many of their Constitutional rights. Many lose their rights for the rest of their life. Which rights are lost and for how long is dependent on what state the person lives in and whether or not he or she is still incarcerated, on probation, or on parole. Many of restrictions on rights are statutory and stem from common-law traditions that view incarcerated individuals as being dead civilly and having lost all of their civil rights (Clear, Cole, and Reisig 2009). The right to vote, hold public office, and serve on a jury will be examined and discussed.

Right to Vote

The right to vote gives everyone that votes the opportunity to be represented in the governmental decisions. The disenfranchisement of voting from felons or ex-felons has been a hot topic throughout the history of the United States. At the turn of the 20th century, Alabama amended their Constitution in efforts to combat the Fourteenth and Fifteenth Amendments to the United States Constitution. They did this by expanding the disenfranchisement of voting rights to limit the number of African-American voters (Hull, 2006). However, public opinion towards the voting rights of felons has started becoming more favorable to restoration (Dawson-Edwards 2008). While most states have some restrictions on ex-felon's right to vote, several states ban ex-felons from voting for life (Clear, Cole, Reisig 2009). Some states only limit the voting rights of those that are incarcerated, on probation, or on parole (Gabbidon, Greene 2012). These restrictions and permanent bans of voting rights can have dire political consequences. Todd Clear, George Cole, and Michael Reisig claim that Al Gore may have actually won the 2000 presidential election if felons weren't disenfranchised from voting (2009). This is apparently assuming that the felons would have voted for Al Gore and not George W. Bush. However, it is a very interesting notion that the amount of United States citizens who are disenfranchised could change a presidential election. Shaun Gabbidon and Helen Greene claim that felony convictions result in the disenfranchisement of an average of 2% of the nation's otherwise eligible voters (2012). Since the 2008 Presidential elections voter turnout was approximately 64%, 2% is a significant number that can change an election, assuming the 2% turnout to vote (U.S. Census Bureau 2009). This creates a situation in which anyone that has been convicted of a felony may not be able to participate in the political system; therefore, has no political representation. Elizabeth Hull claims that this

takes away the former prisoners' political power and makes them an easy class of targets for politicians (2003).

Right to Hold Public Office

Ex-felons are also disenfranchised to the right to hold a public office. However, there is an issue that arises between federal and state law on the matter. These restrictions are imposed by the state and usually for the various local and state offices. Constitutionally, there is no law barring a felon or ex-felon from holding a public office. For instance, James Traficante Jr., an Ohio Democratic congressman, was convicted of many federal crimes but wasn't forced to give up his House seat due to the felonies. He even planned on running for re-election. However, he was forced to end his bid for another term when he was relocated to a prison outside of Ohio due the constitutional requirements that a congressman must live in the state they wish to serve (Hull 2003). Hull explains that there is no constitutional prohibition of otherwise qualified convicts or parolees from service in the U.S. Congress or as president of the United States (2003). States, such as Pennsylvania, impose restrictions stripping the right to hold state offices from ex-felons (Hull 2003). There are 25 states that permanently bar ex-felons from ever holding a public office (Gabbidon, Greene 2012). This further reduces the political power of ex-felons, making them susceptible to further discrimination and punishment. Many people just fear giving an ex-felon power over other citizens. Many public officials are unnerved by the thought of convicted felons being responsible for the fate of fellow citizens, especially fathoming the thought of a serial killer ruling over them (Hull 2003).

Right to Serve on a Jury

After being convicted of a felony, the right to serve on a jury is another civil liberty that felons lose (Clear, Cole, Reisig 2009).The right to serve on a jury is associated with the right to a jury of one's peers. This is a problem for ex-felons, whom have been disenfranchised of the right to serve on a jury. The accused are being judged by a jury that may not have ever been arrested, or at least not have the same experiences or perspectives as the accused. The jurors may not understand or believe in malicious prosecution, and may have preconceived notions due to the negative stigmas society attaches to anyone being prosecuted. The accused may be convicted erroneously due to stereotypes associated with them or due to their history, even if they are innocent this time. While being subject to the judicial system, they are not allowed to participate or have any part in it (Binnall 2010).

SERVICES

Ex-felons are also denied access to services that may help them rehabilitate and integrate back into society. What's interesting when it comes to services that ex-felons become ineligible for is that some are restricted to those that are convicted of drug-related crimes. There is a lot of controversy regarding the levying of this penalty on those convicted of a drug-related crime, since those convicted of murder or rape could still be eligible.

Public Housing

When it comes to public housing and other housing assistance, the federal government puts restrictions specifically on those convicted of a drug-related felony, while state and local Public Housing Authorities can place further restrictions on housing for ex-felons. On the federal level, the United States Department of Housing and Urban Development requires that everyone that has been convicted of producing methamphetamine on federal-funded housing premises or sex offenses be permanently banned from ever receiving any public housing assistance (Diana T. Myers and Associates, Inc. 2011). Furthermore, federal law allows public housing authorities to evict anyone that gets arrested for any drug-related crime (Clear, Cole, Reisig 2009). If anyone in the household is convicted of a felony, then that is a ground for the whole household to be evicted from public housing (Gabbidon, Greene 2012).

Food Stamps

Food stamps are available for low-income individuals to help provide them with a supplemental means to purchase food products. However, even after someone convicted of a drug-related felony serves his or her full sentence, that person is not qualified to receive any food stamps, or even any TANF benefits. Drug-related crimes and welfare fraud are the only offenses whose consequence is a ban on federal public assistance (Gabbidon, Greene 2012). While welfare fraud results in a 10 year ban on federal assistance, the 1996 changes to the federal welfare laws result in a permanent ban from federal assistance on anyone that has been convicted of a drug-related felony, even though it does give the option

for states to opt out (Gabbidon, Greene 2012;Clear, Cole, Reisig 2009).

Educational Financial Aid

Someone who is trying to live up to their full potential may go to college to get a better education and ultimately a better career. A lot of students rely on governmental financial aid programs to afford to go to college. However, ex-felons that were convicted on drug-related charges are not afforded this assistance. Because of the Higher Education Act of 1998, students convicted of drug-related offenses become ineligible for assistance, including grants and loans, to support their college education (Clear, Cole, Reisig 2009). They are permanently banned from receiving any educational financial aid from the government (Gabbidon, Greene 2012). This takes away many opportunities the ex-felons have to recover the lives, advance their lives, and become productive members of the society.

Driver's Licenses

Due to the 1992 federal law, the federal government will withhold some of the highway funding unless the driver's licenses of people convicted of drug-related crimes were suspended by the states (Clear, Cole, Reisig 2009). Therefore, all states automatically suspend the licenses of those convicted of drug-related crimes (Gabbidon, Greene 2012).

ANALYSIS

The disenfranchisement of constitutional rights and public services to ex-felons hinders the rehabilitation and reintegration of these ex-felons into communities. Instead of integrating ex-felons back into their communities, disenfranchisement of rights segregates them and denies participation in the community and government. The inability to vote not only takes away ex-felons' political participation and power, but also takes away their representation in the government. Even though they may work, pay taxes, and have to abide by the laws, they have no say in who gets to make those laws and aren't represented in the decision making process. The number of those disenfranchised could have a great impact on elections. There is no harm that can be caused by felons or ex-felons voting besides someone wins that is not the candidate someone else wanted.

Holding public office is another right that is disenfranchised to ex-felons. Those who oppose ex-felons holding a public office often question whether a criminal should make decisions that affect law abiding citizens, and pose the question as to whether the voters want someone such as a serial killer in office. The problem is that instead of letting the voters decide, it is assumed that people may not want an ex-felon holding any public office or power, or that an ex-felon shouldn't hold an office. If the people do not want an ex-felon in public office then they can simply vote against that person or in the case of an appointment the officials can appoint someone else. Instead, the government takes the choice away from the people. Once again, this strips political power and representation away from the felons and ex-felons.

The right to serve on a jury takes away the ability of ex-felons to be judged by their peers and to partake in the legal system. By taking away all these rights mentioned, the ex-felons become isolated from the political system. This creates more of an oppressive feel from the government and judicial system. The ex-felons are being punished even after serving their full sentences. By refusing to restore the rights of the ex-felons, it hinders the reintegration process of incorporating the ex-felons back into society if they are not allowed to partake in the society. Even though the disenfranchisement of rights may hinder the rehabilitation and reintegration of ex-felons back into society, it is believed that the ineligibility of government assistance is a bigger determinant of whether or not the people will recidivate.

The ineligibility of ex-felons that were convicted of a drug-related crime to receive housing assistance can pose a major problem for ex-felons, especially those just getting out of incarceration. Those that are just released from incarceration will probably not have any employment and may or may not have a home to go to, depending on their housing situation before incarceration and marital status. If they were single and renting before incarceration, then they will more than likely not have a residence of their own to go to. If they are unemployed, then they won't be able to afford the rent to get a place of their own. Employment can be a major problem for ex-felons due to the fact that many employers now use background checks and may be reluctant to hire someone with a criminal history. However, the federal government has been trying to help ex-felons get employment by encouraging the hiring of ex-felons by offering Federal Bonds that serve

as an insurance for the employer in case the ex-felon causes the employer to suffer any damages, such as those related to theft (U.S. Department of Labor n.d.). The suspension of driver's licenses can may it even harder to get and keep a job due to the inability to have reliable transportation to and from work. The opportunities will be reduced even more due to the ineligibility to receive educational financial aid.

The lack of employment would be another reason the ex-felon may need food stamps or TANF right after release from incarceration. However, these are other benefits that ex-felons may be ineligible for. This lack of assistance in the transitional period from incarceration to the community can create a feeling of hopelessness and isolation that may encourage further criminal behavior. The stigma attached to the history can cause them to live within their society label and fulfill the negative expectations of them (Wright 2009). Without any governmental assistance, the ex-felon may reach a stage of desperation by lack of employment, housing, and food and turn back to a criminal lifestyle. It promotes a cycle of crime, in which the individual is forced back into an environment that may be more prone to criminal activity due the disenfranchisement of rights. Many states have very high recidivism rates, some over 61 percent. The national average is approximately 45 percent (The Pew Center on States 2011). This is extremely alarming and demonstrates that there is an inherent problem with the integration of ex-felons back into society. These high recidivism rates cost states millions of dollars per year. The Pew Center on States estimates that "if just the 10 states with the greatest potential cost savings reduced their recidivism rates by 10 percent, they could save more than $470 million in a single year" (2011, p. 26). California alone could save 233.1 million dollars. A great example of cutting costs associated with recidivism is Michigan's implementation of policies that addressed housing, employment, and other issues for new released felons. Before the implementation of policies, Michigan was spending over 1.6 billion dollars into its corrections system. However, the new policies reduced its inmate population by 12 percent (The Pew Center on the States 2011).

POLICY PROPOSAL

To combat the chances of ex-felons returning to crime, I believe it is essential to assist these individuals in their transition back into the community and promote their participation in their community, not try to segregate or isolate them from the community. Therefore, I propose that after people have completed their sentence then their constitutional rights are to be fully restored. It may be argued that they should be allowed to exercise their rights, such as voting, when they are incarcerated since the decisions of the leaders affect them too. However, it may also be argued that they are not permitted to exercise other constitutional rights while incarcerated, such as the freedom to assemble. Therefore, I believe that it would be politically easiest to fully restore their rights after fully serving out their sentence than trying to give them rights while they are incarcerated.

In regards to running for public office, I propose that there should not be any limits allowed to be imposed on ex-felons. The voters should be allowed to decide during each election whether or not they would allow someone that had been convicted of a felony to hold a public office. This would be expected to be politically successful by empowering the people and giving the voters the right to choose. Jury duty should also be available to ex-felons. They should have the right to serve on a jury and the right to have a jury that consists of people whom may have previously been convicted of a felony before.

To help integrate the ex-felon back into the society and help ensure the success of the rehabilitation process, public assistance programs should be open to ex-felons. The fact that many are just limited to those convicted of drug-related felonies, but not other types of felonies, is somewhat disturbing. Due to the probability of unemployment, it is essential that ex-felons be allowed access to governmental assistance programs so that their basic needs are met while they search for work. This will combat the desperation that may promote criminal activity and help give the ex-felons some hope. It will be in the public's interest to do so and a preventive measure against crime. Educational financial aid should also be available so that the ex-felons may be able to better their lives and the lives of their family by advancing their educations and career opportunities. Also, in regards to employment, the federal government needs to repeal the bill passed in 1992 that would withhold funding from states that refused to suspend the driver's licenses of felons. If the ex-felons are not permitted to drive, then this will create a great hardship

in their employment search and their ability to get to and from work.

CONCLUSION

The current policies regarding the disenfranchisement of ex-felon's rights and access to government services creates a great hardship on the ex-felon when it comes to reintegrating into society. The disenfranchisement of constitutional rights of voting, running for public office, and serving on a jury oppress the ex-felon's political representation, participation, and power. They are no longer part of the political system, but are now just observers. Once they have served their sentencing, the ex-felons should not be subject to further punishment. They are treated as though they are no longer citizens, and many are even denied public assistance, such as housing assistance, food stamps, and TANF. This isolation and lack of assistance may raise the probability of the ex-felons partaking in criminal activity due to the desperation they may face to meet their basic survival needs. The suspension of driver's licenses and lack of education assistance greatly limits the ex-felon's opportunities. As hard as it may already be for ex-felons to find employment with their criminal background, the lack of a driver's license may make it even harder for an ex-felon to find work since the amount of businesses and job opportunities is cut short due to lack of independent transportation.

Therefore, I propose that ex-felons rights should be restored, and that they should be eligible for governmental assistance. Some voters may see the politicians as not being hard on crime if they support restoring ex-felons' or felons' rights. To make the proposal more politically pleasing, the restoration of the ex-felons rights is proposed to take place after they have fulfilled their full sentences. By doing so, the ex-felon may feel as like a part of the community and may have the opportunity to choose path of life that is not full of crime. This is the ideal outcome and can only be achieved if the ex-felon has the ability to meet his or her basic needs so that desperation doesn't force that person back into a criminal lifestyle.

References

Binnall, J. 2010. "A Jury of None: An Essay on the Last Acceptable Form of Civic Banishment". *Dialectical Anthropology* 34(4): 533-538. Academic Search Premier (January 25, 2012)

Clear, Todd; Cole, George; & Reisig, Michael. 2009. *American Corrections* 8th ed. Belmont: Thomson Higher Education.

Dawson-Edwards, C. 2008. "Enfranchising Convicted Felons: Current Research on Opinions Towards Felon Voting Rights." *Journal Of Offender Rehabilitation* 46(3/4): 13-29. Academic Search Premier (January 25, 2012)

Diana T. Myers and Associates, Inc. (2011) *Housing Information Series: Obtaining Housing for People with Criminal Histories.* http://www.nationalreentryresourcecenter.org/documents/0000/1204/10.14.11_Housing_Information_Series_-_Obtaining_Housing_for_People_with_Criminal_Histories_-_FINAL.pdf (March 2, 2012).

Greene, Helen & Gabbidon, Shaun. 2012. *Race and Crime.* Los Angeles: SAGE.

Hull, E. 2003. "Disenfranchising Ex-Felons: What's the Point?". *Social Policy* 33(3): 46-49. Academic Search Premier (January 25, 2012)

Hull, Elizabeth. 2006. *The disenfranchisement of ex-felons.* Philadelphia: Temple University Press.

U.S. Census Bureau. 2009. "Voter Turnout Increases by 5 Million in 2008 Presidential Election, U.S. Census Bureau Reports." July 20. http://www.census.gov/newsroom/releases/archives/voting/cb09-110.html (March 2, 2012)

U.S. Department of Labor. (n.d.) *The Federal Funding Program.* http://www.bonds4jobs.com/assets/mail_flyer.pdf (March 2, 2012)

Wright, Richard. 2009. *Sex Offender Laws: Failed Policies, New Directions*. New York: Springer Publishing Company.

The Pew Center on the States. 2011. *State of Recidivism: The Revolving Door of America's Prisons.* Washington, D.C.: The Pew Charitable Trusts.

THE DEATH PENALTY

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In this paper I will analyze the death penalty. The following paper will include a history of the death penalty, pros and cons of implementing the death penalty, and how and where the death penalty is implemented today. The paper will also include some options I have considered that may improve the implementation of the death penalty.

Before we can analyze the death penalty and figure out how it can more efficiently be implemented, we must first understand the death penalty and all that it entails. The death penalty is the punishment in which the offender is literally put to death. There are many different ways that the punishment can be enacted including: lethal injection, electrocution, firing squad, and death by hanging, although only lethal injection and electrocution are used in most modern day countries (DPIC, 2012). At the current time, there are only 34 states that implement the death penalty. These states are: Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, and Wyoming.

The first established death penalty laws date as far back as the Eighteenth Century B.C. in the Code of King Hammurabi of Babylon, which codified the death penalty for 25 different crimes. The death penalty was also part of the Fourteenth Century B.C.'s Hittite Code; in the Seventh Century B.C.'s Draconian Code of Athens, which made death the only punishment for all crimes; and in the Fifth Century B.C.'s Roman Law of the Twelve Tablets. Death sentences were carried out by such means as crucifixion,

drowning, beating to death, burning alive, and impalement (DPIC, 2012). The death penalty can also be traced back to the chapter of Genesis in the Bible in which the death penalty was to be reserved for crimes of murder and it was established by God that any man that should take another man's life or destroy another man's life, his life shall go for it (Cheever, Hand, and Phillips, 1881).

We can also see a trend of the death penalty throughout European history. In the Tenth Century A.D., hanging became the usual method of execution in Britain. In the following century, William the Conqueror would not allow persons to be hanged or otherwise executed for any crime, except in times of war. This trend would not last, for in the Sixteenth Century, under the reign of Henry VIII, as many as 72,000 people are estimated to have been executed (DPIC, 2012). Some common methods of execution at that time were boiling, burning at the stake, hanging, beheading, and drawing and quartering. Executions were carried out for such capital offenses as marrying a Jew, not confessing to a crime, and treason. The number of capital crimes in Britain continued to rise throughout the next two centuries (DPIC, 2012). By the 1700s, 222 crimes were punishable by death in Britain, including stealing, and cutting down a tree. Due to the severity of the death penalty, many juries would not make a conviction if the offense was not serious (DPIC, 2012). This is some of the reasoning that lead to reforms of Britain's death penalty. The death penalty was a prominent punishment in England until 1864 when the Parliament was asked to reform the death penalty because of a lean toward a humanitarian movement which brought criminal law in line with modern day ethical standards (Heath, 1907). The Parliament then introduced a Royal Commission that strongly favored abolishing the death penalty for level one crimes such as misdemeanors, with a minority of the committee that wanted to completely abolish the death penalty (Heath, 1907). Even after the appointment of the Royal Commission that wanted to at least regulate the use of the death penalty as punishment, nearly a half a century later into the 1900's, there was still a pattern of the continuance of passing the death penalty in cases of homicide of various types with no effort by Parliament to enact the reform recommended by the commission that they appointed (Heath, 1907).

I will analyze the history of the death penalty in Europe, especially Britain simply because Britain influenced the United States use of death penalty more than any other country. This is because when European settlers came to the new world, they brought the practice of capital punishment. The first recorded execution in the new colonies was that of Captain George Kendall in the Jamestown colony of Virginia in 1608 (DPIC, 2012). In 1612, Virginia Governor Sir Thomas Dale enacted the Divine, Moral and Martial Laws, which provided the death penalty for even minor offenses such as stealing food and trading with Indians (DPIC, 2012). Although the use of capital punishment throughout the new world was a prominent punishment, the laws regarding the death penalty varied from colony to colony. The Massachusetts Bay Colony held its first execution in 1630, even though the Capital Laws of New England did not go into effect until years later. The New York Colony instituted the Duke's Laws of 1665. Under these laws, offenses such as striking one's mother or father, or denying the "true God," were punishable by death

(DPIC, 2012). As we move on throughout the colonial history of the United States, we see a trend of abolitionist movements influenced by Cesar Beccaria's 1767 essay, *On Crimes and Punishment*, in which Beccaria theorized that there was no justification for the state's taking of a life (Schabas, 1997). In the early to mid-Nineteenth Century, the abolitionist movement gained momentum in the northeast. In the early part of the century, many states reduced the number of their capital crimes and built state penitentiaries. In 1834, Pennsylvania became the first state to move executions away from the public eye and carrying them out in correctional facilities. In 1846, Michigan became the first state to abolish the death penalty for all crimes except treason. Later, Rhode Island and Wisconsin abolished the death penalty for all crimes (Bohm, 1999 and Schabas, 1997). Although some U.S. states began abolishing the death penalty, most states held onto capital punishment. Some states made more crimes capital offenses, especially for offenses committed by slaves. In 1838, in an effort to make the death penalty more appealing to the public, some states began passing laws against mandatory death sentencing instead enacting discretionary death penalty statutes (DPIC, 2012). The 1838 enactment of discretionary death penalty statutes in Tennessee, and later in Alabama, were seen as a great reform. This introduction of sentencing discretion in the capital process was perceived as a victory for abolitionists because prior to the enactment of these statutes, all states mandated the death penalty for anyone convicted of a capital crime, regardless of circumstances (Bohm, 1999). During the Civil War, opposition to the death penalty decreased, as more attention was given to the anti-slavery movement. After

the war, new developments in ways to commit executions emerged with the introduction of the electric chair. New York built the first electric chair in 1888, and in 1890 executed William Kemmler (DPIC, 2012). The Twentieth Century marked the beginning of the "Progressive Period" of reform in the United States. From 1907 to 1917, six states completely outlawed the death penalty and three limited it to the rarely committed crimes of treason and first degree murder of a law enforcement official. The reform didn't last very long due to the threat of the Russian Revolution and the fact that the U.S. had just entered World War I and there were intense class conflicts as socialists mounted the first serious challenge to capitalism. As a result, five of the six abolitionist states reinstated their death penalty by 1920 (DPIC, 2012). In 1924, the use of cyanide gas was introduced, as Nevada sought a more humane way of executing its inmates. This lead to the construction of the gas chamber (Bohm, 1997). We see another trend in the 1920s to the 1940s, because there was resurgence in the use of the death penalty. This is due to the fact that Americans were suffering through Prohibition and the Great Depression. There were more executions in the 1930s than in any other decade in American history, an average of 167 per year (Bohm, 1999 and Schabas, 1997). The 1960s brought challenges to the fundamental legality of the death penalty. Before then, the Fifth, Eighth, and Fourteenth Amendments were interpreted as permitting the death penalty. However, in the early 1960s, it was suggested that the death penalty was a "cruel and unusual" punishment, and therefore unconstitutional under the Eighth Amendment. In 1958, the Supreme Court had decided in *Trop v. Dulles* (356 U.S. 86), that the Eighth Amendment

contained an "evolving standard of decency that marked the progress of a maturing society." Abolitionists applied the Court's logic to executions and maintained that the United States had, in fact, progressed to a point that its "standard of decency"

should no longer tolerate the death penalty (Bohm, 1999).

Throughout its history, the death penalty has had its fair share of issues which question the effectiveness, humanness, and the efficiency of actually carrying out capital punishment. Some of these issues are the cost, race biases, gender biases, and the fact that many innocent people have been put to death by capital punishment.

Cost is one of the most important political factors when it comes to analyzing and implementing the death penalty. Although the money spent on capital punishment varies from state to state that implements the death penalty, it is always a substantial amount. A new study released on March 6, 2008 provides that the lifetime cost to taxpayers for the capitally-prosecuted cases in Maryland since 1978 will be $186 million. That translates to $37.2 million for each of the state's five executions since the state reenacted the death penalty. The study estimates that the average cost to Maryland taxpayers for reaching a single death sentence is around $3 million more than the cost of a non-death penalty case. The study examined 162 capital cases that were prosecuted between 1978 and 1999 and found that those cases will cost $186 million more than what those cases would have cost had the death penalty not existed as a punishment. At every phase of a case, according to the study, capital murder cases cost more than non-capital murder cases (DPIC, 2012).

Of the 162 capital cases, there were 106 cases in which a death sentence was sought but not handed down in Maryland. Those cases cost the state an additional $71 million compared to the cost non-death penalty cases. Those costs were incurred simply to seek the death penalty where the ultimate outcome was a life or long-term prison sentence (DPIC, 2012). Some people think that the cost of implementing capital punishment is completely unnecessary simply because it is not always used in the way that it is intended. Some argue that district attorneys general and prosecuting attorneys are not persistent in pursuing the death penalty, previous research provides no clear indication whether the death penalty acts as a method of crime prevention, and district attorneys use the death penalty as a bargaining chip for lesser crimes. In the United States, capital cases hit budgets with large unexpected costs, and they manage these high costs by decreasing funding for highways and police and by increasing taxes (DPIC, 2012).

Race has played a key role in the death penalty, with many studies proving that the death penalty is racially tainted. According to the findings of a Governor-commissioned death penalty study conducted by researchers at the University of Maryland, the state's death penalty system is tainted with racial bias, and geography plays a significant role in who faces a capital conviction. The study, one of the nation's most comprehensive official reviews on race and the death penalty, concluded that defendants are much more likely to be sentenced to death if they have killed a white person (DPIC, 2012). Another study released by the New Jersey Supreme Court found that the state's death penalty law is more likely to proceed against defendants who kill white victims (DPIC, 2012). The most comprehensive study ever conducted on the death penalty in

North Carolina was released by researchers from the University of North Carolina. The study, based on data collected from court records of 502 murder cases from 1993 to 1997, found that race plays a significant role in who gets the death penalty. What was found was that defendants whose victims are white are 3.5 times more likely to be sentenced to death than those with non-white victims (DPIC, 2012). This is proven through the fact that over 75% of the murder victims in case resulting in an execution were white, even

though nationally only 50% of murder victims generally are white (DPIC, 2012). Another study in California found that those who killed whites were over 3 times more likely to be sentenced to death than those who killed blacks and over 4 times more likely than those who killed Latinos (DPIC, 2012). Although according to the studies provided it looks like the death penalty is aimed more toward African Americans and minority races, if we look at the hard facts, we see that the majority of defendants in capital punishment cases are majority white citizens with 56% versus the 34% of defendants that are African American (DPIC, 2012). In 96% of states where there have been reviews of race and the death penalty, there was a pattern of either race-of-victim or race-of-defendant discrimination, or both (DPIC, 2012).

There has also been a stigma in regards to gender in the death penalty. There has always been some question as to whether or not men and women should be

punished differently, even for the same crime. We can again look at the history of England in the 19th and early 20th centuries because some argued that it wasn't fair to punish women with death because they basically didn't have a voice. Women didn't have a say in why

they were being arrested, didn't have a voice during the proceedings to try to claim their innocence, and they basically weren't allowed any sort of appeal process because once the trial was over and they were put to death, that was the end of it (Heath, 1907). Looking at a history of the death penalty in the United States, women have, historically, not been subject to the death penalty at the same rates as men. From the first woman executed in the U.S., Jane Champion, who was hanged in James City, Virginia in 1632, to the present, women have constituted only about 3% of U.S. executions (Streib, 2012). In general, both the death sentencing rate and the death row population remain very small for women in comparison to that for men. Actual execution of female offenders is quite rare, with only 571 documented instances as of December 31st, 2011, beginning with the first in 1632. These executions constitute about 2.9% of the total of confirmed executions in the United States since 1608 (Streib, 2012). At the present time, there are 61 women on death row. The present ages of the 61 women on death row range from 27 to 78 years old. They have been on death row from a few months to over 25 years (Streib, 2012).

Probably the most important political issue surrounding the implementation of the death penalty would be the fact of innocence. There is no way to tell how many of the over 1,200 people executed since 1976 may have been innocent. Courts do not generally entertain claims of innocence once the defendant is dead. Since 1973, 140 people in 26 different states have been released from death row with evidence of their innocence (DPIC, 2012). From 1973-1999, there was an average of 3 exonerations per year. From 2000-2011, there has been an average of 5 exonerations per year (DPIC, 2012).

With those statistics, I believe it is safe to say that there needs to be stricter regulations and more evidence presented before actually sentencing someone to capital punishment, because honestly we do not know how many people have been executed without being guilty of the crime.

I think that the best way to improve the effectiveness and efficiency of the death penalty all begins with regulations. At the present time, the states that implement capital punishment have the choice of punishment to use, whether it is electrocution or lethal injection. My suggestion would be to limit those choices to one so that all executions are manipulated the same way. I think that this would (1) cut down budgets if the choice was to go with the cheaper of the two methods between electrocution and lethal injection, and (2) eliminate any source of difference between executions. Another suggestion I would make would be to make sure that we aren't sentencing people with the death penalty to simply make an example or to instill anymore fear than what is already deemed necessary. My final suggestion on improving the death penalty would be to make sure that we aren't convicting and executing innocent people. In order to do that, we would need to make sure that we have all necessary evidence before making the final decision. In order to do this, we would need to implement the use of DNA testing during trials. Not only would this cut down on trial and execution costs, but it would also ensure that we are not taking the life of an innocent person.

References

Bohm, R. 1999. Deathquest: An Introduction to the Theory and Practice of Capital

Punishment in the United States. Newark: Anderson Publishing.

Cheever, George B., Samuel Hand, and Wendell Phillips. 1881. "The Death Penalty."

The North American Review 4 (December): 534-559.

Death Penalty Information Center. 2012. "Facts about the Death Penalty."

http://www.deathpenaltyinfo.org/documents/FactSheet.pdf (March 7, 2012)\

Heath, Carl. 1907. "Reform and the Death Penalty." International Journal of Ethics 3 (April): 290-301.

Schabas, William A. 1997. The Abolition of the Death Penalty in International Law. Cambridge University Press.

Streib, Victor. 2012. "Death Penalty for Female Offenders, January 1, 1973, Through

December 31, 2011" Issue 66: 1-24.

MADNESS AS A RESISTANCE TO BIO-POWER

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When Foucault began studying madness at the outset of his career, he constantly refined his ideas of how madness was produced, perpetuated, and problematized in various cultures throughout history. Variously focusing on history and power he wrote: *Mental Illness and Psychology*, *History of Madness*, *The Birth of the Clinic,* and the lecture notes for what became *Psychiatric Power*. What is evident in these books is the spectacle made of madness and its picturesque structure of images of the mad that become criminals, those devoid of common morals, persons who are a danger to her/himself, religious extremists, and others who occupy the asylums. Foucault's study of madness, despite its shift, is unified in its focus on the phenomena and origins of madness. In Michel Foucault's cannon, madness is a picturesque affair that must be created and reified through continuing discursive patterns that delineate an image of madness to the juridico-medical establishment, and most of all, to the mad themselves: those who resist identity politics, ultimately resisting bio-power.

Picturesque, *dispositif*, madness, and discursive patterns are perhaps unfamiliar terms that must be defined. The visual images of what madness is and is not are what have been labeled picturesque. The word *dispositif* is a word Foucault was fond of using to signal a system of interlocking discourses, institutions, laws, and various mechanisms that work in a web of power relations. Discursive patterns indicate the ways in which madness was/is produced by language in its various forms. Finally, madness is not meant to signal any specific form of real or perceived mental illness; rather, madness is meant to signal whatever was called mad in its own day and time. Ideally, this method will show the internally unstable definition of madness, and will illustrate the lack of a transhistorical truth of madness, which supports a rational hegemony.

The hegemony of rationality is undermined by images that threaten the liminalities of existence, and the construction of truth that governs these liminalities. Foucault writes of madness: "It disappears fast when essential issues like life and death, or justice and truth appear."[4] Such liminalities as life, death, justice, and truth represent the loci of reason's greatest power as well as its greatest threat; and, as the power of reason is threatened, so is the elite whose status depends on the image of this power. Foucault's sentiment is reflected in Nietzsche's definition of truth as "A mobile army of metaphors, metonyms, and anthropomorphisms -- in short, a sum of human relations, which have been enhanced, transposed, and embellished poetically and rhetorically, and which after long use seem firm, canonical, and obligatory to a people."[5] The madness-reason *dispositif* creates the most subjects during violations of these boundaries. Prime examples of the inability to escape this *dispositif* are Foucault's books themselves. He must use reason to expose the power mechanisms behind reason, and the ways in which it suppresses what unreason might say. He states: "Madness then becomes a form of reason. It becomes integral to it, forming part of its secret strength one of the moments of its manifestations, or a paradoxical form where reason becomes conscious of itself. In either case madness only has meaning or value in relation to the field of reason."[6] This becomes problematically tautological when discussing either madness or reason, thereby hiding the madness in reason by displaying it.

The picturesque display of madness through the classical age was intended to incite discourse. In the nineteenth century: "the mad remained monsters—literally things or beings worthy of being put on show

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[4] Foucault, Michel. *History of Madness*. Trans. Jean Khalfa. 1961. New York: Routledge, 2009. 27. Print.

[5] Nietzsche, Friedrich. "On Truth and Lies in a Nonmoral Sense." *On Truth and Untruth*. Ed. Taylor Carmen. New York: Harper Perennial Modern Classics, 2010. 29-30. Print.

[6] Foucault, Michel. *History of Madness*. Trans. Jean Khalfa. 1961. New York: Routledge, 2009. 32. Print.

in public."[7] The mad were used to reify a notion of difference among people who supposed themselves to be rational. The primary difference was not anything physically noticeable since the mad are human beings with diverse bodies, just as those who are rational. The difference between the mad and the rational was perfomative. The mad were ascribed parts to play and attributed certain appearances and behaviors. Those traits were acted out by the mad or seen by the rational audience where it sought to see them. There is no dialogue between madness and reason that takes place on grounds of equality; "madness was never *made manifest* on its own terms, in its own particular language."[8] The performance is the only way the two discourses can truly communicate and the performance can only consist of what continues to produce a narrative in which madness is sensible to the truth of madness that has been constructed. Foucault writes: "[…] madness as such disappeared from the theatre at the end of the seventeenth century, to reappear only in the final years of the century that followed: the theatre of madness was effectively realized in medical practice, and its comic reduction was of the order of an everyday cure."[9] Madness must be realized in everyday life by personal or artistic encounters with it. Now these encounters usually take place through the medical gaze.

The medical gaze came to dominate madness and the sole truth of it through endless discourse producing a variety of images surrounding madness and its treatment. Foucault notes:

For us, the human body defines, by natural right, the space of origin and of distribution of disease: a space whose lines, volumes, surfaces, and routes are laid down, in accordance with now familiar geometry, by the analytical atlas. But this order of the solid, visible body is only one way—in all likelihood neither the first, nor the most fundamental—in which one spatializes disease.[10]

Illness became an object of medical description in terms of how it moved through the body, the shapes of various parts of the body, and how illness affects these. These factors are recorded in painstaking detail. The understanding that has been held since the Enlightenment is centered on a picturesque view of what was occurring within the body by defining the spaces at play and creating a picture of the patient.[11] The medical practitioners of the period note the importance of describing everything occurring with patients whether it seems significant or not.

The patients became portraits of the diseases themselves; thus, people became subjects of medicine rather than beings in and of themselves. At this point:

The patient is the rediscovered portrait of the disease; he is the disease itself, with shadow and relief, modulations, nuances, depth; and when describing the disease the doctor must strive to restore this living density: 'One must render the patient's own infirmities, his own pains, his own gestures, his own posture, his own terms, and his own complaints.'[12]

The patient is now more than a patient, (s)he becomes a living picture of disease that must be documented. This creates a new level of power for the doctor who is gazing upon the subject of disease.[13] The doctor viewing the patient and imbuing her/his disease with discourse takes all the power into his eyes. Deception in vision even became a way to cure madness. "Illusions could cure the illusory—whereas only reason could liberate the self from unreason."[14] Thus, pictures, true or false, become the key in researching, identifying, and curing madness. Whether the symptoms were or were not visible it was the goal of the clinic to make them visible, so that the medical discourse surrounding disease could be validated.[15]

Clinical thinking begins to integrate the gaze and its production of pictures as a key to practicing

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[7] Ibid. 145.
[8] Ibid. 171.
[9] Ibid. 333-34.
[10] ---. *The Birth of the Clinic: An Archaeology of Medical Perception*. Trans. A. M. Sheridan Smith. 1963. New York: Vintage, 1994. 3. Print.
[11] Ibid. 6.
[12] Ibid. 15.
[13] Ibid. 52.
[14] ---. *History of Madness*. Trans. Jean Khalfa. 1961. New York: Routledge, 2009. 330. Print.
[15] ---. *The Birth of the Clinic: An Archaeology of Medical Perception*. Trans. A. M. Sheridan Smith. 1963. New York: Vintage, 1994. 90. Print.

medicine. The clinician begins silencing all other factors and discourses in making observations of patients to reduce conflicts and contradictions so that the uninterrupted power of medical discourse may fully take over its subjects.[16] The clinician listens to the illness and only the illness, waiting for it to speak its language to him. Foucault notes: "[…] it is obvious that the analytical structure is neither produced nor revealed by the picture itself; the analytical structure preceded the picture, and the correlation between each symptom and its symptomalogical value was fixed once and for all in an essential *a priori*."[17] The picturesque production of medical discourse is not something that tells the truth of illness itself; rather it makes possible the recognition of illness produced by that discourse.

The ultimate function of the medical gaze is to individuate people, the function of which is to subjugate them to the subjectivities attributed to them. In differentiating one is reduced, in reducing one is weaker, in being different and weaker one is labeled, and in being labeled one is a subject of the power of the individuating discourse. Foucault notes: "Only individual illnesses exist: not because the individual reacts upon his own illness, but because the action of illness rightly unfolds in the form of individuality."[18] The true secret of the medical discourse, as with so many other discourses that emerged around the seventeenth and eighteenth centuries, is the lack of a prediscursive individual.[19] Foucault observes:

It is because the body has been 'subjectified,' that is to say that the subject-function has been fixed on it, because it has been psychologized and normalized, it is because of all this that something like the individual appeared, about which one can speak, hold discourses, and attempt to found sciences.[…] Actually, right from the start, and in virtue of these mechanisms, the individual is a normal subject; and consequently desubjectification, denormalization, and depsychologization necessarilly entail the destruction of the individual as such.[20]

Without psychiatry's concept of a normal subject and an abnormal deviant the individual would cease to be an object of possible experience. The more that it is explored the individual will be deeper, more varied, and more problematic; data gained from these studies allows one to theorize, conceptualize, and perform individuality. Thus it is with psychiatry.

The system of psychiatry becomes one in which individuals are constantly performing roles according to picturesque discursive productions created by the medico-juridical establishment. Psychiatry dictates that the person who is declared ill can only be healed within the system that declares her/him ill.[21] Thus, the doctor must be imbued with a discursively produced picture of what (s)he shall be, but the doctor is also a discursive picturesque production.[22] This process of individuating the doctor makes him a subject of the institutional power of psychiatry. He better fills the roll of delegating the institution's power by functioning like the instutitution. The doctor becomes the institution in the same way the patient becomes the illness. Foucault writes: "The asylum is the psychiatrist's body stretched and distended to the dimensions of an establishment, extended to the point that his power is exerted as if every part of the asylum is a part of his own body, controlled by his own nerves."[23] It should be noted, though, that "Power does not belong to anyone or even to a group; there is only power because there is dispersion, relays, networks, reciprocal supports, differences of potential, discrepancies, etcetera."[24] The doctor functions as someone through whom power flows; not as a wielder of power. The function of the doctor's power is to elicit madness. He administers the test in which he says: "with what you are, with your life, with the grounds for people's complaints, with what you

[16] Ibid. 107.
[17] Ibid. 113.
[18] Ibid. 169.
[19] Ibid. 170.

[20] ---. Psychiatric Power: Lectures at the Collège de France, 1973-1974 Lectures at the College de France. First ed. Trans. Graham Burchell. 2003. New York: Picador, 2006. 56-57. Print.
[21] Ibid. 2.
[22] Ibid. 4-5.
[23] Ibid. 181.
[24] Ibid. 3.

do, and what you say, provide me with some symptoms, not so that I know what your illness is, but so that I can stand before you as a doctor."[25] Thus, psychiatry will become the leading site of power since it has taken over creating and deciding the value of different subjectivities.[26]

Medical power over madness results from picturesque discursive productions. Doctors actively produced the mad in a struggle "in terms of battle, confrontation, reciprocal encirclement, of the laying of mirror traps, of investment and counter investment, of struggles for control between doctors and [the mad]."[27] This is why the mad "never hesitated to provide all the symptoms one wanted, and even more than one wanted, since, the more they provided the more their surplus-power was thereby asserted in relation to the doctor."[28] The mad took their performances and turned them on doctors to expose the unreality of the madness they supposedly suffered. In other cases the mad used these images of madness, laid out in discourse for them, to escape the diagnosis of madness. Doctors said: "it is very good to see the madness of others, provided the patient perceives the other madmen around him in the same way the doctor sees them."[29] This was one way of using the picturesque nature of madness against the *dispositif*—by acknowledging it. In addition, it is clear the causes of madness itself lie in holding the wrong sort of mental images about oneself.

Madness consists of resisting the identity society has given one, getting one's identity politics out of line with the discursive reality that has been assigned to one, in effect, resisting bio-power. The mad have been selected to confess and speak the language of guilt at all times because they seized power in their own heads as to what they would think about their own identities. The mad are not at all times physically forced to confess, but this is because "The obligation to confess is now relayed through so many different points, is so deeply ingrained in us, that we no longer see it as the effect of a power that constrains us."[30] During the same era that Foucault identifies madness as a changing phenomenon, he also identifies sexuality as undergoing a change. Sexuality takes on increased importance as power shifts from something centered on death in the *patria potestas*, granting a man power over the death of his family, to bio-power which takes power over life.[31] Foucault specifically notes the emergence "in the field of political practices and economic observation, of the problems of birthrate, longevity, public health, housing, and migration. Hence there was an explosion of numerous and diverse techniques for achieving the subjugation of bodies and the control of populations, marking the beginning of an era of 'bio-power.'"[32] Bio-power is important because by keeping records and taking note of specifics about populations new taxonomies and techniques for individualizing were created. The function of this was to meet the demands of an ascending industrial, capitalist system. Foucault notes this:

> […] would not have been possible without the controlled insertion of bodies into the machinery of production and the adjustment of the phenomena of population to economic processes. But this was not all it required, it also needed the growth of both of these factors, their reinforcement as well as their availability and docility; it had to have methods of power capable of optimizing forces, aptitudes, and life in general without at the same time making them more difficult to govern.[33]

By making people more individual, power was able to create a greater and more efficient use of human resources to enhance capitalist production, and knowing more about the subjects under governance allowed easier and more efficient exertion of political power. Turning human beings into political entities via their biological facility, rather than being social beings, caused the formation of

[25] Ibid. 268.
[26] Ibid. 222.
[27] Ibid. 308.
[28] Ibid. 311.
[29] Ibid. 103.

[30] ---. *The History of Sexuality Volume 1: An Introduction: The Will to Knowledge*. Vintage Books ed. Trans. Robert Hurley. 1976. New York: Random House, 1990. 60. Print.
[31] Ibid. 135-59.
[32] Ibid. 140.
[33] Ibid. 141.

identity politics.[34] These identity politics normalize certain groups and create a variety of social hegemonies on the basis of things like ethnicity, sexuality, gender, etc. By making these issues important the abnormal becomes far more deviant, and even dangerous to the newly formed political structures and systems of governance. The psychiatrists "write false reports, to make the situation look worse than it is and depict the idiot or mental defective as someone who is dangerous."[35] Thus: "The determination to pin madness on a crime, on every crime, was a way of founding psychiatric power, not in terms of truth, but in terms of danger: We are here to protect society, since at the heart of every madness there is the possibility of a crime."[36] If madness is a rejection of identity politics, a choosing of one's own identity, then it is necessarily a no-saying to bio-power. Ergo, it had to be marginalized, criminalized, and psychiatrized so individuals could occupy the asylums that it was constructed for.

References

Foucault, Michel. The Birth of the Clinic: An Archaeology of Medical Perception. Trans. A. M. Sheridan Smith. 1963. New York: Vintage, 1994. Print.

---. History of Madness. Trans. Jean Khalfa. 1961. New York: Routledge, 2009. Print.

---. The History of Sexuality Volume 1: An Introduction: The Will to Knowledge. Vintage Books ed. Trans. Robert Hurley. 1976. New York: Random House, 1990. Print.

---. Psychiatric Power: Lectures at the Collège de France, 1973-1974. First ed. Trans. Graham Burchell. 2003. New York: Picador, 2006. Print.

Nietzsche, Friedrich. "On Truth and Lies in a Nonmoral Sense." On Truth and Untruth. Ed. Taylor Carmen. New York: Harper Perennial Modern Classics, 2010

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[34] Ibid. 142-43.

[35] ---. Psychiatric Power: Lectures at the Collège de France, 1973-1974 Lectures at the College de France. First ed. Trans. Graham Burchell. 2003. New York: Picador, 2006. 220. Print.

[36] Ibid. 250.

ASSESSING THE ACCURACY OF STATISTICAL-DYNAMIC FORECASTING MODELS FOR TROPICAL CYCLONE INTENSITY

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ABSTRACT

Tropical cyclones, more commonly known as hurricanes in the Atlantic basin, cause a heavy impact on the United States. Meteorologists rely on numerical weather models to provide a proper forecast. Storm track models are generally more reliable for tracking the pathways of a storm. However, the forecast accuracy of tropical cyclone intensity lags behind the track forecasts.

The purpose of this study is to find the most accurate commonly used statistical-dynamic forecasting models for tropical cyclone intensity. For this study, a sample of major North Atlantic Ocean basin's tropical cyclones that made US landfall since the year 2000 has been evaluated. The intensity forecasts that the statistical-dynamic models provided for the selected storms will be compared to the actual intensity verification recorded by the National Hurricane Center at different forecast intervals. From this evaluation, a margin of intensity error can be calculated and a model's hurricane intensity reliability can be determined.

The results of the absolute error show which models have exhibited more accuracy at various forecast intervals. The results of this study may aid in identifying accurate tropical cyclone intensity models so that reliable forecasts can be created by meteorologists to better serve the commercial population and the general public alike.

INTRODUCTION

Tropical cyclones or "hurricanes" are a major environmental hazard in the world today. Scientists and meteorologists are working every day to help ensure the populations' safety from these severe storms. As most with a meteorological background would know, operational tropical cyclone forecast models are much more skillful in track forecasting than in storm intensity (Elsberry et al., 2007). Tropical cyclone forecasters are relied upon to give warning for the event of a suspected storm system. These forecasters depend upon computer models to provide them with the proper information concerning the storms so that in turn, they may make an accurate forecast to present. However, a forecaster can only be as good as the model(s) they choose to work with. The term "forecast model" refers to any objective tool used to generate a prediction of a future event, such as the state of the atmosphere" (DeMariaet al., 2009). The following are commonly used statistical-dynamic forecasting models.

The Geophysical Fluid Dynamics Model (GFDL) is a limited-area, triple-nested grid-point model specifically designed for Tropical Cyclone Prediction. This model can run up to four tropical cyclones every six hours out to 126 hours. The GFDL's high resolution allows it to resolve small features within a hurricane such as the eye and eyewall. However, due to the complexity of a tropical storm, the GFDL cannot resolve all structures (DeMariaet al., 2009).

The Navy Operational Global Atmospheric Prediction System (NGPS) is a hydrostatic spectral model that is run four times a day out to 180 hours. This model includes an artificial tropical cyclone vortex into its initial fields in order to provide a more accurate intensity forecast (DeMariaet al., 2009).

The Statistical Hurricane Intensity Prediction Scheme (SHIPS) is a statistical-dynamical model. It is based on the statistical relationship between storm behavior and environmental conditions. These conditions are estimated from dynamical model forecasts and climatology and persistence predictors. In

simple terms, the SHIPS model was developed specifically for predicting hurricane intensity (DeMariaet al., 2009).

The goal of the study was to identify the most accurate tropical cyclone intensity forecast from the GFDL, NGPS, and SHIPS models.

MATERIALS AND METHODS

Three major North Atlantic Ocean tropical cyclones, Charley (2004), Ike (2008), and Gordon (2006) (Figure 1) were selected for this study. Observed intensity data for each individual storm were collected from the National Center for Atmospheric Research's (NCAR) Tropical Research Guidance Project. All content of the data were found in the National Hurricane Center's public a-decks; located under NCAR's Global Repository. The archived data were presented in the form of "data files / text files".

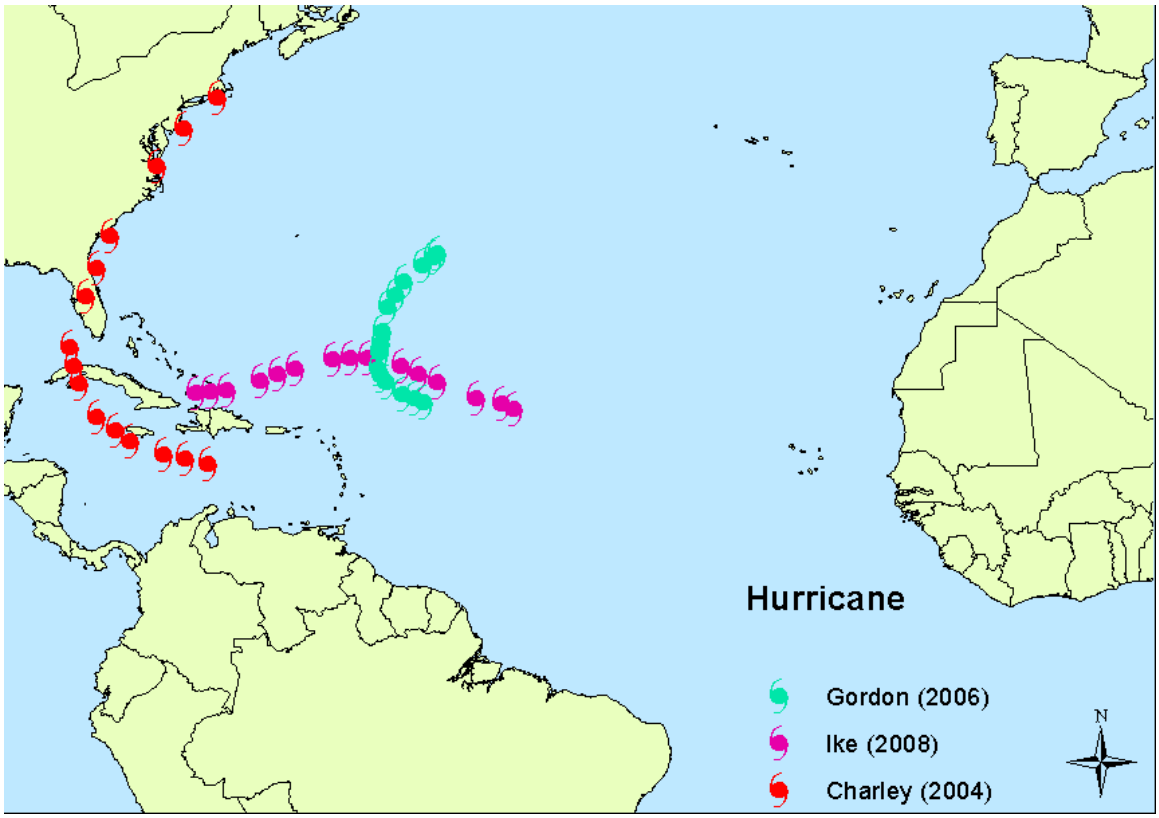

Figure 1. Observed Tropical Cyclone Tracks.

Forecast data for ocean basin, date, time, model and intensity were retrieved from the data/text files for GFDL, NGPS, and SHIPS models predictions. Forecasts were evaluated for predictions 24, 48, 72, 96, and 120 hours into the future. These forecasts were repeated after 6 and twelve hours. The intensity forecasts that the statistical-dynamic models provided for the selected storms are compared to the actual intensity verifications recorded by the National Hurricane Center at the different forecast intervals. When compared, data from the forecast files were calculated to find the absolute error and the average error for each model at the selected forecast intervals.

An analysis of variance (ANOVA) was performed on the forecast model's predictions. The mean absolute error could then be evaluated for each model and for each forecast interval, thereby determining if there was a significant difference between the forecast models and time intervals.

RESULTS

The 24 hour forecast proved to have the lowest average error compared to the later time intervals. Aside from the 48 hour time interval, which had a greater mean error than the 72 and 96 hour prediction, the error continued to become gradually larger with time. The ANOVA test provided the mean average for forecast error as shown in (Table 1).

Table 1. ANOVA mean error for individual forecast time intervals.

Forecast Time Interval	Mean Error (knots)
24 hr.	19.96
48 hr.	36.22
72 hr.	33.59
96 hr.	34.04
120 hr.	39.44

The means comparisons showed significant differences between the models and time intervals. (Table 2)

Table 2. Means comparison between forecast time intervals (mean differences; knots).

Time Interval (h)	24	48	72	96
24				
48	-16.26			
72	-13.63	2.63		
96	-14.07	2.18	-.44	
120	-19.48*	-3.22	-5.85	-5.40

(a) - The star (*) indicates a significant mean difference at the 0.05 level.

The only significant difference in the time intervals proved to be between the 24 hour (1 day) forecast and the 120 hour (5 day) forecast where the P values are < 0.05.

After thorough examination and analysis of the data, the GFDL and SHIPS models proved to be much more accurate in forecasting tropical cyclone intensity than the NGPS model as shown in (Table 3). Information for each individual storm and model can be found in Appendix A. When comparing the models, the GFDL proved to have the smallest average error (26.53 knots), closely followed by the SHIPS (30.04 knots). The NGPS model had a much larger average error of (42.38 knots).

Table 3. Individual model mean forecast errors.

Model	Mean Error (knots)
GFDL	26.53
NGPS	41.38
SHIPS	30.04

The ANOVA statistical model also provided the significant differences between the forecast models. (Table 4) provides the significant information for the models.

Table 4. AVOVA statistics for forecast models.

Model	GFDL	NGPS	SHIPS
GFDL			
NGPS	-14.844*		
SHIPS	-3.511	-11.333*	

*The mean difference is significant at the 0.05 level

The means comparison showed a significant difference between the GFDL and the NGPS as well as between the SHIPS and the NGPS. There is no significant difference between the GFDL and SHIPS models as the P value is <0.05.

DISCUSSION

While the GFDL and SHIPS models proved to be much more accurate than the NGPS model, this is likely due the fact that they were specifically designed for intensification. The GFDL model was created to predict tropical storm tracks along with intensity, while SHIPS was specifically created to forecast tropical storm intensity. The NGPS model is designed to be more accurate in forecasting storm track. As observed in Appendix A, the NGPS model became more accurate in

longer term forecasts (usually the 96 and 120 hour forecast). This is likely due to the fact that a tropical storm had made landfall and therefore made the intensity easier to predict as they quickly lost much of their energy. No single model showed a negative or positive bias with their error trends.

This study was conducted on a rather small sample of storms. The research could be improved by evaluating a much larger sample of major tropical storms. There are numerous other forecast models that are used, however the three chosen for this study among of the most commonly used. The study could also further be including a pre- and post-landfall variable.

CONCLUSION

While this study proved the GFDL and SHIPS models to be two of the most accurate of commonly used tropical cyclone intensity forecasting models, there is still much room for improvement. It is already known that operational tropical cyclone forecast models are much more skillful in track forecasting than in storm intensity. Although, tropical cyclone intensity models are still inaccurate, they have shown much improvement over the last two decades. This is largely due to the fact that the factors that control hurricane track (i.e. positioning of high and low pressure cells) are "large scale" and can be more easily parameterized by statistical-dynamic models. On the other hand, sub-grid scale factors that control intensification (i.e. oceanic heat content, vertical wind shear) are not easily parameterized. Even with the lack of accuracy in intensity forecasting models, it is still critical that citizens heed meteorologist hurricane warnings to insure their safety from these environmental hazards.

REFERENCES

Elsberry, R. L., Lambert, T. D., & Booth, M. A. (2007, August). Accuracy of Atlantic and eastern north pacific tropical cyclone intensity [Electronic version]. Weather and Forecasting, 22(4), 747-762.

DeMaria, M., Rhome, J., Pasch, R., & Schauer Clark, J. (2009). Technical summary of the national hurricane center track and intensity models. Retrieved from website: http://www.nhc.noaa.gov/modelsummary.shtml

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APPENDIX A Details of Individual Storm and Model Data.

Storm	Forecast Time Interval	Zulu Time**	Absolute Error (knots)		
			GFDL	NGPS	SHIPS
Charley	24	00Z	7	27	9
Charley	24	06Z	10	27	2
Charley	24	12Z	10	28	0
Charley	48	00Z	22	40	4
Charley	48	06Z	6	52	5
Charley	48	12Z	4	50	2
Charley	72	00Z	27	66	14
Charley	72	06Z	20	82	19
Charley	72	12Z	18	60	3
Charley	96	00Z	9	42	14
Charley	96	06Z	20	46	22
Charley	96	12Z	14	30	35
Charley	120	00Z	27	4	54

Storm	Forecast Time Interval	Zulu Time**	Absolute Error (knots)		
			GFDL	NGPS	SHIPS
Charley	120	06Z	61	7	66
Charley	120	12Z	30	1	69
Ike	24	00Z	8	24	12
Ike	24	06Z	4	19	3
Ike	24	12Z	15	22	4
Ike	48	00Z	37	73	31
Ike	48	06Z	63	90	62
Ike	48	12Z	54	83	52
Ike	72	00Z	35	83	45
Ike	72	06Z	25	77	64
Ike	72	12Z	46	63	40
Ike	96	00Z	8	66	39
Ike	96	06Z	6	54	43
Ike	96	12Z	3	42	31
Ike	120	00Z	36	70	55
Ike	120	06Z	41	59	53
Ike	120	12Z	11	48	44
Gordon	24	00Z	35	11	43
Gordon	24	06Z	43	17	55
Gordon	24	12Z	38	11	55
Gordon	48	00Z	24	1	37
Gordon	48	06Z	42	5	45
Gordon	48	12Z	31	18	45
Gordon	72	00Z	6	11	27
Gordon	72	06Z	9	1	20
Gordon	72	12Z	15	24	7
Gordon	96	00Z	47	54	15
Gordon	96	06Z	60	56	24
Gordon	96	12Z	62	50	27
Gordon	120	00Z	51	64	15
Gordon	120	06Z	41	57	24
Gordon	120	12Z	13	47	17

** Zulu (Z) or UTC "Universal Time Coordinated" is Greenwich Mean Time and is the time at the prime meridian.

POOR AIR QUALITY IN URBAN AREAS AND NEGATIVE EFFECTS ON THE RESPIRATORY HEALTH OF CHILDREN

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Abstract

Many studies have been conducted that link poor air quality in urban areas to negative effects on the respiratory health of school children. The Tri-state area is known for its high air pollutant values. However, due to the scope of this study, it is not feasible to study pollutant levels surrounding schools. Instead, this study will focus on pollutant measurements as collected at West Virginia Department of Environmental Protection's monitoring locations.

Data regarding outdoor levels of O_3, SO_2 and $PM_{2.5}$ will be analyzed for correlations with road density, emissions density and temporal variations. Relationships between pollutant measurements and vicinity or density of pollutant sources will be examined. To determine potential exposure at the actual measurement locations, line and point density analysis will be performed on road networks and industrial facilities using ArcGIS. Results of this study combined with future air pollution studies will be useful for the prediction of negative respiratory health outcomes and provide suggestions for preventing adverse respiratory effects on school children.

Introduction

Many studies have been conducted that link poor air quality to negative effects on the respiratory health of school children. Rodriguez et al. (2007) state that, in regards to children, "studies worldwide continue to show associations with adverse health outcomes including respiratory morbidity, hospitalization and mortality." Although it is important to study the effects of air pollution on all age groups, children are considered more susceptible to the effect of air pollution. Rodriquez et al. (2007) discuss the increased susceptibility of children by posing the idea that children are in greater danger of unfavorable health effects caused by air pollution. The increased risk is due to immature respiratory systems and difficulty processing airborne pollutants. Also, airway constriction, due to their smaller size, leads to larger deposits of particulates in the airway. Additionally, children process a substantially larger volume of air in relation to their size than adults which leads to an increased exposure to pollutants. Lastly, developing metabolisms and immune systems hinder children's ability to process pollutants out of the body. In regards to airborne pollutants, Beatty and Shimshack (2011) state that that all children may be negatively impacted by exposure to particulates and ozone. There is a correlation between exposure to these pollutants and childhood morbidity/mortality especially where lung processes and lung growth are concerned. Particulates have also been shown to acerbate existing asthma symptoms as well as generating asthma symptoms in health children.

Health effect studies regarding children's exposure to air pollution are often based on exposure levels above a regulated "normal" baseline. Often, these baselines consist of governmental standards. For example, in the United States, the Environmental Protection Agency's (EPA) Office of Air Quality Planning and Standards (OAQPS) has established National Ambient Air Quality Standards (NAAQS) for carbon monoxide (CO), lead (Pb), Nitrogen oxides (NO_x), ozone (O_3), particulate matter (PM) and sulfur dioxide (SO_2). However, according to Rodriquez et al. (2007), little information is available regarding exposure to pollutant levels below these standards. They stress that such information could be of concern to at-risk groups of children. The Rodriguez et al. (2007), study found that out of 8034 samples, the mean, minimum and maximum values for NO_2 concentrations was below the Australian National Environmental Protection Measures (NEPM) air quality

standard. All values for CO (4004 samples) were also below NEPM. $PM_{2.5}$ (7174 samples) within a 24 hour averaging time was the only pollutant to exceed the NEPM during the data collection. However, data analysis displayed strong correlations between pollutant levels and adverse respiratory effects. The results showed that pollutant levels below the Australian NEPM showed a significant negative impact on the respiratory health of the study population. Understanding the effects of exposure to "below-standard" air pollution levels is extremely important. According to Mejia et al. (2011), "detecting potential health effects early can lead to more effective mitigation of negative health impacts".

The Tri-State area (Kentucky, Ohio and West Virginia) is known for its high air pollutant values. However, due to the scope of this study, it is not feasible to study pollutant levels surrounding individual school locations. Instead, this study will focus on pollutant measurements collected at West Virginia Department of Environmental Protection's monitoring locations. Data regarding outdoor levels of NO_x, O_3, $PM_{2.5}$ and SO_2 will be analyzed to determine weekday, weekend and quarterly variations. The relationship between pollutant measurements and pollutant density within certain distances will be examined. To determine potential exposure at the actual measurement locations, line and point density analysis will be performed on road networks and industrial facilities using ArcGIS. Results of this study combined with studies on negative health effects of air pollution will be useful for the prediction of negative respiratory health outcomes and provide suggestions for preventing adverse respiratory effects on children.

Methods

Geographical location data for the West Virginia Department of Environmental Protection's (WV DEP) air quality monitoring sites was obtained from the WV DEP Division of Air Quality (DAQ). Data regarding ozone (O_3), particulate matter of 2.5 microns or less ($PM_{2.5}$) and sulfur dioxide (SO_2) measurements at each WV DEP monitoring location was gathered from the United States Environmental Protection Agency (EPA). Information regarding these pollutants was gathered due to the fact that they are criteria air pollutants (CAPs) that have been shown to have negative impacts on respiratory health. These data function as actual pollutant measurements at their respective monitoring locations. Data regarding NO_X, $PM_{2.5}$ and SO_2 emissions from toxics release inventory (TRI) sites was also obtained from the EPA. O_3 is not an emitted pollutant. It does form under specific weather conditions and in the presence of certain pollutants. NO_X, $PM_{2.5}$ and SO_2 are contributors to O_3 formation and are used here as indirect indicators of potential ozone levels. The data for each monitoring station/pollutant was further broken down into yearly, weekend, weekday and quarterly subsets. An average value was obtained for each subset. West Virginia street data in the form of a GIS layer was obtained from the Environmental Systems Research Institute (ESRI). Roads were weighted by type (interstate, state route, etc.). Road density point values were extracted from each of the resultant rasters for the DEP monitoring station locations. Figure 1 shows the raw data in ArcGIS point and density format.

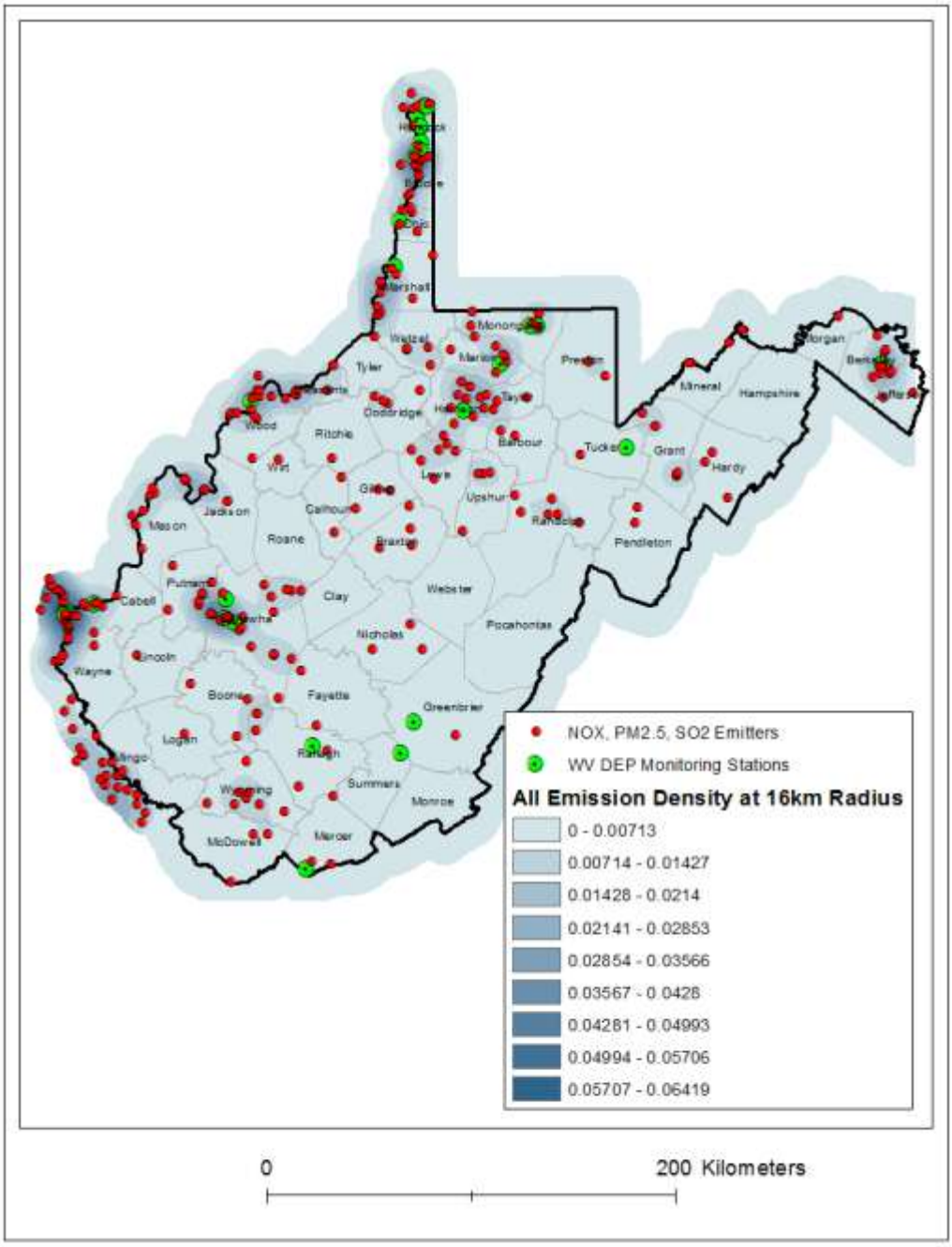

Figure 1. Monitoring stations, emitter points and 16km density analysis for all emissions

Monitoring and emission data were originally in point form that did not coincide. Therefore, pollutant levels at monitoring stations had to be estimated. For this purpose, ArcGIS density analysis was used. A line density analysis of the WV streets layer was performed at radii of 250, 500, 1000, 2000 and4000 meters. Figure 2 shows an example of analysis results.

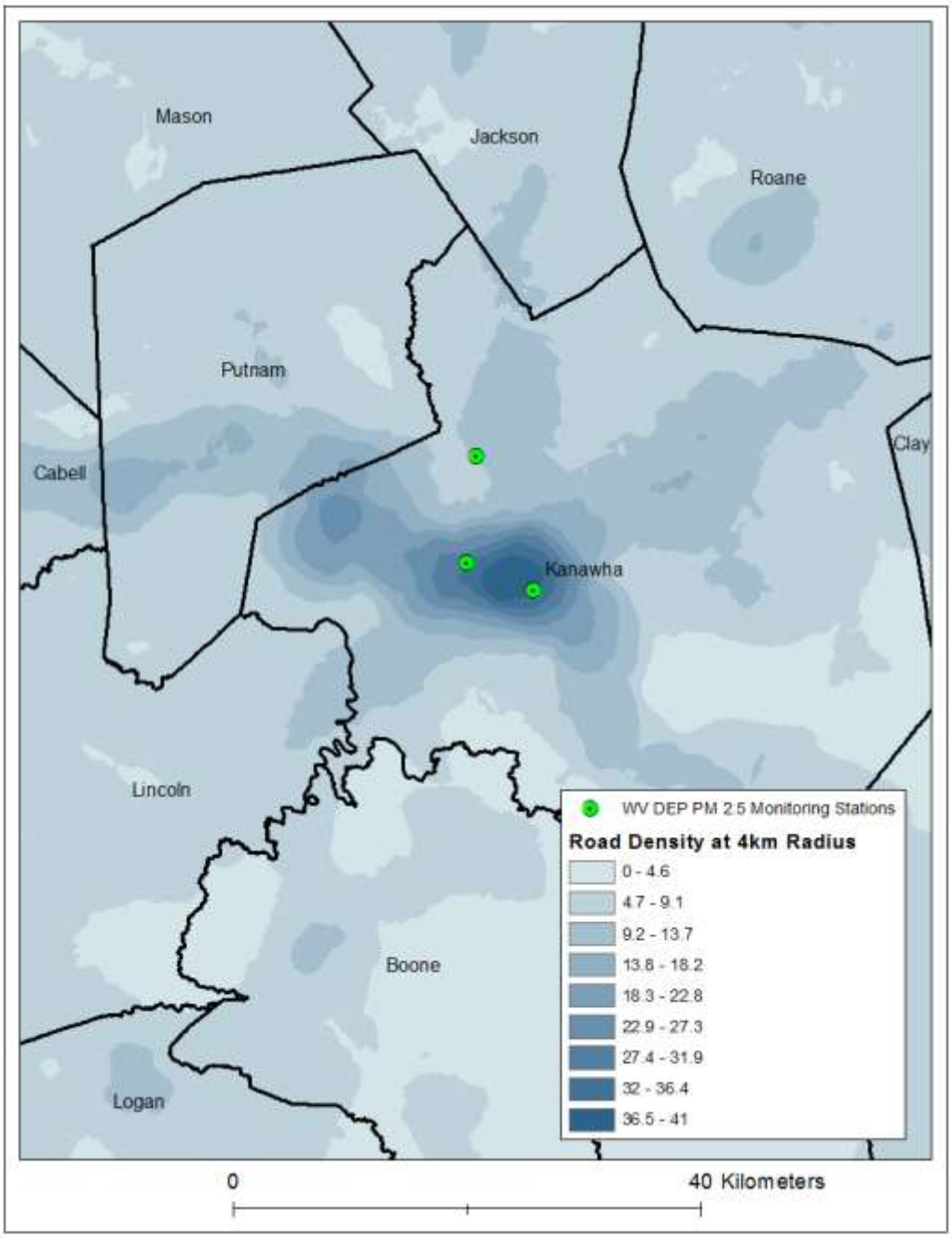

Figure 2. Road density at 4 kilometer radii

EPA emitters were considered if they were located in West Virginia, or within 50 miles of the West Virginia border in Kentucky and Ohio. A kernel (point) density analysis was performed on all emitter points, and NO_x emitters, $PM_{2.5}$ emitters and SO_2 emitters separately. The actual amount of emitted pollutant was used as a weight, so that a stronger polluter has a greater influence on the surrounding area. The radii for the kernel density analysis were 1, 2, 4, 8 and 16 kilometers. Density point values were extracted from each of the resultant rasters for DEP station locations. Figure 3 shows and example of analysis results.

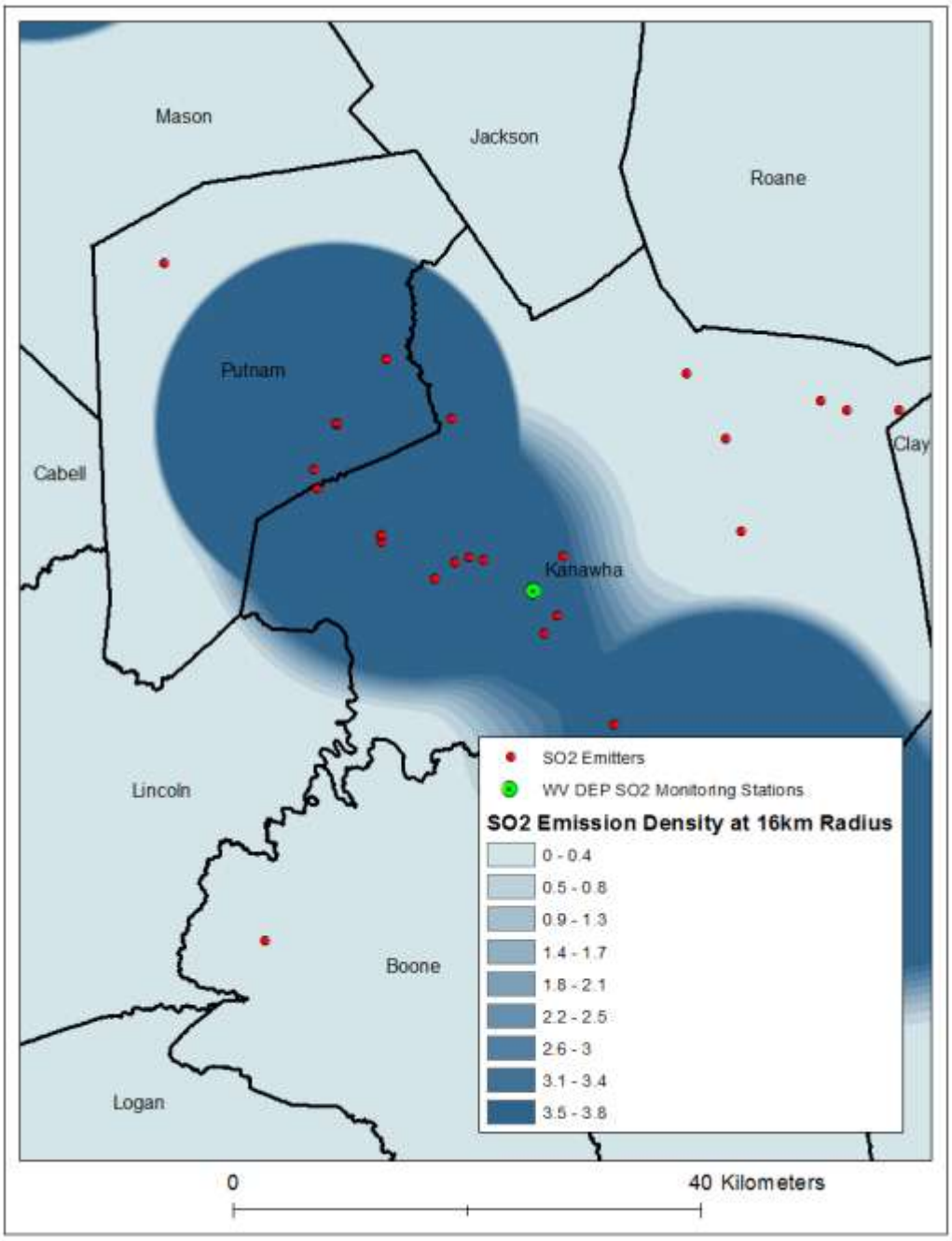

Figure 3. SO_2 emission density at 16 kilometer radii

Correlation analysis was conducted between observed and estimated pollutant levels from road and emission densities. In order to test the strength of the relationship for each radius, the sign of the coefficient, p-value and R-value were recorded for each analysis.

Results

Road Density

As shown in Figure 4, first quarter (winter) $PM_{2.5}$ averages were not significantly correlated with road density. The 1 kilometer density approached significance. Second quarter (spring) average were also found to be insignificant but displayed an upward trend

digressing from increasing radii. Third quarter (summer) $PM_{2.5}$ values were strongly correlated with road densities at all radii. Fourth quarter (fall) values were insignificant with no observable pattern.

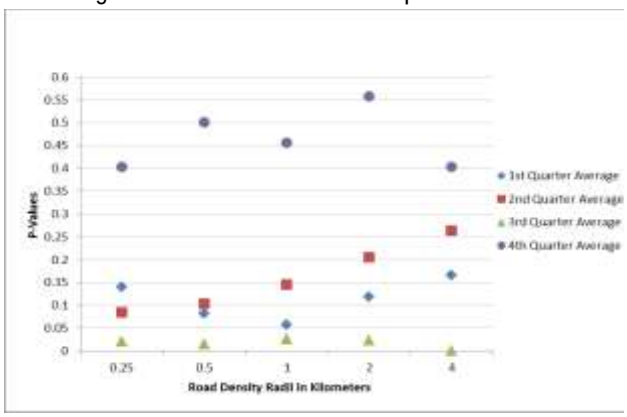

Figure 4. Significance levels of correlations between road density and quarterly $PM_{2.5}$ averages

Yearly, weekend and weekday $PM_{2.5}$ averages showed strongest correlations for the 0.5 km radius and an upward trend if road density was evaluated for larger radii. Yearly averages were significant in relation to 0.25, 0.5 and 1 kilometer densities.

As shown in Figure 5, weekend averages displayed significant correlations with all road density radii. Weekday averages were significantly correlated with road density for the 0.25 and 0.5 kilometer radii.

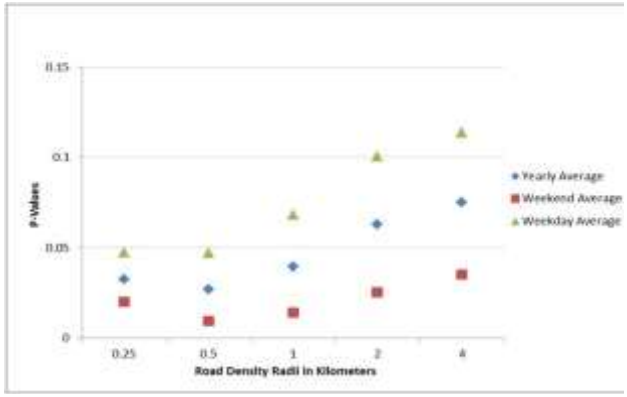

Figure 5. Significance levels of correlations between road density and yearly, weekend and weekday $PM_{2.5}$ averages

Industrial Emissions

Quarterly $PM^{2.5}$ averages were not significant in relation to emission density. Weekend and weekday averages, as shown in Figure 6, were significant only at the 2 kilometer density radius.

First quarter SO_2 averages displayed a correlation with 1and 2 kilometer emission density. Second quarter averages showed a significant relationship with the 1 and 4 kilometer radii. Figure 7 shows third quarter SO_2 averages were significant at the 1, 2, and 16 kilometer emission density radii. The fourth quarter averages were only seen to be significant at the 2 kilometer density. With the exception of the second quarter, all quarterly averages display a strong drop in significance of correlations at the 4 kilometer emission density.

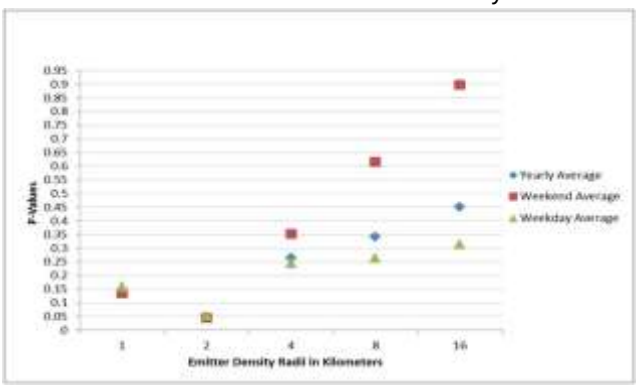

Figure 6. Significance levels of correlations between emission density and yearly, weekend and weekday $PM_{2.5}$ averages

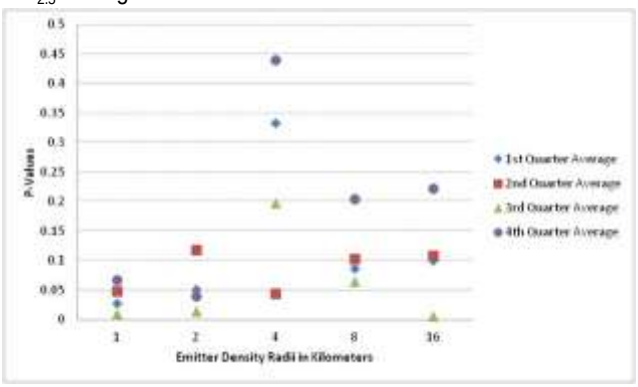

Figure 7. Significance levels of correlations between emission density and quarterly SO_2 averages

Emission density is shown to impact yearly SO_2 averages at 1 and 2 kilometers with a move toward significance at the 16 kilometer radii as well. Weekend averages at the 2 kilometer radii are extremely close to the significance threshold. Figure 8 displays weekday averages with the strongest correlations at the 1, 2, 8 and 16 kilometer emission densities. As with the quarterly averages, the yearly, weekend and weekday averages display a pronounced upward spike at the 4 kilometer radii.

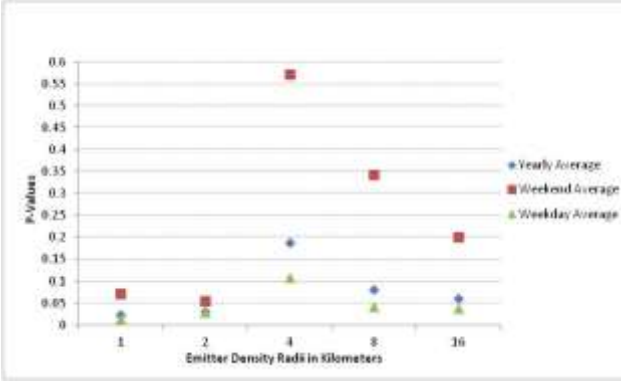

Figure 8. Significance levels of correlations between emission density and yearly, weekend and weekday SO_2 averages

As stated earlier, NO_X, $PM_{2.5}$ and SO_2 are contributors to O_3 formation and were used in this study to gauge potential ozone levels. Road density, combined emission (NO_X, $PM_{2.5}$ and SO_2) density and individual emission density were regressed against O3 averages. The resulting data showed no correlations.

Conclusion

This study suggests that road and emissions density within specific radii of monitoring stations have a significant impact on $PM_{2.5}$ and SO_2 levels. When considering physical school locations in these "at-risk" areas, reduction of pollutant levels is critical. The data in this study may be useful in targeting causative factors of $PM_{2.5}$ and SO_2 concentrations in an effort to reduce children's exposure to these pollutants and mitigate their effect on respiratory health.

In addition to the data and analysis found in this study, suggestions for future studies include an analysis of road and emissions density data derived from a larger set of radii to determine the effect of emission from larger and smaller geographical areas. Secondly, an analysis of meteorological and climatological data may suggest an impact on the dispersal patterns of pollutants and their effect on pollutant concentrations. Thirdly, analysis of a broader set CAPs may indicate additional significant correlations with road density, emission density and temporal data. Lastly, Appendices A, B and C display monitoring station distance and direction data, in relation to pollutant sources. An in-depth analysis of this data may assist in determining which sources contribute significantly to measured pollutant values base on physical location.

References

Beatty, T., & Shimshack, J. P. (2011). School buses, diesel emissions, and respiratory health. *Journal of Health Economics*, 1-13.

Mejia, J. F., Choy, S. L., Mengersen, K., & Morawska, L. (2011). Methodology for assessing exposure and impacts of air pollutants in school children: Data collection, analysis and health effects - A literature review. *Atmospheric Environment*, 45, 813-823.

Rodriguez, C., Tonkin, R., Heyworth, J., Kusel, M., DeKlerk, N., Sly, P. D., Franklin, P., Runnion, T., Blockley, A., Landau, L., & Hinwood, A. (2007). The relationship between outdoor air quality and respiratory symptoms in young children. *International Journal of Environmental Health Research,* 15(5), 351-360.

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Appendix A

Appendix A displays WV DEP monitoring stations as well as their distance (in meters) and direction to the nearest NO_x emitter.

County	Location	Distance to Nearest NOX Emitter	Direction to Nearest NOX Emitter
Berkeley	Martinsburg/Ball Field	1797	SW
Brooke	Follansbee/Mahan Lane	4909	SW
Brooke	McKims Ridge	1123	W
Brooke	Weirton/Marland Heights	921	SW
Cabell	Huntington/Marshall University	512	W
Greenbrier	Sam Black Church/DOH Garage	20759	E
Hancock	New Manchester/Elementary School	4690	W
Hancock	New Cumberland/Tunanidas	3045	SW
Hancock	Chester	2350	NE
Hancock	Weirton/Summit Circle	1597	NW
Hancock	Lawrenceville	1311	N
Hancock	Weirton/Oak Street	2689	NW
Harrison	Clarksburg/Washington Irving JHS	4821	SE
Kanawha	Charleston/Baptist Temple	2889	SE
Kanawha	Guthrie	3885	NW
Kanawha	South Charleston Library	516	N
Marion	Fairmont/Marion Health Care Hospital	2521	NE
Marshall	Moundsville/Nat'l Guard Armory	2513	SW
Mercer	Bluefield/Rock Street	4031	NE
Monongalia	Morgantown Airport	552	SE
Monongalia	Morgantown/Law School Drive	1017	N
Ohio	Warwood	1875	SW
Raleigh	Beckley/Maxwell Hill Elem.	6823	E
Summers	New River/Keeney Knob	27681	E
Tucker	Parsons/Beardon Knob	17421	NE
Wayne	County 60/Centennial Drive	1446	SW
Wayne	Wayne Avenue	948	W
Wayne	County 52/US 52	179	SE
Wood	Vienna/Neale School	736	N

Appendix B

Appendix B displays WV DEP monitoring stations as well as their distance (in meters) and direction to the nearest $PM_{2.5}$ emitter.

County	Location	Distance to Nearest PM2.5 Emitter	Direction to Nearest PM 2.5 Emitter
Berkeley	Martinsburg/Ball Field	1771	SW
Brooke	Follansbee/Mahan Lane	4914	SW
Brooke	McKims Ridge	1130	W
Brooke	Weirton/Marland Heights	900	SW
Cabell	Huntington/Marshall University	514	W
Greenbrier	Sam Black Church/DOH Garage	20760	E
Hancock	New Manchester/Elementary School	4655	W
Hancock	New Cumberland/Tunanidas	3037	SW
Hancock	Chester	2335	NE
Hancock	Weirton/Summit Circle	1583	NW
Hancock	Lawrenceville	1291	N
Hancock	Weirton/Oak Street	2662	NW
Harrison	Clarksburg/Washington Irving JHS	4827	SE
Kanawha	Charleston/Baptist Temple	2890	SE
Kanawha	Guthrie	3889	NW
Kanawha	South Charleston Library	553	N
Marion	Fairmont/Marion Health Care Hospital	2536	NE
Marshall	Moundsville/Nat'l Guard Armory	2509	SW
Mercer	Bluefield/Rock Street	4034	NE
Monongalia	Morgantown Airport	564	SE
Monongalia	Morgantown/Law School Drive	1006	N
Ohio	Warwood	1890	SW
Raleigh	Beckley/Maxwell Hill Elem.	6841	E
Summers	New River/Keeney Knob	27721	E
Tucker	Parsons/Beardon Knob	17416	NE
Wayne	County 60/Centennial Drive	1473	SW
Wayne	Wayne Avenue	949	W
Wayne	County 52/US 52	175	SE
Wood	Vienna/Neale School	750	N

Appendix C

Appendix C displays WV DEP monitoring stations as well as their distance (in meters) and direction to the nearest SO_2 emitter.

County	Location	Distance to Nearest SO2 Emitter	Direction to Nearest SO2 Emitter
Berkeley	Martinsburg/Ball Field	1746	S
Brooke	Follansbee/Mahan Lane	4890	SW
Brooke	McKims Ridge	1130	W
Brooke	Weirton/Marland Heights	918	SW
Cabell	Huntington/Marshall University	514	N
Greenbrier	Sam Black Church/DOH Garage	20769	E
Hancock	New Manchester/Elementary School	4686	W
Hancock	New Cumberland/Tunanidas	3035	SW
Hancock	Chester	2356	NE
Hancock	Weirton/Summit Circle	1597	NW
Hancock	Lawrenceville	1321	N
Hancock	Weirton/Oak Street	2681	NW
Harrison	Clarksburg/Washington Irving JHS	4827	SE
Kanawha	Charleston/Baptist Temple	2893	SE
Kanawha	Guthrie	3871	NW
Kanawha	South Charleston Library	518	N
Marion	Fairmont/Marion Health Care Hospital	2509	NE
Marshall	Moundsville/Nat'l Guard Armory	2496	SW
Mercer	Bluefield/Rock Street	4039	NE
Monongalia	Morgantown Airport	564	SE
Monongalia	Morgantown/Law School Drive	1001	N
Ohio	Warwood	1890	SW
Raleigh	Beckley/Maxwell Hill Elem.	6813	E
Summers	New River/Keeney Knob	27683	E
Tucker	Parsons/Beardon Knob	17416	NE
Wayne	County 60/Centennial Drive	1431	SW
Wayne	Wayne Avenue	934	W
Wayne	County 52/US 52	192	SE
Wood	Vienna/Neale School	721	N

Love and Marriage: A Brief Look at Marriage in Early Christianity and the Ancient World

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Department of Religious Studies

Graduate high school. Go to college. Graduate from college. Establish a career, and make some money. After that, take on the all-important task of getting married, and perhaps starting a family. With some variation, this tends to be the life checklist for many young Americans today. Finding that special individual with whom one is completely compatible, and willing to spend the rest of one's life with in simple, sweet, marital bliss has been one of the most essential, if overly simplified and romanticized, components of the American dream for as long as anyone can remember. Among the Christian community, the task of marrying seems to be especially important. Every election cycle, candidates attempt to win the hearts and votes of conservative Christians by appealing to their own love of family, faith, and "traditional family values." Statistically, marriage is more common among Christians than non-Christians. According to the Pew Forum on Religion and Public Life, the percentage of evangelical marriages is fifty nine in the U.S., fifty seven percent of mainline Protestants marry, and Catholic marriages number fifty eight percent. These numbers are higher than the percent of marriages among the religiously unaffiliated, which is forty six. They are also higher than the national marriage percentage, at fifty four percent.

Indeed, judging from these numbers, one might be led to believe that Jesus himself had spoken of romantic love, and commanded his followers to wed. This assumption, though, would be false. Perhaps, then, one might think that the Apostle Paul was a proponent of modern notions of love and marriage. This would be another false assumption. To be clear, marriage was *eventually* made a sacrament in the Church, but it happened later in Christian history. The very idea of romantic love as we know it is a product of the tradition of courtly love practiced by troubadours in the middle ages. According to Michael Delahoyde, professor of English at Washington State University:

"The concept was new in the Middle Ages. The medievals were the first to discover (or invent) it, the first to express this form of romantic passion. There was no literary nor social framework for it in the Christian world before the end of the 11th century . . . The religious tradition speaks of love, but that's *agape* -- platonic/christian love of all humankind as your brothers and sisters. In classical literature we witness what's called love, but, as exemplified well by the case of Dido for Aeneas, the passion is often described in firy terms and always reads like *eros* -- hot lust" (Delahoyde).

This is a discussion for another time, however. The goal of this paper is not to address the historical development of romantic love, nor marriage as a sacrament. Neither does it seek to give a detailed account of the various rites and rituals surrounding the practice in the ancient world, though a brief survey of some marital customs is necessary in order to gain better insight into how marital attitudes were put into practice. The questions addressed here pertain to the *reasons* for marriage in the ancient world, the *attitudes* about the marital union as a social institution within the cultures of the first Christians, and marriage as it is written of in the New Testament. What did Christian leaders have to say about marriage? What was the worth of the marital union to the average Christian? What was the foundation of a successful marriage within the world of ancient Christianity, if not romantic love? To begin to answer these questions, we must first examine the cultures out of which the first Christians came.

Marriage within Ancient Judaism

The birthplace of Christianity was within the Jewish community. As Bart D. Ehrman, Professor of Religious Studies at the University of North Carolina at Chapel Hill, points out, Jesus was Jewish, and therefore he was heir to the Jewish culture, as were the people he taught (27). The views concerning marriage held by ancient Jews are important for another reason as well: the first Christians did not see themselves as adherents to a faith distinct from Judaism; they believed that Jesus was the

fulfillment of messianic prophecy that had long been a part of the ancient Jewish tradition. No discussion of Christian marriage, then, can be complete, without a brief look at marriage in ancient Israel.

Ancient Israelite marriage was a far cry from modern Western marriage, in which husband and wife are seen as equal partners. According to Michael Coogan, editor of the New Oxford Annotated Bible, women were viewed as inferior to men (the same was true in the Gentile world, as will be discussed later), and a woman was more or less her father's property until she was married off, at which point she came under the authority of her husband (25). So great was the authority of a woman's father that it extended right up to the arrangement of her marriage; according to Ariel E. Bybee, "The family patriarch had the final say in the selection process, and he, or the closest living male relative, negotiated with the suitor" (Bybee). Once married, the new bride was expected to be completely obedient to her husband in every way. Even a religious vow made by a woman was meaningless if her husband happened to disapprove of it (Coogan 25).

Concerning the arrangement of the marriage, Bybee writes:

"Once an agreement had been reached between the groom and the bride's father, either a document would be drafted or witnesses would be called in and informed of the details. The contract of betrothal was considered legally binding upon both parties and often included such specifications as the amount of the mohar, or bride-price, which the groom would pay the bride's family; a bridal dowry (zebed or silluhim), which would be returned to the bride in the case of divorcement; and stipulations, such as whether the groom could take another wife. The betrothal generally lasted a year or more before the actual marriage was finalized by a wedding meal and the delivery of the bride to the groom's residence" (Bybee).

Bybee also notes that women were prepared for marriage from childhood, and that their education in their parents' house was geared toward training them to be good wives and mothers (Bybee). Given the high premium placed on the birth and rearing of children in ancient Israel, the aspects of a woman's education pertaining to motherhood were especially valuable. According to Coogan, "The primary purpose of marriage was to produce offspring- especially, as in most patriarchal societies, male offspring" (64). Adultery was a forbidden act, so marriage was necessary for procreation, and not just any marriage would do. It was very important that the marriage take place between a Jewish man and a Jewish woman, as mixed marriages would compromise the group's religious and ethnic identity (Coogan 72). An endogamous marriage (that is, one between two people of the same ethnicity) kept Jewish tradition alive and well, as well as insured any property would not leave possession of the community (Coogan 70).

Of course, that isn't to say that people in ancient Israel didn't experience some form of romantic love; it would be impossible to make that kind of claim without talking to one of those people directly about their personal emotions. Ecclesiastes 9.9 reads, "Enjoy life with the wife whom you love . . ." (Ecc. 9.9). Coogan writes, "According to biblical writers, a loving marriage was enjoyed by couples such as Isaac and Rebekah; Samuel's parents, Elkanah and Hannah; and the prophet Ezekiel and his wife . . ." (84). Whether one takes the stories of the Old Testament as hard historical fact or not, the existence of these stories as literature demonstrates that some form of romantic love existed in the thought of the ancient Israelite community.

To summarize, marriage in ancient Judaism was a contract into which a man entered with a woman, and in which the woman was to be the subservient party. This contract was only valid once a bride price had been paid by the husband to the bride's father, and though romantic love may have been a factor in some marriages, the primary motivation for marriage was procreation. These were the traditions of the community from which Christianity came, and so it is reasonable to assume that Jewish Christians held many of these same notions.

Marriage in the Roman World

The destiny of Christianity, however, was not to remain in the Jewish community, as just one more sect of the Israelite religion. This Jesus based faith would spread throughout the Mediterranean, across the Roman Empire (thanks to the apostle Paul, who will be discussed later). People within the Empire had their own marital norms, customs, and beliefs; some of these customs were similar to those of the ancient Jews, while others were very different. According to Judith Evans Grubbs, in an article published in the Journal of Early Christian Studies, Christians from the Roman world

would have followed the marital customs of their native culture, though they would have rejected customs involving worshiping Pagan gods (389). In order to appreciate the marital views of Roman Christians, then, a brief examination of their marriage customs prior to conversion is in order.

Roman marriage is a rather complex topic, and cannot be examined in depth in the limited space of this paper. There was not just one type of marriage, but various different types, and there was a wide range of rituals that could take place during a wedding ceremony. Grubbs says that within the Roman world, there was no particular ceremony that had to take place for a marriage to be valid. There was usually a dowry given by the family of the bride, and a party to celebrate the arrangement, and after the betrothal, the new couple might exchange gifts (364-65). There would often also be some legal document recording the union, but the families involved were the only authority as to what sort of ceremonies, if any, would be performed (388).

Though the forms of marriage in Imperial Rome were numerous, T.G. Tucker says that there were two basic types. In what he calls the "old fashion form" he says, ". . . her legal position [the wife's]- though not, of course, her domestic standing- was the same as his [her husband's] daughter" (290). Tucker goes on to describe a second form of marriage which was more popular among the upper class, in which a woman did not come under a man's legal power, but was allowed to live her own life so long as she abstained from infidelity, and followed a certain form of etiquette. In this type of marriage, either side could legally bring an end to the contract if inclined, although pride, influence of families, mutual respect and perhaps also affection held these arrangements together (290-291).

One cannot help but notice that when discussing the marriages of the ancient Romans, there is much talk of law and legality. It has been observed that the Romans were dedicated to preserving law and order in their society, and marriage was not free from the complexities of Roman law. J.P. Balsdon names some of the conditions required for marriage:

"Husband and wife must have achieved puberty- they must conventionally be fourteen or twelve years old respectively- at the time of the marriage; or the marriage was legally null. Marriage of close relations was a crime- *incestum*- punishable by death, later by deportation; but in the definition of close relationship for this purpose, the rules were relaxed over time. Once marriage of second cousins was forbidden, but by the second century B.C. the marriage of even first cousins was not unusual . . . In the fourth century the marriage of an uncle with his niece was once again forbidden by law" (Balsdon 174-75).

These laws resonate harmoniously with current laws in the U.S. concerning marriage. Other Roman marriage laws seem rather strange to the modern American. For example, Balsdon says that the law did not typically recognize the marriage of a Roman citizen to a non-citizen. A senator or his descendants through the male line to the third degree were not permitted to marry freedwomen. Likewise, his female descendants to the same degree could not marry freedmen (175). Balsdon notes, "In none of these cases could the law forbid a marriage from taking place; what it did was refuse to recognize its validity. Neither party could litigate any matter arising out of the marriage or receive any public benefits which were accorded to those who were legally married. The union was not a *matrimonium iustum* [just marriage]. If children were born, they were illegitimate" (175).

Children were certainly prized within Rome. Balsdon writes, "The seal of success was placed on marriage by the birth of a child, in particular the birth of a boy" (201). Though the Romans adored their children, there was a practical need for offspring: Rome needed a constant supply of recruits for its massive military machine. It was also important to produce children for the continuance of the upper class, from which came the political leaders of the Empire (Balsdon 191). We see that Roman marriage was based on practicality just as much as it was bogged down in legality, and this inclination towards the practical showed itself in other facets of marriage as well.

Among the upper class of Rome, marital negotiation was dictated by the male head of the family (the *paterfamilias)* (Grubbs 363), and the families of both the bride and groom sought to benefit from the union. Benefits of a marital arrangement might include political and business alliances (Balsdon 178), and of course there would be a dowry given by the bride to the groom (Tucker 299). The groom also gave gifts to the bride before the marriage began, and received them back in addition to the dowry after the marriage took place. This was a sort of insurance policy for the bride; if

her husband should die, this wealth would belong to her (Balsdon 177).

Concerning the dynamic between husband and wife, Richard P. Saller, professor of History and Classics at the University of Chicago writes, "To Roman men, an independent wife or, worse yet, a superior wife represented an inversion of the natural hierarchical relationship of men and women" (Saller). This was because women were seen as human beings of a grade inferior to men. Women were not seen as a different sort of creature from men, but a less developed and weaker being. "They were 'men' who had been only partially formed in the womb . . . They differed from real men in that their penises had never grown, their lungs had not fully developed, and the rest of their bodies would never develop to their full potential" (Ehrman 292). Men were unquestionably the dominant sex in Roman society. They worked to earn honor and glory. They were soldiers, and politicians. Women, on the other hand, even those among the upper class, were purposefully kept out of public matters. Their responsibilities typically involved housework, though that isn't to say they didn't work incredibly hard (Ehrman 293).

With all of this said, romantic love, while it was not the basis for marriage, was not unknown in the Empire; Grubbs sketches out the Roman idea of marriage and family using a quote from Suzanne Dixon, cited by Rawson in "Marriage, Divorce, and Children in Ancient Rome". She says there was, "a sentimental idea . . . focused on a standard of compassionate (but not necessarily equal) marriage and a delight in children as individuals and as symbols of the home comforts" (quoted in Rawson 111). Grubbs also notes, however, that this ideal wasn't always necessarily put into practice (363).

Marriage was obviously an invaluable institution in Roman society, though it was something based on practical needs and desires, not romantic love. It was the foundation of family life, and the family was the cornerstone of the Empire. When Christianity was introduced to the citizens of the Roman Empire, the new Christians would maintain many of the marital customs already practiced in their culture. According to Grubbs, "The arranged marriage preceded by betrothal seems to have been customary among Christians in the Empire, as it was among non-Christians" (388). The new religion did little to change the laws and customs concerning marriage, but it did bring new ways of perceiving and interacting with the world.

Pauline Views on Marriage

Enter the apostle Paul, the man largely responsible for spreading Christianity throughout the Gentile world. This itinerant preacher spent a good deal of time explaining to his congregants the things they would need to change about their thinking and ways of living, in order to be faithful in their new religion. Paul seems to have had no shortage of proverbial bones to pick with his congregants and their behavior, so it comes as no surprise that several pieces of Pauline wisdom concerning marriage can be found in the apostle's letters, which comprise seven books of the New Testament (thirteen letters in the New Testament bear Paul's name, but not all scholars are convinced that all thirteen are genuine [Ehrman 183]). The real surprise is that while marriage was something held in esteem by most people in the ancient world, Paul says little at all to promote the practice.

Paul writes most extensively of marriage in his first letter to a Christian congregation he had established in the city of Corinth, a formerly Greek city then under Roman control. This is the same letter that contains Paul's famous exposition on love, which, according to Coogan, "is not about marriage at all but about the greatest of spiritual gifts" (63). Whether or not this particular passage concerns marriage itself or not, one might expect the man who lauds love with such vigor to have a thing or two to say about the spiritual nature of the marital union. However, the apostle's primary message to the Corinthians concerning the marital union is summed up when he says, "Are you bound to a wife? Do not seek to be free. Are you free from a wife? Do not seek a wife" (1 Cor. 7. 27).

This statement, as is true for all Biblical literature, must be taken in context to fully appreciate Paul's opinion. The desire to believe that one's own generation is the terminal generation is not unique to modern Christianity; Paul and his churches fully expected the second coming of Jesus to occur in their lifetimes (MacCulloch 114). It is in this light that Paul tells the church at Corinth it would be best for them to go on living in whatever fashion they are currently living. The important thing for Paul was to focus all attention on serving God; the apostle writes:

I want you to be free from anxieties. The unmarried man is anxious about the things of the Lord, how to please the Lord. But the married man is anxious about worldly things, how to please his wife, and his interests are divided . . . I say this for your own benefit, not to lay any restraint upon you, but to promote good order and to secure your undivided attention to the Lord (1 Cor. 7.32-35).

According to Raymond F. Collins, professor of New Testament at The Catholic University of America, "He [Paul] was convinced that the end-time was close at hand . . .With such a radical change immediately at hand, it really made no sense for the unmarried to take a spouse and start a family" (123).

To be sure, Paul did believe that marriage had a place in the life of the Christian, if a very utilitarian one. Paul himself was a celibate, but he recognized that not all of his followers would be capable of living as he did, and so he wrote to the Corinthians, "To the unmarried and the widows I say that it is good for them to remain single as I am. But if they cannot exercise self-control, they should marry. For it is better for them to marry than to burn with passion" (1 Cor. 7.8-9). The ban on extra-marital sex instituted by Jewish law had been carried over into Christianity. Paul was no fool, and knew that if he should try and enforce celibacy on all Christians, he would fail miserably. As Coogan says, "Paul's view of marriage is that it is the lesser of two evils --better to have an outlet in marriage for sexual urges than to be promiscuous, but far better not to marry at all" (34). In this way, Paul seems to have seen the marital union as a safe haven for sexual desire, rather than the vital institution for procreation, as it was seen by Jews and Romans. Paul's view also differs considerably from modern views of marriage, where the union is seen as a product of deep, spiritual, romantic love.

Paul saw another use for marriage as well: if two people were married, and one of them converted to Christianity, the non-Christian spouse would be sanctified. Thus, the apostle urged the new Christian not to abandon the marriage. He wrote to his congregation:

To the rest I say (I, not the Lord) that if any brother has a wife who is an unbeliever, and she consents to live with him, he should not divorce her. If any woman has a husband who is an unbeliever, and he consents to live with her, she should not divorce him. For the unbelieving husband is made holy because of his wife, and the unbelieving wife is made holy because of her husband (1 Cor. 7.12-14).

But what exactly does this statement mean? Did Paul believe that the marriage could serve as the means through which the Christian could bring their non-Christian spouse into the faith? Or was the non-Christian sanctified simply by being married to a convert? Dale B. Martin, associate professor of religion at Duke University, writes, "He [Paul] insists that the purity of Christ holds such power that it may, in certain situations, purify even nonbelievers. The Christian is purified by his or her location 'in' Christ; by extension, the unbelieving partner is purified by his or her location 'in' the believing spouse" (218). Collins says that both points of view may be true; on the one hand, he says that Paul believed that the non-Christian was "co-opted into God's plan of salvation," owing to the fact that they were married to a Christian. On the other hand, he writes, " Christians [according to Paul] should not divorce their non-Christian spouses, because it is possible that their marriage is the means by which God will introduce the nonbeliever to the Christian faith" (36).

So, though Paul insists that Christians avoid marriage if they are able, he does not write of the marital union as if it were something disposable or to be taken lightly. He writes to the Corinthian congregation, "To the married, I give this charge (not I, but the Lord): the wife should not divorce her husband (but if she does, she should remain unmarried or else be reconciled to her husband), and the husband should not divorce his wife" (1 Cor. 7.10-11). Paul's strengthens his warning against divorce in a major way: in telling the Corinthians to avoid divorce, he speaks not with his own authority, but with the authority of Jesus. Lord ("kurios" in the original Greek)was a favorite title Paul often applied to Jesus, according to Veli-Matti Kärkkäinen in "Christology: a Global Introduction" (48). In the same passage, Kärkkäinen says this title was commonly applied to Jesus in early Christianity. So in saying that this commandment is from the *Lord*, Paul speaks with the authority of *Jesus*. According to Richard N. Soulen, assistant professor of New Testament at Virginia Union School of Theology, Paul referred to the teachings of Jesus when he commanded Christians not to divorce, but expressed his own opinion when he said that if a divorce should occur, then the unmarried ought to remain so, in order that the marriage might be rebuilt (447).

Collins states that, "Where sex and marriage are concerned, Paul is ever the realist" (37). In the letter to the Corinthians, this is easy to see. Paul's views on marriage were similar to those of the Israelites and Romans, insofar as he saw it as a practical institution based on utility rather than romantic love. Where the Israelites and Romans saw marriage as a social imperative, however, Paul believed it to be a distraction. In Paul's ideal world Christians would avoid marriage all together, focusing instead on continual, uninterrupted devotion to God. The apostle, being the intelligent and perceptive man that he was, realized that this was only wishful thinking, and so he allowed his congregants the freedom to marry if they so choose.

Jesus on Marriage and Divorce

While these letters give us a look into the mind of Paul, who is arguably as influential in the development of Christianity as Jesus himself, we cannot help but wonder what the faith's founder believed about marriage. It is important to understand that Jesus himself did not write down his teachings, or if he did, the writings have yet to be discovered. The Gospels of the New Testament are written anonymously, though tradition says they are the work of men who knew Jesus personally or were friends of other men who knew him. In actuality, the Gospels were written long after the life of Jesus (Ehrman 13). So while the Gospels do contain one or two sayings attributed to Jesus concerning the nature of marriage, it is important to realize that it isn't possible to know with total certainty whether Jesus himself actually said these things or not. These books are based on oral traditions about Jesus that were circulating around the Mediterranean after his death (Ehrman 46). The Gospel authors have reinterpreted the traditions in order to appeal to certain audiences, and to stress certain points.

The Gospel of Mark records a debate between Jesus and some legally minded Jewish leaders (called Pharisees). The story begins with the Pharisees approaching Jesus to question him about Jewish law. They say to him, "Is it lawful for a man to divorce his wife?" According to law set forth in Deuteronomy 24.1, a man was allowed to divorce his wife, providing he write her a certificate of divorce. Jesus, however, refutes this tradition, saying, "Because of your hardness of heart, he [Moses] wrote you this commandment [the deuteronomic law]." He then goes on to quote Genesis 2.24, stating, "Therefore a man shall leave his father and mother and hold fast to his wife, and the two shall become one flesh." In closing his argument against the Pharisees, Jesus says, " So they are no longer two but one flesh. Therefore, what God has joined together let man not separate" (Mark 10.9). It is interesting to note that according to the rules of rabbinic debate, Jesus' argument actually trumps that of the Pharisees, because of the fact that it came from an earlier part of the Torah (Collins 24). Later, when his disciples ask him about the debate, Jesus says to them, "Whoever divorces his wife and marries another commits adultery against her, and if she divorces her husband, she commits adultery" (Mark 10.11-10.12). Here, Jesus is seen denouncing one part of Jewish law, while at the same time expanding the definition of another part of the law.

While the Gospel of Mark was most likely written for a Gentile Christian audience around 70 C.E., the Gospel of Matthew was written about fifteen years later, for Jewish Christians amidst much squabbling between different Jewish groups over the correct interpretation of the law (Collins 23). The fact that this Gospel was written later makes its historical credibility more debatable, but it is worth examining to understand its author's line of thinking.

The account of the exchange between Jesus and the Pharisees is repeated in this Gospel, but with a slightly different emphasis. The story begins much the same as in Mark, "And Pharisees came up to him and tested him by asking, 'Is it lawful to divorce one's wife for any cause?'" (Matt 19.3) To give this question some context, it should be noted that at this point in history, there was on-going debate about the deuteronomic divorce laws between two rabbinical schools of thought: the school of Hillel, and the school of Shammai. According to Henry Virtue Tebbs, the school of Hillel took the original law to mean that a husband could divorce his wife if he found the slightest dissatisfaction with her, even if it were as simple as cooking a bad meal. The school of Shammai believed that the law decreed that the only reason for divorce was unchastity (28). This Gospel's author puts Jesus into this debate.

As in the Markan account, Jesus quotes Genesis 2.24, and afterwards says, "So they are no longer two but one flesh. What therefore God has joined together, let no man separate" (Matt 19.6). Further mirroring the version of the story found in Mark, Jesus tells the Pharisees that they were only permitted to divorce due

to their being calloused and hard-hearted. The difference from the Gospel of Mark occurs when Jesus says to the Pharisees, "And I say to you: whoever divorces his wife, except for sexual immorality, and marries another, commits adultery" (Matt. 19.9). The Gospel of Mark completely rules out divorce as an option, no questions asked. In Matthew, however, there is suddenly an exception made for adultery. Keeping in mind that Matthew was written for a Jewish audience, Collins say that this new exception has been written in "so that any of his Jewish Christian readers who have availed themselves of a strict interpretation of the law to divorce adulterous wives and remarry should not consider themselves to have committed adultery. At the time that Matthew wrote his Gospel, the law of the land actually required a man to divorce a wife who had committed adultery" (31-32).

We see in these passages that Jesus is not a supporter of divorce, but what did he actually think about the value of marriage itself? A third saying of Jesus is recorded in Matthew, directly after the confrontation with the Pharisees. In light of the debate that has just taken place, the disciples make the observation that it is better for a man to avoid marriage all together. Jesus responds saying, "Not everyone can receive this saying, but only those to whom it is given. For there are eunuchs who have been made eunuchs by men, and there are eunuchs who have made themselves eunuchs for the sake of the kingdom of heaven. Let the one who is able to receive this receive it" (Matt 19.10-12). Collins writes, "The Jesus of Matthew's Gospel countered the outburst of his disciples . . . with the wise reflection that celibacy is a gift that only God can give" (184). This is very similar to Paul's belief that not everyone can be celibate (though he wishes they could) and should marry to avoid fornication. Collins also says that Matthew, "in an oblique, yet very real way," writes that both marriage and celibacy are gifts (188).

Conclusion

It is easy for people in the modern world to believe that their time honored traditions were always practiced and viewed the way they are today. Especially in terms of religious traditions, it can be a little frightening to acknowledge that people in generations past did not think and act like contemporary Americans. In superimposing our own values and norms onto the past, however, we cheat ourselves out of a truer and more thorough understanding of the development civilization throughout history; it serves only to boost our collective ego and validate our own societal norms when we attempt to Americanize ancient civilizations which were vastly different from our own. The correct course of action is to allow the past to speak to us on its own terms, to take the past as it was rather than as we'd like it to be. In learning about the thoughts and practices of our ancestors, perhaps we can learn something about ourselves. Perhaps within the many differences between ancient culture and our own, we can find some commonalities. We can perhaps learn a little about why we think the way we do, why some traditions have stood the test of time, and why some have been abandoned all together. Approaching ancient cultures in this way, we can learn from their mistakes, and benefit from their successes.

References

Balsdon, J.P.V.D. *Roman Women: Their History and Habits.* Westport, Connecticut: Greenwood Press, 1975. Print.

Bybee, Ariel E. "A Woman's World in Lehi's Jerusalem." *Neal A. Maxwell Institute for Religious Scholarship*. Brigham Young University, n.d. Web. 10 Apr. 2012. <http://maxwellinstitute.byu.edu/publications/books/?bookid=2&chapid=24>.

Collins, Raymond F. *Sexual Ethics and the New Testament: Behavior and Belief.* New York: The Crossroad Publishing Company, 2000. Print.

Coogan, Michael. *God and Sex: What the Bible Really Says.* New York: Hachette Book Group, 2010. Print.

Delahoyde, Michael. "Courtly Love." *Medieval Literature, Arts, and Humanities*. Washington State University, n.d. Web. 10 Apr. 2012. <http://public.wsu.edu/~delahoyd/medieval/love.html>.

Ehrman, Bart D. *A Brief Introduction to the new Testament.* 2nd ed. Oxford, NY: Oxford University Press, Inc. 2009. Print.

Grubbs, Judith E. ""Pagan" and "Christian" Marriage: the State of the Question." *Journal of Early Christian Studies* 2.4 (1994): 361-412. *Project Muse.* Web. 25 Nov. 2011.

Holy Bible: English Standard Version (ESV). Wheaton, Il: Crossway, 2007. Print.

Kärkkäinen, Veli-Matti. *Christology: a Global Perspective.* 3rd ed. Grand Rapids, MI: Baker Academic, 2007. Web. 27 Nov. 2011.

MacCulloch, Diarmaid. *Christianity: The First Three Thousand Years.* New York: Viking, 2010. Print.

Martin, Dale B. *The Corinthian Body*. New Haven, CT: Yale University Press, 1995. Print

Richard, Saller P. "Family Values in Ancient Rome" *The Fathom Archive.* University of Chicago Library, 2001. Web. 25 Nov. 2011. <http://fathom.lib.uchicago.edu/1/777777121908/>

Soulen, Richard N. "Marriage and Divorce: A Problem in New Testament Interpretation." *Interpretation* 23.4 Oct. (1969) 439-50. Web. 27 Nov. 2011.

Tebbs, Henry V. *Essay on the Scripture Doctrines of Divorce* London: New Publications, 1822. Web. 28 Nov. 2011.

Tucker, T.G. *Life in the Roman World of Nero and St. Paul.* Norwood, Massachusetts: The Macmillan Company, 1910. Print.

U.S. Religious Landscape Survey, Pew Research Center's Forum on Religion and Public Life, 2008.< http://religions.pewforum.org/pdf/comparison-Marital%20Status%20Among%20Religious%20Traditions.pdf>

MAINTAINING NORMALITY: WHY DOMINANT GROUPS IGNORE THE SEXUALITY OF THE BODY

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In the work "Naming All The Parts" author Kate Bornstein exposes the importance we assign to the body when it comes to a person's gender identity and sexuality: "No other type of gender holds as much sway as: biological gender, which classifies a person through any combination of blood type, chromosomes, hormones, genitals, reproductive organs, or some other corporal or chemical essence. Belief in biological gender is in fact a belief in the supremacy of the body" (Bornstein 30). The body is an integral component when it comes to examining sexuality, as people experience and understand sexuality as embodied beings. Not only does the body physically engage in sexual acts, but it is also often misused to determine gender based on genitals or biological sex. The absolute centrality of the body in terms of questions of sexuality is often dismissed, creating the grounds for people to ignore sexual discriminations founded on a bodily basis. Bodies are an incredibly important, yet frequently disregarded, concept related to sexuality; the fact that certain types of bodies that do not fit society's sexuality standards or norms are blatantly discriminated against is sadly ignored by those who accept social norms without contemplating their consequences.

The reality that numerous babies are born every year as intersex, or with not specifically male or female bodies, is largely unknown to the populace due to the surgical intervention advocated to maintain social norms surrounding the constructed male/female binary. Genitals are not as strictly male or female as our culture wants them to be, creating the unnecessary operation epidemic criticized by Martha Coventry in her article "The Tyranny of the Esthetic: Surgery's Most Intimate Violation": "By seeing a child's body as wrong and by labeling such a child "intersexed," we turn a simple variation on a theme into a problem that can and should be fixed. And fixed it usually is, by surgery that sacrifices healthy erotic tissue for cosmetic reasons some five times a day in the U.S." (Coventry 204). Nature is rooted in variation, but our culture's expectation of a sexuality stemming from bodies with only a perfect penis or a perfect vagina cannot account for discrepancies. Instead of celebrating the difference in bodies, society demands intervention to protect the binary system and shoves the issue under the table at the expense of isolating and damaging those with "wrong" bodies. Coventry draws attention to the lack of indignation surrounding this issue by challenging the hypocrisy of American feminists who bemoan female genital mutilation in Africa: "Not a single woman has said a word about the equally mutilating practice of surgically destroying the healthy genitals of children in their own country" (209). The link between sexuality and a certain type of body is so strong that seemingly open-minded people are unwilling to address the discrimination surrounding a declaration that certain genitals are inadequate and need to be repaired.

The idea of the incorrectness of bodies is hurtful to intersex people, who often feel like freaks or medical experiments due to their placement outside a social norm. Hale Hawbecker discusses this feeling resulting from people's reaction to the physical manifestation of his Kallman's syndrome: "My penis, although small especially when it is not erect, does everything that I want it to do. It allows me to urinate standing up. It brings me and my partner a great deal of pleasure. It grows erect, it penetrates her vagina, it ejaculates. I don't know what else I need it to do" (Hawbecker 112). Hawbecker, like many intersex people, has to justify the existence of his genitals and his sexuality in a society that unashamedly discredits certain kinds of bodies.

Transgender and transsexual people also face discrimination on the grounds that their gender or sexuality does not follow from their body's biological sex. Kate Bornstein's previously mentioned work examines the confluence of gender and sexual acts and pinpoints the reason why trans people are considered social outsiders: "Here's the tangle that I found: sexual orientation/preference is based in this culture solely on the gender of one's partner of choice. Not only do we

confuse the two words, we make them dependent on one another" (Bornstein 32). Our culture views gender as an extension of biological sex, and deciding whether to be involved with the opposite gender, the same gender, or both genders forms a person's sexuality. However, this version of sexuality all arising from an initial body does not correlate with the bodies, genders, or sexualities of trans people. To start with, a trans person's gender does not stem from the biological sex of their body. Also, defining trans sexuality within this system is difficult, as the connection between a trans person's gender and the gender of their partner is not easily defined within the heterosexual/homosexual binary. The process of cycling from the sex of the body to gender to sex acts excludes those who do not identify with their physical body's "normal" gender assignment.

Whether a person's body fits within social normality furthermore influences their access to some of the most basic human needs, such as the right to safe public restrooms. The group PISSAR was formed to tackle and address this problem: "PISSAR, a coalition of UC-Santa Barbara undergrads, grad students, staff, and community members, recognizes that bathrooms are not always accessible for people with disabilities, or safe for people who transgress gender norms" (Chess, Kafer, Quizar, and Richardson 190). Access to safe restrooms is an issue also ignored by the public due to the shame surrounding an honest discussion of bodies that commit sex acts and perform bodily functions. The public bathroom problem pervades because members of dominant groups are unwilling to discuss their own bodies, let alone the functions of bodies that do not meet society's norms. Members of PISSAR explore the evident link between bodies and sexuality by discussing the queer community's own bodily shame: "Internalized self-hatred, a distancing from the bodies of those who do not fit the idealized norms, an insistence on assimilation: all of these lead to and result from a shame in our bodies […] This tendency to move away from the body […] is evident in many queer organizations" (194). When dominant groups discriminate against bodies and claim that they are outside of sexual and social norms, unprivileged groups identify their bodies as a disgrace and accept the denial of access to public spaces.

The bodies of the disabled are also sadly discriminated against when it comes to reproductive rights, as people assume a disabled body is not one that engages in sexuality or the birth process. In her piece "Reproductive Rights: A Disability Rights Issue", Marsha Saxton exposes the lack of initial sex education and the pressures in regard to abortion that many disabled people face. Because our society often pegs disabled bodies as outside of sexual normality, disabled people often lack basic information associated with sex education: "They are vulnerable to confusing or dangerous misinformation and serious difficulties with their own sexuality, difficulties that result not from actual physical limitations but simply from exclusion from information and experience" (Saxton 221). This forced non-socialization to sex bars disabled people from experiencing sexuality comfortably. In addition, the bodies of disabled women are discredited when it comes to giving birth. Disabled mothers are often bullied into having abortions as opposed to having a child with a disability, are seen as unfit mothers and required to give up their children, or are forcibly sterilized against their will before the possibility of pregnancy even arises (223-224). If disabled bodies lie outside sexual norms, then culture also assumes that they cannot be efficient parents. Society believes that bodies not associated with committing sexual acts also should not participate in raising the potential children those acts can produce. At the conclusion of her work, Saxton warns of the dangers of prenatal screening for disabled people, especially if birthing a disabled baby becomes no longer a choice: "Then it ceases to be reproductive freedom and becomes quality control of babies-eugenics" (224). Because disabled people do engage in sexuality, they should have the right to experience birth and parenting, instead of forced abortions or required adoptions.

Lastly, bodies that do not exactly correlate with sexuality norms are harassed in terms of labor and class. The lower class queer community faces the intersecting discrimination of race and class, as explored in Tommi Avicolli Mecca's article discussing discriminatory housing practices in San Francisco, "It's All About Class": "Lack of affordable housing was a longtime problem in the Castro […] Queer kids who fled to San Francisco from all parts of the world to seek relief from homophobic towns and families were unable to afford to live there, even with jobs" (Mecca 18-19). Housing discrimination in the Castro spiraled to the eventual homelessness of queer youth, which the community did not treat positively; not only were the youth's bodies "wrongly" queer, but they were also "wrongly" poor and

without homes. When Mecca advocated a shelter for homeless queer youth, the neighborhood went ballistic, believing the availability of a place of residency would condone deviancy: "One lesbian mother feared for her children's safety walking home from school, and another lesbian swore her child would get "cooties" from these kids, while straights talked of disease-carrying homeless youth spoiling their lily-white neighborhoods" (20). The fact that those inside the queer community disapproved of the shelter uncovers the privileging of upper class bodies within the movement; just because a queer body happens to be homeless does not mean a person should have any less right or access to sexuality.

Bodies should not be disregarded in relation to sexuality, as they form the basis of many practices of sexual discrimination. Lifting the shame surrounding bodies and bodily functions would help to alleviate the insistence of hiding the body's sexuality and denying its participation in sex acts. The bodies of intersex people, trans people, the disabled, and the poor are able to engage in sexuality, and they should not be denied basic rights by dominant groups insisting on upholding socially constructed norms surrounding bodies and sex.

References

Bornstein, Kate. "Naming All The Parts." *Gender Outlaw*. 21-40. Print.

Chess, Simone, Alison Kafer, Jessi Quizar, and Mattie Udora Richardson. "Calling All Restroom Revolutionaries!" 189-202. Print.

Coventry, Martha. "The Tyranny of the Esthetic: Surgery's Most Intimate Violation." Reconstructing Gender: A Multicultural Anthology. Ed. Estelle Disch. Boston: McGraw Hill, 2006. 4th Edition. 203-211. Print.

Hawbecker, Hale. "Who Did This to You?" 111-113. Print.

Mecca, Tommi Avicolli. "It's All About Class." 13-22. Print.

Saxton, Marsha. "Reproductive Rights." 1995. 221-224. Print.

PEACE IN THE MIDDLE EAST

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Abstract

United States policy toward Israel is one of the few policies that do not change drastically from president to president. Since Israel declared its independence in 1948, the United States has supported the country and its decisions. President after president have continued to work closely with Israeli officials in order to create peace between Israel and its Arab neighbors. This peace in the Middle East is something American officials have been advocating for many years. The United States has facilitated several summits as a way to help promote peace between Israel and its Arab neighbors. At many of these meetings, a peace agreement of some kind was signed by both sides. Because of United States interests in this region of the world, peace between the Israelis and their Arab neighbors is of great importance to American policy makers.

A Conflicted History

The effort to create and keep peace in the region began with the 1947 United Nations partitioning plan. This plan was created to divide the territory of Palestine between the Arab and Jewish populations living within its borders. Specifically the plan stated that the mandate should end as soon as possible but not later than 1 August 1948, British troops should be completely withdrawn not later than 1 August 1948, and the Arab and Jewish states and international status of Jerusalem under the UN Trusteeship Council should be established two months after the evacuation of British troops but not later than 1 October 1948 (UN General Assembly 1947). This plan was accepted by the Yishuv (Jewish residents in Palestine before the creation of the Israeli state) but rejected by the Palestinian Arabs and neighboring Arab states. The Arabs opposed the plan because it partitioned their country and gave "special and preferential rights and status to a minority" (Akasaka 2008).

On May 14, 1948 the Yishuv "proclaimed the establishment of the State of Israel on the territory allotted to it by the partition plan" (Akasaka 2008). Almost immediately hostilities broke out between the Arab and Jewish populations. The Palestinian Arabs received help from the neighboring Arab states and on May 15 Arab troops moved into the Israeli territory. The UN Security Council called for a four week truce between the warring parties in order to try to establish a peace agreement. Unfortunately, an agreement could not be reached and the hostilities began again.

In July 1948, the UN Security Council once again ordered a ceasefire. This time the Security Council stated that noncompliance would result in the enforcement measures under Chapter VII of the UN Charter. By this time, Israel had control of a large portion of the territory given to the Arabs under the partitioning plan. This ceasefire only lasted a few months and fighting began again in October 1948. All of the hostilities resulted in the displacement of almost 750,000 Palestinians. This many refugees was creating a major humanitarian crisis.

The United Nations decided something needed to be done to stop this fighting. In 1949, several armistice agreements were signed between Israel and Egypt, Jordan, Lebanon, and Syria. These armistices were not established to recognize territorial rights. Instead they were the first of many steps toward a peaceful Palestine (Akasaka 2008). After recognizing that there were many problems, the UN General Assembly began discussing ways to solve the Palestine problem.

The General Assembly adopted a new resolution that stated all refugees who wished to return to their homes in Palestine should be allowed to do so and compensation would be paid for the property of those not wishing to return. The Assembly also wanted demilitarization and internationalization of Jerusalem and free access to the holy places in Palestine. The new resolution also created a three member United Nations

Conciliation Commission for Palestine. This Commission would act as a mediator to assist the two warring factions in creating peace. It was to focus on the three major issues: size of territory, refugees, and Jerusalem. After discussing the issues with both the Arabs and Israelis, the Commission was unable to reach an agreement. The Arabs decided the issue of refugees was most important while the Israelis believed territory was the most important issue (Akasaka 2008).

The next large military conflict was the Six Day War. In June 1967, Israel launched an air strike against Egypt. The UN had troops in Egypt at this time but Egypt's leader, Gamal Abdel Nassar, told the UN troops to leave. In their place, he put his own Egyptian troops. Israel saw this as a threat. Prior to this conflict, Egypt and Israel had signed agreements that said any closure of the Straits of Tiran would be seen as an act of war. Nassar declared the Straits closed to Israel in May. At this time, many other Arab nations in the area were providing troops to help fight Israel. On June 4, Israel's government made the decision to go to war and on June 5 Israel launched an air strike against Egypt and neighboring Arab countries including Syria, Jordan, Iraq, and Lebanon. The war ended on June 10, 1967 with a ceasefire being signed the next day. Israel had gained territory in the Golan Heights, Gaza Strip, Sinai Peninsula, and West Bank.

In late 1967, the UN Security Council adopted Resolution 242. This resolution required the "establishment of a just and lasting peace in the Middle East, withdrawal of Israeli forces from occupied territories, termination of all claims or states of belligerency and respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area" (UN Security Council 1967). It also guaranteed "the freedom of navigation through international waterways, achieving a settlement of the refugee problem, and guaranteed the territorial inviolability and political independence of every State in the area" (UN Security Council 1967).

Even after the new Security Council resolution was adopted, violence continued. The next conflict was the war of attrition. This war began almost immediately after the Six Day War ended and lasted until 1970. This war was fought because Egypt's president believed only military action would force Israel to withdraw from Sinai. Egypt and Israel fought along the Suez Canal with neither country gaining nor losing territory at the war's end. Shortly after this war came the Yom Kippur War.

On October 6, 1973, Syria and Egypt launched an attack on Israeli forces. This happened to be Yom Kippur, the holiest and most solemn day of the year in Judaism, and the beginning of Ramadan, the Muslim holy month. Syria crossed ceasefire lines in the Golan Heights while Egypt crossed ceasefire lines on the Sinai Peninsula. Both the Soviet Union and United States rushed to give aid to their respective allies. This clash between the Arabs and Israelis almost led to a direct clash between the two superpowers. When the war began, both Syria and Egypt made large advances into Israeli territory. Once Israel recovered from the surprise of the attack, the troops were able to push both Egyptian and Syrian troops back across the borders (US Department of State 2012; hereafter US DOS).

This war eventually led to the 1978 Camp David Accords. In late 1977, Egyptian President Anwar Sadat visited Jerusalem. This historic visit cleared the way for Egyptian-Israeli peace talks at Camp David. US President Jimmy Carter, Egyptian President Anwar Sadat, and Israeli Prime Minister Menachem Begin worked together to create an Israel-Egypt Peace Treaty. This was the first ever treaty between Israel and an Arab state. The Camp David Accords called for peace between Israel and Egypt and the establishment of an autonomous government in the West Bank and Gaza (Israel Ministry of Foreign Affairs 1978; hereafter IMFA).

After the Camp David Accords were signed, Israel and Egypt were able to coexist in the same region of the world. However, Israel's other neighbors were still hostile. In 1982, the Palestine Liberation Organization (PLO) engaged in several terrorist attacks and attempted to assassinate the Israeli ambassador to Britain (US DOS 2012). Israel sent troops into Lebanon to fight the PLO forces. In August 1982, the PLO forces withdrew from Lebanon. Israel and the PLO were unable to reach a peace agreement, but Israel agreed to withdraw some of its troops from Lebanon in 1985. A small force was left behind to create a buffer zone against attacks on the northern part of Israel. In 2000, the UN was able to broker a deal with Israel and Lebanon. The Blue Line was created to determine when Israel had fully withdrawn its troops from its neighboring country (US DOS 2012).

In 1991, after the US victory in the Persian Gulf War, the US and USSR held the Madrid Conference. This conference was held in Madrid, Spain and the countries of Israel, the Palestinian Authority, Syria, Jordan, and Lebanon were all in attendance. The goal of the three-day Madrid Conference was to create two separate tracks for the beginning of peace talks among the Middle Eastern nations. To begin, a track for bilateral discussion was created so Israel could speak directly to its Arab neighbors. Second, a multilateral discussion was created to strengthen the relationship of the countries in the Middle East. It focused on five specific issues: water, environment, arms control, refugees, and economic development (IMFA 1999).

In the years following the Madrid Conference, several agreements and treaties were signed between Israel and its Arab neighbors. In 1993, the Oslo Accords or Declaration of Principles (DOP) was signed. This agreement was between Israel and the PLO. The main goal was the withdrawal of Israelis from several occupied territories and the transfer of power to an interim Palestinian authority (The State of Israel 2008). In May 1994, a follow up agreement was signed: Gaza-Jericho Agreement. The terms in this agreement simply stated that the Palestinians would begin their rule in the Gaza Strip and West Bank within five years. It also created a Palestinian police force. Israel withdrew from both the Gaza Strip and West Bank in 1995 (IMFA 1994 *Agreement*). In August 1994, the Israelis and Palestinians signed the Agreement on Preparatory Transfer of Powers and Responsibilities. This agreement describes in detail the power of the Palestinian authority in twelve categories: spheres of authority, education and culture, health, social welfare, tourism, direct taxation, indirect taxation, jurisdiction, smooth transfer of authority, legislation, enforcement, and funding (IMFA 1994 *Main Points*).

Later in October 1994, Israel signed its first peace treaty with Jordan. President Bill Clinton was in attendance for this historic moment. The next treaty came in September 1995 with the PLO. This was an interim agreement that expanded on the two previous Oslo Accords and gave the Palestinian government more power. It also called for cooperation between the Israelis and Palestinians in several areas of government (The State Department 1998). Israeli Prime Minister Yitzhak Rabin was assassinated on November 4, 1995. This brought the tension over the peace talks to a climax, but both the PLO and Israeli governments pushed forward.

The next agreements were the Wye River and Sharm el-Sheikh memoranda. President Clinton held the summit for the Wye River Memorandum. This Memorandum was signed in order to begin implementation of the Interim Agreement signed in September 1995. The Memorandum included a timeline that specified when the policies from the Interim Agreement were to be carried out (IMFA 1998). The Sharm el-Sheik Memorandum was signed in September 1999. Secretary of State Madeleine Albright was present at the signing of the Memorandum. This memorandum expanded the terms of the Wye River Memorandum. Israel was forced to vacate a larger percentage of land than originally planned. It also set up a timetable for a permanent agreement on issues like Jerusalem, borders, settlements, and refugees (IMFA 1999).

In 2000, President Bill Clinton held another summit at Camp David. This summit was intended to find a final solution to the violence between the Israelis and Palestinians. Neither side believed the two previous Oslo agreements had been fulfilled successfully. The summit was held too early and the provisions that had been discussed had not had time to be fully implemented. Overall, this was a failed attempt at peace talks (Shyovitz 2012).

After the 2000 Camp David talks failed, violence broke out once again. In 2003, the US, UN, EU, and Russian Federation announced a new "roadmap." The goal of the roadmap was to create two separate states: an Israeli state and a Palestinian state. The Palestinian Authority was required to make democratic reforms and Israel had to accept the creation of a Palestinian state. Even though this seemed like a viable option, violence still continued (Otterman 2005).

Later in 2003, Prime Minister Sharon of Israel developed a plan to withdraw Israeli settlements from the Gaza Strip and West Bank. President George W Bush quickly endorsed Sharon's ideas and encouraged the Prime Minister to go through with his plan. The withdrawal of Israeli settlements seemed the best route in order to achieve a two state solution to the violence in the region. The UN, EU, and Russian Federation as well as the Knesset (Israeli legislative body) endorsed the plan in October 2004 (US DOS 2012).

The withdrawal began in August 2005 and was completed by September. The Israeli Defense Forces

were withdrawn from their posts and seventeen settlements were dismantled (US DOS 2012). Once this step was complete, the focus turned to strengthening the Palestinian Authority to prepare it to rule. In November 2005, the US helped create an agreement that discussed the movement and access to specific pieces of territory. The agreement laid out plans on how to move agriculture, raw materials, and even people through Israeli and Palestinian territory without problems crossing borders (IMFA 2005). However, in January 2006 the terrorist group Hamas gained a majority in the Palestinian legislature. Israel refused to work with a government that allowed the group to play any role (US DOS 2012).

After Hamas gained the majority, the US, UN, EU, and Russian Federation laid out three guidelines the government needed to meet in order to engage with the international community: "renounce violence and terror, recognize Israel, and respect previous agreements including the roadmap." The Hamas-led government rejected all three guidelines and therefore no longer received US assistance. In contrast, the PLO accepted all the guidelines and remained on civilized terms with the US, UN, EU, and Russian Federation (US DOS 2012).

In 2007, Hamas orchestrated a successful coup in the Gaza Strip. The group launched several rockets into Southern Israel. Their goal was to involve Israel in the conflict. On June 14, PA President Abbas declared a state of emergency. This declaration dissolved the national unity government controlled by Hamas. President Abbas replaced the government with a new one and named Salam Fayyad the Prime Minister. This new government follows the guidelines laid out to the Hamas-led government and is dedicated to the two-state solution (US DOS 2012). In November 2007, Israeli and Palestinian leaders met in Annapolis, Maryland. The goal of this meeting was to begin bilateral negotiations to establish a Palestinian state and create peace between the Israelis and Palestinians. The negotiations were stopped before a compromise was reached in December 2008 due to conflict between Israel and Hamas. The violence became increasingly worse and Israel eventually launched Operation Cast Lead. This operation targeted Hamas installations and personnel in the Gaza Strip. In January 2009, both Israel and Hamas declared a unilateral ceasefire (US DOS 2012).

Even today there are many problems in the region. Throughout all of the previously mentioned conflicts, Israeli settlements have continued to grow. These settlements are located in areas that Palestinians claim belong to them. Another problem is the blockade of the Gaza Strip. This blockade has been in place since 2007. Both Egypt and Israel have placed a land, sea, and air blockade on the Gaza Strip. Israel claims this blockade prevents Palestinian attacks from this region and it prevents the Palestinians from obtaining more weapons.

Most recently in 2012, Iran's nuclear program has been a cause for concern. Israel has been considering attacking Iran's nuclear facilities. This could cause "a cascade of unpredictable military, political and economic reactions in the region and around the world" (Pitney 2012). As Israel's closest ally, this could have a huge impact on American foreign policy. America has worked with Israel on this topic previously and this time is no different. President Obama and other government officials are meeting almost daily to discuss the options Israel could pursue. Other actors in the international sphere have recently agreed to continue nuclear discussions with Iran (Kulish and Kanter 2012).

The Price of Peace

America's efforts to create peace in the Middle East do not come cheaply. Israel receives the second largest amount of foreign aid behind Iraq. The majority of aid given to Israel comes in the form of military assistance. Because there are so many lobbying groups that support Israel in Congress, Israel receives several benefits that are unavailable to other countries. For instance, some of the money Israel receives can be used for research and development in the United States. Any foreign aid earmarked for Israel is sent abroad within the first thirty days of the fiscal year. Other countries receive their aid in installments (Sharp 2010).

When Israel receives its sum of money at the beginning of the fiscal year, it is put into an interest bearing account. The interest collected can be used to pay Israel's debt to the United States. As of 2010, the total amount Israel owed the US was $625 million (Sharp 2010). The interest earned in the account cannot be used to purchase defense items from Israeli companies.

In August 2007, the Bush Administration entered into an agreement with Israel that would increase military aid by six billion dollars over the next ten years. The increase would be in increments of $150 million. Starting in FY2009 the amount of aid given would be

$2.55 billion and by FY2012-2018 aid would be up to $3.09 billion each year (Sharp 2010). In the budget for FY2011, President Obama requested $3 billion in foreign military aid for Israel. To justify this money, the State Department said "US assistance will help ensure that Israel maintains its quantitative military edge over potential threats, and prevent a shift in the security balance of the region. US assistance is also aimed at ensuring for Israel the security it requires to make concessions necessary for comprehensive regional peace" (Sharp 2010).

Israel also receives aid for the resettlement of refugees. Many people were displaced from their homes due to the violence in the country. Some of those people are trying to return and that is putting economic pressure on Israel. The State Department's Migration and Refugee Assistance fund began giving Israel grants in 1973. Between 1973 and 1991, Israel received almost $460 million to help resettle Jewish refugees. Congress determines the amount of money earmarked for refugees and the President does not need to request a specific amount (Sharp 2010).

Where does Congress get their money to give to the Israelis? Taxpayers. It was estimated that the total cost to taxpayers was $135 billion (Curtiss 2009). As that number is now several years old, it is no longer reliable. However, it was the only information available on the cost of Israeli aid to taxpayers. It would have increased due not only to inflation, but also to the Bush Administration's agreement to increase Israeli foreign aid by six billion dollars.

Another group that spends large sums of money for the Israelis is lobby groups. Since 1990, the entire pro-Israel lobby has given about $96 million to congressional campaigns (2009 "AIPAC"). On top of campaign contributions, the American Israel Public Affairs Committee (AIPAC), the largest pro-Israel lobby group, has spent over $20 million lobbying on Capitol Hill. An affiliate of AIPAC, the American Israel Education Foundation, has spent almost $5 million sending Congressmen on trips to Israel. Each trip costs on average $28,000 (2009 "AIPAC").

Now that Congress has been lobbied and earmarked the money for Israel, what level of government is responsible for carrying out the policy? The national government is the main level of government involved with this policy. The President comes into office with ideas about how to handle his foreign policy and Israel is always part of that policy. He discusses his ideas with the members of his cabinet and then decides the best way to implement his policy decisions. The next group involved is usually the State Department. The Secretary of State is the chief diplomat for the United States. It is her job to carry out the policies described by the President. She is responsible for going overseas to meet with foreign dignitaries and for inviting those same dignitaries to America for summits and meetings.

Other people involved in carrying out the President's foreign policy toward Israel would be the diplomat to the UN and any Foreign Service officers stationed in Israel. The UN diplomat is in charge of taking the President's policies and enforcing them while in the international community. This diplomat would use the policies as a guideline on how to react to issues brought up in meetings at the UN. He would use the policies to decide how to vote on different issues within the international community. The Foreign Service officers stationed in Israel would use the President's policies as guidelines on how to interact with Israeli officials and citizens. The Foreign Service officers are the face of the United States in foreign countries. Their behavior reflects on the United States as a whole and shapes the opinions of the people in that foreign country.

While the Secretary of State, diplomat to the UN, and Foreign Service officers are all required to carry out the policies of the President, the policies are not always perfect. The pro-Israeli policy of the Obama Administration has several problems. One major problem is the fact that for decades now America has been trying to help Israel broker peace with its Arab neighbors; that has yet to be accomplished. It seems as though the harder America tries to help the worse the situation becomes. When President Clinton tried to hold the Camp David summit in 2000, nothing was accomplished because violence broke out again. Every time an agreement is almost within reach, violence occurs in Israel and peace talks are stopped so the countries can deal with the problems back home.

Another problem is that not all members of Congress agree with the way in which President Obama tackles the issue of Israel. If President Obama tries to be friends with Israel, someone in Congress says he is negotiating secret deals behind closed doors. If President Obama tries to loosen the relationship,

someone in Congress says he is against Israel and everything the country stands for. It is a no win situation for the President.

A third problem is that Israel is not a very predictable country. In international affairs, one main assumption is that all states are unitary, rational actors. However, that is not always the case. Israeli leaders are often men who want to take aggressive action toward their violent neighbors. For example, currently Israel would like to target Iranian nuclear facilities to prevent the Iranians from creating nuclear weapons. The leadership in Israel did not think about the consequences of this action before stating they would like to carry out the plan. The leaders were not acting in a rational manner. When dealing with leaders who are not always rational thinkers, the situation is much tougher to handle.

Possible Peace Proposal

In order to increase the effectiveness of the pro-Israel policies of the Obama Administration, several things would need to change. First, Israel and its neighbors would need to agree that peace is what is best for that region of the world. If the countries cannot agree on that simple statement, it will not be possible to broker a peace agreement. One way to get the countries to discuss their problems is to hold a summit and invite the leaders of Israel, the Palestinian Authority, Jordan, Syria, Lebanon, etc. Allow them to list their grievances and any plausible ideas they have on how to fix the problems. An example of an implausible solution would be if Israel claimed that bombing Jordan would solve all the problems in the region. This would not solve any problem, but would most likely start a world war. The third-party country leading the summit would have to be objective in order to keep solutions like that from occurring. Once they have all decided on the issues, the countries or organizations in charge of the summit would help them decide how to implement the new policies. For example, Israel agrees to pull back settlements in the Gaza Strip and West Bank and relocate the citizens. The countries in charge of the summit would be present to help decide the best way to peacefully accomplish this goal.

A second thing that needs to change is Congress' attitude toward the President's policies. If Congress openly criticizes the President's policies, it presents a divided front to other countries. Those same countries America is trying to help create peace between will not take the efforts seriously if Americans cannot agree on a single policy. If Congress were to agree with the President's policies, America would present a united front to the countries it is trying to help. This united front would make those countries put more value America's opinion.

A third thing that needs to change is the way in which America deals with the Israeli leadership. Because the leaders are often unpredictable in their decisions, it makes the peace process that much more difficult. While this change is not one that America can accomplish, it is one that can be dealt with through diplomatic means. American diplomats can study the leaders and figure out the best way to talk with them in order to create meaningful agreements.

A fourth thing that needs to change is the type of foreign aid that is given to Israel. While it is necessary for Israel to have weapons to defend itself in a hostile region of the world, it seems unusual that the majority of American foreign aid is military aid. If the aid given to Israel were earmarked for other things such as economic development, infrastructure, or scientific research programs, the country might be able to contend with other first world countries. By making Israel use the money for things other than military spending, America could help Israel become a world power.

Cost Analysis

None of these changes would require a change in the amount of money spent on the Israeli policies in America. The first proposed change is one that requires a change in the attitude of the Israelis and their Arab neighbors. The main cost of this change is the cost of holding a summit. The price of hotels, cars, flights, and meal for foreign dignitaries must be considered. America often holds meetings with leaders of foreign countries so the cost is already figured into the State Department's budget.

The second change is once again a change in attitude. After 9/11, no one in Congress dared to speak out against President Bush's policies. America presented a united front. That same uniform front needs to be presented when dealing with international issues. If other countries see that America cannot agree on issues, those countries will not respect America's opinions and decisions. The decline of a great power could occur

much sooner than predicted. This is difficult to accomplish because it involves changing people's ideologies. It would be necessary to show Congress and the public that being united on the issue of Israel is beneficial to America's wellbeing.

The third change is a change that would involve training for American diplomats and Foreign Service officers. Those diplomats and Foreign Service officers would need to be trained on how to deal specifically with the person in power in the country they are assigned. For instance, the officer assigned to Jordan would take a specific class on the current leaders in the Jordanian government. The concentration would ensure that the officer could practically predict the leader's next move. In order to offset the cost of the extra training, the cost of taking the Foreign Service exam could be raised. The cost of regular training is already placed in the Foreign Service budget so by raising the cost of the exam, the extra money could be put toward country specific training.

The fourth and final change requires no change in cost. It simply requires Congress to earmark the billions of dollars in foreign aid given to Israel in a different manner. Instead of giving the majority of the money to Israel to use as military spending, Congress could take the allotted amount and split it evenly among a predetermined group of issues. For instance, Congress may decide military spending, infrastructure, scientific research, and economic development are important to the wellbeing of Israel. They could then take the allotted $3 billion and divide it evenly among those four categories. By giving each category an equal amount of money, America could insure that every aspect of Israeli culture is being addressed. Taking an interest in every aspect of Israeli culture would show unwavering support for Israel.

Pros, Cons, and Plan of Action

The previous proposals are not likely to get support from very many groups. The warring countries in the Middle East are not going to agree to sit down in a meeting with each other to discuss the cost-benefit analysis of war or peace. The leaders cannot even agree to simple peace treaties. Many problems in this region of the world run much deeper than nuclear weapons and borders. The Jewish and Arab populations have been at odds with each other for centuries and it will take more than just a couple summits to fix all the issues at work.

The second proposal would not go over well in Congress. No Congressman or woman wants to be told they need to get their act together and support the President completely. Everyone has their own beliefs and no one can be convinced to change those values or beliefs. The President would most likely support this change because with Congress' support he can achieve more of his goals.

Congress, the President, and the State Department would most likely support the third proposal. Each of these groups has something to gain from diplomats and Foreign Service officers with better training. If the diplomats and Foreign Service officers are able to handle the leaders in foreign countries better, more policies could be enacted successfully. The diplomats would be able to convince the foreign leaders that the American policies are the best option and the leaders would be more likely to agree and follow the new policies.

The fourth and final change would have very few if any supporters. Congress would not want to take the time to create a committee to reallocate the money set aside for Israel. For them it is easier just to give the whole lump sum to Israel as military aid. Because Israel is located in an area of the world that is full of violence, Congress would say that military aid is the most important. AIPAC would not be happy that the money is being redistributed, but as long as Israel still receives the money they were promised AIPAC would not complain.

In order for any of these proposals to be enacted, Congressional, Presidential, and State Department action is required. The President would need to arrange the meeting for the Middle Eastern leaders. Congressmen and women would have to completely change their attitudes and support the President's foreign policy decisions. New training programs would have to be created by the State Department to train diplomats. Congress would have to create a committee to distribute the foreign aid to Israel in a more equal way. All of the proposals could easily be enacted if the people involved were willing to put in the time and effort.

The United States and Israel have a special relationship. Since Israel's declaration of independence, the United States has been there to support the country and its decisions no matter the cost to America. The aid the US gives to Israel helps keep the country safe in a region of the world where violence is a daily occurrence.

While the current policy seems to be working, there is always room for improvement. By attempting to get the leaders of the Middle East to agree to the terms of a peace treaty, many problems would be solved. Having Congress completely support the President's decisions would increase the legitimacy of American decisions in the international community. A Foreign Service officer corps that has training specific to the different countries in the Middle East would make American diplomacy stronger. Finally, by giving Israel foreign aid in several areas instead of just military aid would help the country remain strong in the years to come.

References

2009. "AIPAC: America's Pro-Israel Lobby." *Under the Influence*.

Akasaka, Kiyo 2008. The Question of Palestine and the United Nations. New York: United Nations.

Curitss, Richard H. 2009. *The Cost of Israel to US Taxpayers.* http://www.informationclearinghouse.info/article23627.htm

Israel Ministry of Foreign Affairs. 1978. *Camp David Accords*. Israel: Ministry of Foreign Affairs.

Israel Ministry of Foreign Affairs. 1994. *Agreement on the Gaza Strip and Jericho Area*. Israel: Ministry of Foreign Affairs.

Israel Ministry of Foreign Affairs. 1994. Main Points of the Agreement on the Preparatory Transfer of Powers and Responsibilities. Israel: Ministry of Foreign Affairs.

Israel Ministry of Foreign Affairs. 1998. *The Wye River Memorandum*. Israel: Ministry of Foreign Affairs.

Israel Ministry of Foreign Affairs. 1999. *The Madrid Framework*. Israel: Ministry of Foreign Affairs.

Israel Ministry of Foreign Affairs. 1999. *The Sharm el-Sheik Memorandum*. Israel: Ministry of Foreign Affairs.

Israel Ministry of Foreign Affairs. 2005. *Agreement on Movement and Access*. Israel: Ministry of Foreign Affairs.

Kulish, Nicholas and James Kanter. 2012. "World Powers Agree to Resume Nuclear Talks With Iran." *New York Times*, March 6, 2012.

Otterman, Sharon. 2005. "Middle East: The Road Map to Peace." *Council on Foreign Relations*.

Pitney, Nico. 2012. "Israel-Iran Tension Mounts: Live Updates on the Drumbeat of War." *Huffington Post*, March.

Sharp, Jeremy M. 2010. "U.S. Foreign Aid to Israel." *Congressional Research Service*, September.

Shyovitz, David. 2012. "Camp David 2000." *Jewish Virtual Library*.

The State Department. 1998. The *Wye River Memorandum*. Washington: State Department.

The State of Israel. 2008. *Oslo Accords*. Israel: Knesset.

United Nations. General Assembly. 1947. *Resolution 181*. General Assembly, 2d sess.

United Nations. Security Council. 1967. *Resolution 242*. Security Council, 21st sess.

US Department of State. 2012. "Background Note: Israel." http://www.state.gov/r/pa/ei/bgn/3581.htm

A Dying Wonder

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The Great Barrier Reef is one of the world's largest most beautiful natural phenomena. The Great Barrier Reef is home to many endangered species and spans 1,600 miles composed of 2,900 reefs. For my proposal I have chosen to research factors that are destroying the Great Barrier Reef at an alarming rate. In my research I would like to look at all government laws on an international level and see if they have any involvement with the deteriorating health of the barrier reef.

I want to focus on the involvement, solutions, policies, international organizations, political figures, and governments that have policies protecting or affecting the Great Barrier Reef. The Great Barrier Reef is considered one of the seven natural wonders of the world. Without interventions into these issues the Great Barrier Reef will not exist for future generations to come. It is essential that governments and political leaders make a global effort in aiding and protecting the Great Barrier Reef.

I will discuss two main issues that are affecting the Great Barrier Reef and the policies that have been put into place addressing these issues. The two topics that I will compare are pollution and overfishing of the Great Barrier Reef. I will compare the two topics to see which has had the most effective policies and discuss the flaws in both policies. The first policy addresses legislation passed on pollution and emission control and zoning laws of the area.

The history of mining in the northern part of Australia first started to raise concerns and later found that run off, climate change, tree clearing, and freight shipping was killing the Great Barrier Reef and its inhabitants. Some areas that were once lush with life have completely died resulting in coral bleaching. Coral bleaching is a result of pollutants and climate change that destroys reef systems leaving them completely devastated and uninhabited.

The legislation enacted is called the "Great Barrier Reef Marine Park Act 1975". The key features of this policy are to ensure the safety of the Great Barrier Reef. It addresses the educational value and importance of the reef and its economic, recreational, and social values. This policy addresses the ecological sustainability of the Great Barrier Reef. The policy binds all who fall under the common wealth of the Australian government to the jurisdiction of the Australian government and the crown. All that are within the Australian continental shelf are subject to Australian jurisdiction including people, aircraft, and boats that are not of Australian decent. (www.GBRMPA.gov.au)

The amendment is called "Environmental Protection Act 1994". According to the Queensland Australian government website, www.legislation.qld.gov.au, this legislation protects the Great Barrier Reef by clarifying what harmful elements are affecting the Great Barrier Reef and how they are regulated, disposed, and contained. The poisons that are draining into the Great Barrier Reef are addressed and corrected by the Queensland government in this policy. Policy 4A refers to the direct protection of the Great Barrier Reef. It clearly states the regulation of fertilizers and that the amount of nitrogen and phosphorus meet the standards of the policy. The policy also states that all crops are listed as sugarcane and the reason for using nitrogen and phosphorus must be for agricultural reason only. The persons are allowed to present alternative measures on which they must comply with section 81. All use of the chemicals must be recorded and can only be exempt if the person provides a reasonable excuse.

Any amendment must be in the approved form and have equal or better regulations. The amendment must comply with emissions and have an environmental management plan. The Great Barrier Reef Protection Amendment Act 2009 was passed by the Queensland Parliament on 8 October 2009 and is now an amendment to the Environmental Protection Act 1994(gbrmpa.gov). This amendment gave direct regulation over areas that had high amounts pollutants that were entering the Great Barrier Reef lagoon area. The legislation is ensuring environmental safety to the Great Barrier Reef and its inhabitants by creating a guide for disposal of harmful containments and the emissions that poison the water surrounding the Great

Barrier Reef lagoon area. The policy focuses on maintaining ecological well-being while allowing development of the quality of life.

The cost of this policy is not stated directly and is more of an implied cost. The funding comes from Queensland Parliament and outside contributors. The World Bank Group, United Nations Development Program, USAID, and UK Department for International Development (DFID) provide aid or investment packages (http://www.dfid.gov). These groups fund or provide resources to the Great Barrier Reef through Queensland Parliament. Fisheries make up a large annual income for the government and are a precious resource that must be maintained. The tourist economy alone for the Great Barrier Reef is 3.5 million per year and this is excluding revenue from businesses surround the great barrier reefs coastal area. They have proposals for any developers within the specific areas of the wetlands to pay a yearly set amount. According to Hydrobiologia, for every 20 applications the fee would be 10,000 Australian Dollars (AUD), twenty five thousand AUD for every fifty applicants, and one hundred thousand AUD for every one hundred applicants. Another proposal suggested for every applicant within two hundred meters would be subject to a fifteen percent agreement and a possible ten percent raise. The Great Barrier Reef is an economic asset to Queensland and Australia, for example it contributes at least $5 billion each year in direct income through the tourism industry. (www.dfid.gov.uk)

The Queensland government contracts the Great Barrier Reef Marine Park authority to oversee and managed the reef system. This agency works hand in hand with experts and 11 committees to ensure the safety of the reef and its inhabitants. This agency works out on the water to enforce zoning laws on behalf of the Queensland government. The agency reports directly to the Minister of agriculture.

The Queensland government agencies are the Department of Environment and Resource Management, Department of Premier and Cabinet, Department of Transport and Main Roads, Department of Local Government and Planning, Department of Local Government and Planning. The department of environment and resource management are responsible for the environment, vegetation, and threatened species. The Department of Premier and Cabinet provide the coordination's of resources that are used protecting and promoting safety in the area. The Department of Transport and Main Roads provide information for ports and vessel navigation. It also is the lead agency for chemical spills and oils spills in Queensland. Department of Local Government and Planning ensures infrastructure around the coastal area of the Great Barrier Reef. (www.GBRMPA.gov.au)

The problem with this policy is that it does not address run off, climate change, tree clearing, freight shipping, and mining from other countries that are poisoning and killing many of the species that were thriving years before. This policy addresses pollutants in Australia's northern region that is poisoning and killing the Great Barrier Reef, but fails to identify any policy that would make other countries subject to penalties.

This policy would have strict regulations on all countries that have no or little involvement with emission standards and pollution control. This policy would define zoning laws and regulations for everyone. This policy would include everything from tree clearing to global climate change. I would use organizations with widespread power to enforce new regulations or sanctions on countries that do not honor the policies.

The resources for this policy could be massive on a global scale. Having countries restructure the way they function economically would cost billions of dollars. Some countries like China would have an incredibly hard time doing so and smaller countries that do not have the funds would likely also fail. In this policy I would have global debt deduction play a major role in influencing countries with the funds to restructure. I would also include financial packages for countries that do not have the funds for restructuring and very strict guidelines for what the funds are to be used. I would estimate the funding for restructuring to be above 250 million for most of the countries with low emission standards and below 250 million for countries that have approved emission standards.

International organizations would be the source for these funds. International organizations have plenary organs that can make the proposal heard, influenced, pass or fail, and can influence other organization members to fund the proposal. International Organizations such as NATO (North Atlantic Treaty Organization) could influence members and applying members to pass the proposal and assist countries within the organization that would require financial or other assistances.

The political will for a policy of this nature would likely receive funding from our current president since the administration focuses on going green. This policy would be supported by companies that are developing technologies that are not harmful to the environment and groups that support green technologies. Of course we have the opposing groups that are against green technologies such as oil companies, coal mining companies, and anyone that is affiliated financial and socially with companies that would be affected.

In the political climate of today this proposal would ultimately fail due to bad foreign relations, industrialization of smaller countries, and the complete disregard of other countries that are in an economic surge. The climate for this proposal is likely to never exist because all of the elements that are required for this type of proposal rarely or never exist.

In the end this policy has the structure of a well thought out plan to protect the Great Barrier Reef and the Australian shelf from being further polluted. The policy has continued to be amended to face new problems that are threatening the reef today. If the process of passing and amending policies were faster than every fifteen to twenty years the Great Barrier Reef would have a better chance to thrive.

The policy has agencies that play major roles in protecting the reef from elements that are affecting it. The funding comes from multiple sources including large packages from other countries and from private investors. My proposal was one that I think everyone would like to see happen, just like everyone would like to be rich. The variables just are not in the mix for a proposal of that nature and magnitude.

The Australian government has made great improvements to the policy of 1974.The government is continuing to raise awareness of the frailty of the Great Barrier Reef and its inhabitants. When green technologies reach a global availability we will hopefully see large corporations use green technologies and reduce the harm that is being done to the environment.

Overfishing

The second issue I want address is overfishing in the Great Barrier Reef. This includes the policies and proposals that are to prevent overfishing in the reef. These policies and proposals cover everything from zoning, fines and maintenance cost. I also discuss the effects on the ecosystems pertaining to the Great Barrier Reef.

The fishing industry is the second most lucrative industry in Australia, particularly near the Great Barrier Reef. According to the GBRMPA, currently only five percent of the Great Barrier Reef is protected by the Marine Park Authority. The Marine Park Authority is responsible for managing the Great Barrier Reef so it protected. The Marine Park Authority bans fishing in the five percent of the reef that it protects. It also bans individuals from catching animals such as dolphins, whales and sea turtles to name a few.

Overfishing in the Great Barrier Reef is causing immense damage to the reefs ecosystem. Fishermen are removing large numbers of species such as reef sharks, giant triton and grouper fish. Removing such large quantities of these fish are depleting the coral reefs ecosystems and disturbing their food chain. As of now only one-third of the Great Barrier Reef is protected by no-fishing zones. (www.gbrmpa.gov)

Animals and other organisms in the Great Barrier Reef are very dependent on each other. When the population of one species is messed with it throws off the entire ecosystem. One species being affected by overfishing is the grouper fish. Because the grouper fish's population is being depleted the damselfish population is increasing. Without the grouper fish the damselfish is detrimental to the coral reef. The damselfish creates pockets in the coral so that algae can grow. However, the algae can take over the coral reef essentially killing it.

Another victim of overfishing is the reef shark. According to Global Ecology & Biogeography, the reef shark is on what the Marine Park Authority call a "fast track to ecological extinction". Do to overfishing they have been placed on the endangered species list (p363-375). Reef sharks are mainly hunted or targeted for their fins. Some believe that eating shark fin soup brings them health and wealth. Some people are taking medications that use ingredients that contain shark, because they believe it will prevent or even cure cancer.

By killing these reef sharks they are messing with the reefs ecosystem. The declining population of the reef shark is raising the population of smaller sharks, which in turn is declining the population of the smaller species. This process is throwing the whole ecosystem out of order. Conservation Biology states that because of overfishing many scientists believe that we only have

about fifty years of fish left in the oceans; unless we change our ways. (P333-340)

There have been a few solutions appear that could help stop overfishing in the Great Barrier Reef. One solution is that the Great Barrier Reef Marine Park Authority is looking to set thirty to fifty percent of the reef as a no-fishing zone. According to Hydrobiologia, right now fines for fishing in a no-fishing zone is set at $22,000 Australian dollars for an individual and up to one million Australian dollars for businesses or corporations caught fishing in restricted zones. Another option is to create a marine sanctuary. However this option would costly and harder to fund. I believe the best solution to overfishing is the first option, setting aside thirty to fifty percent of the reef as a no-fishing zone. With this solution you can still fish and sail in certain areas and the reef will be protected and preserved.

However, the downfall to this solution is that having designated fishing areas can hurt fishing companies and tourism economically. With fishing zones less fish are able to be caught meaningless profit for fishing companies. It will also hurt tourism because fishing in the reef is a big tourist attraction.

In 1975 the Great Barrier Marine Park Act was established. According to the GBRMPA the policy was to prevent the Great Barrier Reef Region and to protect its ecosystem. It stated that the act would protect and conserve the biodiversity of the Marine Park including ecosystem, habitats, and populations. In 1994 the Environmental Protection Act was released. It states that the purpose of this act is to reduce the impact of agricultural activities on the quality of water entering the reef; and contribute to achieving water quality improvement for the reef.

In September 2003 the World Wildlife Foundation released a proposal called World class Protection for Special, Unique and Representative Areas. This is a proposal to secure Australia's Great Barrier Reef. It discusses the threats to the Great Barrier Reef, one being overfishing, how to protect and secure it and how to make the plan work including financial assistance.

On June 10, 2005 a new policy was released. This is the policy on Managing Activities that Include the Direct Take of a Protected Species from the Great Barrier Reef Marine Park. According to this policy the purpose is to ensure the consistent and effective use of, and management of, activities that include the direct take of protected species from the marine park.

According to the Australian Research Council Centre of Excellence for Coral Reef Studies at James Cook University, there are two different groups responsible for maintain the Great Barrier Reef. The Great Barrier Reef Marine Park Authority and the Queensland Parks and Wildlife Service are responsible for managing the Great Barrier Reef. The research team estimated it is about $17 million to maintain the reef. About $10 million of that are labor costs and the rest operating costs. My estimation would be 15 million to 20 million to maintain the reef if not more. I would purpose major change in the small percent of the reef that is protected. I would change the protected area of the Great Barrier Reef from around thirty percent to at least eighty percent. I would advocate that the area under protecting must be enlarged to protect endangered species and wildlife in the area.

Millions of tourists visit the Great Barrier Reef each year. They are extremely important to the region's economy because they bring in about $1 billion a year to Australia. The Great Barrier Reef Marine Park Authority and Queensland Parks and Wildlife Service have developed permits that provide tourism opportunities. This helps to minimize the impact on the Great Barrier Reef.

The policies used in both issues are similar in almost every way each is designed to protect the Great Barrier Reef and to ensure the safety of its inhabitants. The two things that I've noticed in the research of both issues is a lack of expansion to protect the entire reef system and the lack of global protection. Both policies are designed around the Australian government, which leaves international waters a major issue for the Great Barrier Reef. The Australian government has listed offenders of the policies liable if they are caught on the Australian shelf, but the government needs to find some type of median to addresses pollution and over fishing on a larger scale.

The first policy does an excellent job of correcting the pollution and other issues that are affecting the reef system that is contributed by northern Australia. The second policy only addresses protecting one third of the entire reef. This is something the Australian government needs to resolve with the various agencies and International organizations that are involved with protecting the Great Barrier Reef and try to influence

complete protection. The reef is home to many endangered species and without controlling pollution and overfishing we lose the Great Barrier Reef and its inhabitants.

References

"Working Together Today for a Healthier Reef Tomorrow..." *Legislation, Regulations and Policies*. Australian Government, 2011. Web. 08 Mar. 2012. <http://www.gbrmpa.gov.au/about-us/legislation-regulations-and-policies>.

Little, L. R., R. Q. Grafton, T. Kompas, A. E. Punt, and B. D. Mapstone. "Complementarity of No-Take Marine Reserves and Individual Transferable Catch Quotas for Managing the Line Fishery of the Great Barrier Reef." *Conservation Biology.* Web. 6 Mar. 2012.

Evans, R.D., L. Van Herwerden, G.R. Russ, and A.J. Frisch. "Strong Genetic but Not Spatial Subdivision of Two Reef Fish Species Targeted by Fishers on the Great Barrier Reef." *Fisheries Research* (2009): 16-25. Print.

Burgess, Scott C., Kate Osborne, and Julian M. Caley. "Similar Regional Effects among Local Habitats on the Structure of Tropical Reef Fish and Coral Communities." *Similar Regional Effects among Local Habitats on the Structure of Tropical Reef Fish and Coral Communities.* 19.3: 363-75. *Academic Search Premier.* Web. 6 Mar. 2012.

Gordon, Iain J. "Linking Land to Ocean: Feedbacks in the Management of Socio-ecological Systems in the Great Barrier Reef Catchments." *Hydrobiologia* 591.1 (2007): 25-33. Print.

HARRY POTTER, RULE-BREAKING AND REWARDS: EXPLORING FOUCAULT'S FOURTH FACE OF POWER THROUGH POPULAR CULTURE

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In the 1970's, French philosopher Michel Foucault wrote a book entitled "Discipline and Punish". In this work, he asserts that between the years 1757 and 1837, there was a sudden and abrupt change in the societal expression of power and dominance in Europe. The "ancien régime" [the way power was expressed previously] had at its center a rarely benevolent ruler. The expression of power was entirely concerned with him and what he could do. Executions were held in public, and the masses were required to view them as they happened. This ensured that the people were aware of the king's power; since it was his divine right to rule, his power had no limit. This simple fact was meant to instill a sense of fear in the masses.

Foucault goes on to present the Timetable, a precise schedule from 1837, showing exactly how each minute of a prisoner's day should be spent. Although the "ancien régime" was focused on being very visible and physical, the expression of power was far less obvious here. It was more concerned with the power of the state [that is to say, limited], with long-term goals, with correcting behavior on the most infinitesimal scale. In the span of eighty years, the expression of authoritarian power morphed into something unrecognizable from the former. It emerged in this period in a number of state institutions like prisons, hospitals, insane asylums, the military, and schools. The curious thing about this is that state institutions, such as the above, were not forced into accepting these tactics; they were adopted because they *worked*, and worked *well.*

The latter expression of power, Foucault believes, is a system to which we still conform today. Its end goal was to make members of society "docile and useful" to their in-group [Industrial Capitalists], meaning that they will obey the rules of the establishment after the application of several tools available to their in-group. The expression of power in such a microscopic scale is the focus of the argument before you. In the pages that follow, I will argue that while parts of the fictitious universe in books one through three of the "Harry Potter" series reflect a Foucaultian system. As a whole, it does not work on Harry in the same manner as it would in the world outside its pages. In particular, this piece will analyze and apply the mechanism Foucault deemed "Normalization of Judgment". First, I will detail how this mechanism worked in the Foucaultian paradigm. Second, I will show how the Dursleys attempt to work within this frame, and how it fails when the variable of magic is added to the mix. Third, I will show that while there are elements of Foucault's disciplinary power, his assertions are trampled by Harry at Hogwarts.

The Nature of the Beast

"We could all have been killed—or worse, expelled" (Sorcerer's Stone, 162)

In order to understand Normalization of Judgment, a discussion of the Fourth Face of Power, under which it falls, is necessary[1]. The Fourth Face of Power is a structure into which we all have a strong desire to fit. It is nearly impossible to escape, and is first different from other Faces of Power in that the dominant and submissive sets in a group [A and B, respectively] are equally determined by power. Second, because we are all locked in this grid of power, there is no third party able to give an objective perspective on the agenda of A or B, apart from A's overarching ideal of 'docile and useful'. The mechanisms of the Fourth Face of Power work towards weeding out behaviors in B that A does not perceive as 'docile and useful' [obedient and beneficial to society] to the success of its goals. Third, the Fourth Face is much more subtle than the others, in that once A decides what 'docile and useful' means, B will internalize it and police themselves. This inadvertently causes B to help A dominate them, and as such the Fourth Face of Power assumes there is no clear villain in this scenario coercing another parties to bend to its will. Normalizing

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1For explanations of the First, Second and Third Faces of Power, see Polsby, 1960; Dahl, 1962; Bachrach and Baratz, 1962; and Schattschneider's "The Semisovereign People".

Judgment works under the Fourth Face of Power making B docile and useful by applying five basic tenets: the micro-penalty, punishment for non-observance, corrective punishment, rewarding, and rank.

First, is the idea of a small, or "micro-penalty" as Foucault puts it (178). He says, "At the heart of all disciplinary systems functions a small penal mechanism" (177). By this, he means that A constructs disciplinary systems with a framework that makes B docile and useful to A's agenda. A disciplinary system such as a school, Foucault contends, is arranged as a power grid within the overall power grid. There is an A and B relationship between the teachers and students, respectively, but there is also an A and B relationship between teachers and the Principal/Headmaster/President of their school. If A finds B, in this case a teacher finding a student, being indocile or not useful, they receive a penalty of some sort. Foucault lists example categories of such offenses that can be summed up as: time [tardiness], attention [or lack thereof], speech [rudeness], body [insufficient cleanliness], and sexuality [traditionally the most glaring example being homosexuality, but more recently, this is evanescent] (178). In accordance with the concept that this system expresses power in miniscule ways, the penalty received is not very substantial. For instance if a student is late for class, they may receive detention but are not expelled altogether for something so minor.

Second, Foucault contends that within this disciplinary method, "[t]he whole indefinite domain of non-conforming is punishable" (178-179). So, in essence, A can give B a penalty for anything and everything that falls outside the institution's definition of docile and useful. Three categories of that which fall outside docile and useful can be inferred. First, there is a penalty for taking action. This category includes any form of B actively doing something counter to the credo of docility and usefulness. For example, if a student lies to a teacher. It is a pretty safe assumption that lying is not a behavior desired in a docile and useful person. Therefore, when the teacher discovers such indocility, they will invoke the aforementioned micro-penalty, such as sending the student to the principal's office or giving the student detention.

In juxtaposition, a second category outside of docility and usefulness would be inaction. A scenario that falls into this category could be if a student neglects an assignment. Again, this behavior runs counter to the school's idea of being docile and useful. It is essentially laziness, or in some context, a form of rebellion. If you consider the latter, refusing to do an assignment could be a way of testing boundaries or challenging the dominance of established authority. Furthermore, Laziness is certainly not the mark of a useful person. If a person is lazy, how is that beneficial to accomplishing A's goals? Their laziness contributes nothing, and as such, they slow down any sort of progress towards achieving A's goals. Secondly, challenging authority is indocile, because it proves that person's disobedience. This flies in the face of Foucaultian docility. For this reason, inactivity also garners a micro-penalty.

Building upon this, the third category constitutes inadequacy of actions. Foucault informs us that "the soldier commits an 'offence' whenever he does not reach the level required" (179). This means that B has a set of benchmarks which it must meet. This soldier Foucault speaks of [B] does a disservice to the military and his society as a whole [A] when he fails to meet the predetermined benchmarks. This disservice links back to inactivity. However, since it is not entirely inactive, it varies slightly. Being unsuccessful at meeting a benchmark does allow for some advancement towards A's goal. However, by not meeting the agreed-upon standard, it is preventing the full potential of B from being exploited. Furthermore, if A permits multiple parties under its control to miss benchmarks, it again has the potential to grossly retard the advancement of A's agenda. For this reason, a micro-penalty is applied.

The third tenet of Normalization of Judgment builds upon the micro-penalty itself. Foucault insists, "[d]isciplinary punishment has the function of reducing gaps. It must therefore be essentially corrective [sic]" (179). He explicitly states here that if B is unobservant to A's idea of docile and useful, A must do something about it. Otherwise, B will no longer succumb to the will of A as easily. In order to avoid this, the penalty must do two things. First, it has to rectify whatever [in]action or inadequacy with which B is associated. Second, it must also show B the error of their ways. A must be able to make B believe it is vital that they strive to meet the benchmark they missed in the first place. A must coerce B, through punishment, into consistently meeting the benchmark, never again falling short of it. For example, a young student with poor handwriting can be given extra lines to write out. As they say, 'practice make

perfect'. It will improve the student's handwriting, allowing them to meet the benchmark.

The fourth tenet of Normalization of Judgment is the principle of doling out rewards rather than punishments. Foucault contends that punishment must only be a last resort. Citing Demia, he claims, "The teacher 'must avoid, as far as possible, the use of punishment; on the contrary, he must endeavor to make rewards more frequent than penalties, the lazy being more encouraged by the desire to be rewarded in the same way as the diligent than by the fear of punishment'" (180). To contradict Machiavelli, it is better for the authority figure to be loved than feared. This happens because if A uses positive motivation [like being rewarded], it is much more effective at coaxing B to meet A's benchmarks [and subsequently being more docile and useful] than if A used negative motivation [like punishment]. Foucault uses the example of a point system in a school. Students presumably got points for docility and usefulness, and could use them to be exempt from doing some of their schoolwork.

Last, Normalization of Judgment relies on A's ability to rank B. It overlaps some of the previous functions in that, to paraphrase Foucault, ranking is a reward but can also be a punishment (181). Foucault also notes, "Discipline rewards simply by the play of awards, thus making it possible to attain higher ranks and places; it punishes by reversing this process" (181). In short, those who are disciplined well, or rather, who are docile and useful to A's agenda, will be rewarded by a higher position within the Fourth Face of Power. In kind, those whose actions are in opposition to A's definition of docility and usefulness will be punished with a lower position in the hierarchy. Schooling is a great example of this. A student cannot advance to the next grade level until they have mastered their current level. Being demoted like this carries the penalty of a stigma, so as to motivate B to realize the error that caused A to place them there. To continue with the school example, having to repeat a grade. It carries a stigma, as though they must be lazy or stupid. In the same way, those who have achieved the highest ranks have figured out exactly what A wants. They have attained their higher status by being docile and useful to A, thus being rewarded. A college professor exemplifies this in that their authority in the classroom comes from the fact that they presumably have many more years in a classroom than their students.

To bring all these pieces together, Normalization of Judgment relies on people internalizing a standard definition of docile and useful. It also allows people to be compared. As such, it makes a hierarchy of us all; who is the most docile and useful? They are the highest ranked as a result of being the most institutionalized. However, it also has the counter-intuitive effect of making everyone the same, because we all know what standard is expected of us. Ergo, we are given carte blanche to exclude those who refuse to accept this standard or consistently come up short of it. (182-183)

The Muggle World

"Ingenious, really, how many ways Muggles have found of getting along without magic" (Chamber of Secrets, 43)

While their treatment of Harry and overall negative feelings about the World he comes from are an exception among Muggle parental figures, the Dursleys represent the A to Harry's B in the Muggle World/Fourth Face of Power paradigm. Their treatment of Harry in and of itself functions as normalizing judgment. In order to understand their actions, it is first necessary to understand their attitudes. It is not entirely clear from the text what Vernon, Petunia, and Dudley Dursley think docile and useful is. On the other hand, it is explicitly clear what the Dursleys think docile and useful is not. It is so brutally obvious, in fact, that several neon signs bewitched with a Hover Charm may as well be pointing to it. Harry's Aunt Petunia and Uncle Vernon feel as though having wizards and witches in the family is something of which to be ashamed. As a matter of fact, the very first paragraph of "The Sorcerer's Stone" reads, "Mr. and Mrs. Dursley of number four, Privet Drive, were proud to say they were perfectly normal, thank you very much. They were the last people you'd expect to be involved in anything strange or mysterious, because they just didn't hold with such nonsense" (1). Rowling established in these first words of her four thousand-plus pages that the Dursleys idea of someone who is not docile and useful is anyone involved with magic and/or the Wizarding World.

Based on this assumption, the Dursley's actions [while horrendous and inexcusable, especially when done to a child] make sense. Harry's very existence, and even more the fact that he is in their care, inextricably links the Dursleys to the Wizarding World. Since their definition of indocile is anyone associated with magic or

the Wizarding World, the Dursleys themselves do not even fit their own definition, much less Harry. It is also because of Harry that they do not fit their own definition. So it is absurd to think that the Dursleys ever consider Harry docile and/or useful. Their solution is to constantly punish Harry[2], based on the second function of normalizing judgement; any action falling outside A's definition of docile and useful should be punished, so as to put B back on the correct path. As Vernon says when confronted by Hagrid about taking Harry to Hogwarts, "He's not going … We swore when we took him in we'd put a stop to that rubbish" (Sorcerer's Stone, 53), meaning the Dursleys were determined to force their idea of docility and usefulness upon Harry.

Under a typical Fourth Face of Power, punishing Harry for his noncompliance would fix the problem. This is no typical case, however. Harry is special in that he has the variable of magic on his side of the equation, though sometimes, magic just happens to or around Harry. One example is accidental magic. There are a myriad of examples throughout the books. For instance, in the second chapter of "Sorcerer's Stone", Harry has to tag along with Dudley's birthday celebration to the zoo. As Harry is having a conversation with a boa constrictor through the glass of its enclosure, Dudley's friend notices the rare behavior the snake is exhibiting, calling Dudley's attention to it. Dudley pushes Harry out of the way, causing him to hit the floor hard. Out of nowhere, the glass of the enclosure vanishes, letting the snake escape ("Sorcerer's Stone" 22-28). Furthermore, when Hagrid catches up with Harry and the Dursleys in that shack on that large rock out to sea, Harry expresses doubt as to whether he could be a wizard. Hagrid replies, "Never made things happen when you was [sic] scared or angry?" (Sorcerer's Stone, 58). Harry remembers the incident with the snake at the zoo, recalling that he was, indeed upset. This also brought to mind two other occurrences. One happened when Dudley and his friends were chasing Harry. He "somehow found himself out of their reach" (58). A second took place when Harry got a bad haircut shortly before returning to school; "he'd managed to make it grow back" somehow (58). A fourth instance of accidental magic happens when Vernon's sister Marge visits nearly two years later. She thoroughly enjoys criticizing Harry and his parents. On the final evening of Marge's stay and after several glasses of brandy, she hits a particularly raw nerve when she essentially calls Harry's parents low-lives. Her interpretation of them would probably match a Foucaultian "Other". He defends his parents, and she continues, calling him a "nasty little liar" and a "burden on [his] decent, hardworking relatives" (Prisoner of Azkaban, 29). At this point, she begins to swell in anger, but it does not stop, being lifted off the ground, magically inflated.

Several other magic and/or wizard-related things happen to Harry, too. In "Sorcerer's Stone", Hogwarts acceptance letters and supply lists continuously arrive for Harry tied to the legs of owls, the standard form of post in the Wizard World. The letters keep arriving in consecutively larger numbers, making Vernon take successively greater steps to prevent him from receiving one. First, he wrestles the original away from Harry and makes him sleep in the smallest bedroom. Next, he sleeps by the mail slot. Third, he boards up the mail slot, and fourth, the cracks around the front and back doors. Finally, Vernon keeps the family moving in hopes that the letters will not get to their location in time. Of course, this fails each time, causing him to move them again, until finally they get to the shack on the rock in the ocean (34-44). Shortly before Harry's second year in Hogwarts, two more events of this nature take place. One occurs while Vernon has Mr. Mason, a client, and his wife over for dinner, attempting to woo him into a contract with his company. At that point Dobby, a house-elf [a creature which basically amounts to an indentured servant] shows up, warning Harry of danger if he returns to Hogwarts. All the while he is overcome with emotion by how Harry treats him ["like an equal" (Chamber of Secrets, 13)] insists on punishing himself loudly for disobeying his master, and is a general nuisance to Harry. Vernon loses the client as a result of Dobby using magic and the Ministry of Magic assuming it was Harry. They sent a formal warning via owl, and Mrs. Mason is terrified of birds. This, along with all the other strange things happening that night cost Vernon that contract. Soon after this disaster, Harry finds Ron, Fred, and George Weasley staring at him through the bars Vernon had fitted on his window. They retrieve his accouterments and zoom off into the night back to the Weasley's house (23-27).

2Foucaults theory does not quite map exactly here, because you are hard-pressed to find any textual evidence that the Dursleys *ever* reward him.

What all these events have in common is that Harry was just as innocent as any other party involved. As stated, sometimes magic just happens to him. Several of the examples given take place before he even knows he is a wizard. Harry has absolutely no control over the accidental magic he uses [hence the name]. Yes, Harry showed remarkable restraint in that Marge did not get hit with accidental magic sooner, but that is not the same thing as control. To have control implies a conscious choice. Even though Harry despised Marge for what she said about his parents, there is no textual evidence that suggests he specifically wanted to inflate and make her float away. There is similarly no textual evidence that he consciously chose to make the glass of the boa constrictor's enclosure vanish, or to make his hair grow back overnight.

This is concurrent to the fact that Harry can only control his own actions. He had no vote in the three Weasleys deciding to take the flying car to number 4 Privet Drive, or Dobby turning up in his bedroom and noisily punishing his own disobedience to his master. These things just happen, and because Harry is a special case with an extra consideration [magic], they will continue to happen, completely outside the sphere of his control. For this reason, the Dursleys cannot punish Harry to correct his nonobservance of their idea of docile and useful, as Foucault would assert they could. It is not his conscious choice to be associated with the Wizarding World, to be "The Boy Who Lived", to do accidental magic, or have representatives from the Wizarding World try to save him. Giving him a corrective penalty for this does not and will never work!

The Wizarding World

Harry:"But what does a Ministry of Magic do?"

Hagrid:"Well, their main job is to keep it from the Muggles that there's still witches an[d] wizards up an[d] down the country" (Sorcerer's Stone, 65)

On the complete opposite end of the spectrum, Harry is one of the most famous people in all of wizardkind because at just over one year old, he was extremely useful. He was not docile quite yet, as he had not gone through any wizard institutions like Hogwarts. But when he enters at age eleven, we, the readers, see that there are indeed elements of Foucaultian discipline at work. One element present is corrective punishment[3]. In "Chamber of Secrets", Harry and Ron are unable to get to the Hogwarts Express, so they steal the Weasley's flying car. They catch up to the train and follow it to Hogwarts, crash landing near the Whomping Willow. They are met by Professor Snape in the Great Hall and escorted to his office. He says, "You were seen" showing them the Evening Prophet, which reads "FLYING FORD ANGLIA MYSTIFIES MUGGLES" (79). Disappointed that the power to expel them does not rest in his hands, Snape fetched Professor McGonigal, who does not expel them, but gives them detention, which Harry has the misfortune of having to serve with Professor Lockhart, by far the most narcissistic, inept professor ever seen in the series. This constitutes a corrective punishment[4], if a few things are considered. First, Snape says "So … the train isn't good enough for the famous Harry Potter and his faithful sidekick Weasley. Wanted to arrive with a bang [sic], did we, boys?" (78). Professor Snape is convinced that Harry conned Ron into taking the flying car because he wanted the attention that would come with arriving in such a way. While it was actually an act of desperation, no one else seems to entirely believe Harry and Ron's version of events. Harry having to serve his detention helping Professor Lockhart answer fanmail is corrective in that having to be around him and his insufferable persona of clueless narcissism is miserable for Harry. Professor Lockhart is all about publicity and is a terrible human being as we find out later in the book. Perhaps that is exactly what McGonigal had in mind, show Harry an example he finds so appalling that he will internalize it and police himself. This makes him believe it is his own

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3There are others, such as Partition (the four Houses, tables at mealtimes, sitting in organized rows of desks with the teacher lecturing at the front) Unit in Rank (first through seventh year students have different levels of training, Prefects have authority to take or give points, Quiddich team Captains), Control of Activity (class schedules , Hermione's Time-Turner in "Prisoner of Azkaban"), but they are not relevant to Normilization of Judgement.

4Although whether polishing trophies does anything to correct Ron from stealing and flying bewitched cars is another argument entirely.

idea of 'That is not me.' In turn, Harry is more receptive to it and consequently, more docile and useful.

But, in a twist that would make Michel Foucault roll over in his grave, Harry seems to be a special case in the Wizarding World as well. Instead of reinforcing docility and usefulness, Harry is rewarded for breaking the rules in two ways. The first way he gets rewarded is figurative. One example of this is at the end of "Sorcerer's Stone" when Harry wakes up in the Hospital Wing three days after going toe-to-toe with Voldemort, a Dark wizard bent on controlling the magical world. Dumbledore is there when he awakens. Concerned, Harry asks what happened to the Sorcerer's Stone. Dumbledore replies that he "did not manage to take it from you. I arrived in time to prevent that, although you were doing very well on your own, I must say" (296). A second example is toward the end of "Chamber of Secrets". After Harry rescued Ginny [Ron's sister] from Voldemort, got through the cave-in to Ron and Professor Lockhart, and hitched a ride out of the Chamber of Secrets from Dumbledore's pet phoenix, "Harry found himself and Ron being swept into Mrs. Weasley's tight embrace. 'You saved her! You saved her!'"(327). These examples are more figurative in that they could elicit in Harry the proverbial 'warm, fuzzy feeling' you get from doing a good deed. Also, they add to the mythos of Harry Potter in the Wizarding World, because it is more evidence that he is a good wizard. Here, 'good' has two meanings. The first is that he is not an evil person able to perform magic. He was so loyal to Ron and the Weasleys that he saved Ginny. Someone like Lucius Malfoy would have let her die to help Voldemort come back. The second meaning here is that Harry is good at what he does; he is a powerful wizard. How many wizards survived a Killing Curse and successfully defeated the one who cast it three times by the age of thirteen?

The second way Harry's indocility is rewarded is literally. In "Sorcerer's Stone" Harry expressly ignores Dumbledore's order that, "the third-floor corridor on the right-hand side is out of bounds" (127). At the end-of-year feast, Harry and other friends who assisted him earned one hundred seventy points, winning the House Cup. Those points were earned by battling his way out of a situation in which, if he would have just obeyed the rules in the first place, he never would have found himself. An even better example is in the end of "Chamber of Secrets", leading up to the point where they actually enter the Chamber. Due to attacks on students, teachers are required to escort them to their lessons. Harry lies to Professor Lockhart while he escorts the Gryffindors to History of Magic, agreeing with the statement, "Frankly, I'm astounded Professor McGonigal thinks all these security measures are necessary" (287). Harry then convinces Professor Lockhart to let them go unescorted the rest of the way to their lesson. When he leaves, they sneak away, and get caught by Professor McGonigal: "Potter! Weasley! What are you doing?" (288). Harry and Ron both lie this time, saying they are going to see Hermione. Soon after the events that go on in the Chamber of Secrets, Dumbledore awards Gryffindor four hundred points. In short, Dumbledore rewards Harry for lying to two different teachers, convincing one of said teachers not to do his job, defying his timetable, and contributing to Ron's delinquency. This does not make any Foucaultian sense.

Not only is Harry rewarded for breaking rules and indocility, but his indocility is enabled by authority, such as Dumbledore and Professor Lupin. In "Sorcerer's Stone" Harry receives "[s]omething fluid and silvery gray" for Christmas (201). That something is an Invisibility Cloak, and almost one hundred pages later, Harry finds out Dumbledore gave it to him. Harry lost the Cloak at the top of the Astronomy Tower, only to find it on his bed with a note; "Just in case" (261). That note was in the very same handwriting as the note the Cloak came with at Christmas, meaning that he also gave it back to Harry. Similarly, in "Prisoner of Azkaban", Professor Lupin enables Harry's indocility with the Marauder's Map, a bewitched piece of parchment, detailing the Hogwarts School and its grounds, as well as those within it. Professor Snape catches Harry with the Marauder's Map, and, convinced it was full of Dark Magic, asks Lupin for help. Scoffing at the notion, Professor Lupin says, "It looks to me as though it is merely a piece of parchment that insults anybody who reads it" (288). Making the excuse that he needs to talk about an assignment with Harry, they leave Professor Snape. He confiscates the Map, saying he knows what it is. Towards the end, he resigns, and gives the Marauder's Map back to Harry, as well as his Invisibility Cloak, which he lost the night before. This series of events gives Harry license to engage in much more rule-breaking in the years to come.

Conclusion

"I open at the close" (Deathly Hallows, 134)

As I have argued, Foucault's Fourth Face of Power has a very muddied application to the first three books of the Harry Potter series. In particular, the mechanism known as 'Normalization of Judgment' operates in a very strange way that would baffle Foucault. First, in the Muggle World, Harry cannot ever meet the Dursley's definition of docile and useful. This is due to the fact that their definition entails someone who has nothing to do with the Wizarding World. However, in this selection from the series, Harry has very little control over magic-related occurrences. Accidental magic just happens; he does not consciously cause it. He, likewise, cannot control the actions of other beings, like Dobby or Ron Weasley, if they happen to show up at number 4 Privet Drive. Hence, corrective punishment for not being docile and useful is pointless. Second, while Hogwarts does have some elements of Foucaultian discipline, Harry is allowed, rewarded, and enabled by authority to trample Foucault's paradigm.

What is most fascinating about the application of Foucault's work to Harry Potter, though, is that it inadvertently shows how much we internalize docility, usefulness, and the mechanisms that reinforce it. I have discovered, in studying the Faces of Power, that they are quite close to universal. There are all sorts of examples from my own life that I draw on to pick out where it is occurring within the universe of Harry Potter. The very fact that I have spent over fifteen pages talking about how Foucault does and does not apply to Harry Potter means that I have many, many examples to which I can compare to those of Harry Potter. Had we not internalized the Fourth Face of Power, these pages would not have made any sense, but, as if by magic, they all do.

Consumption as Control in Victorian Poetry

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The act of consumption is conveyed in Victorian poetry with many different meanings. In the following paper, I will analyze varied meanings through the poetry of Dante Gabriel Rossetti, Algernon Charles Swinburne, and Christina Rossetti. The Oxford English Dictionary defines consumption as the following: A case of disease or illness; wasting away or the process of decaying; action of eating or drinking; the action of destroying or being destroyed (OED). In examining three Victorian poems I will explain how consumption is a form of control. First I will examine how the act of consumption through eating and destroying are represented in Algernon Swinburne's "Anactoria" and Dante Gabriel Rossetti's "Willowwood." I will finally analyze how consumption as eating and consumption as illness are explored in Christina Rossetti's "Goblin Market."

In both Algernon Charles Swinburne's "Anactoria" and Dante Gabriel Rossetti's "Willowwood" there are acts of consumption. In "Willowwood" the speaker attempts to drink his female lover's whole existence, while in "Anactoria" Sappho speaks of wanting to eat her lover so that they can become one entity. In "Willowwood," the speaker and an anthropomorphized Love wish to control the speaker's female lover in order to form a patriarchy, however, in "Anactoria" Sappho wants to consume and become one with her lover in order to control her and form a matriarchy. By focusing on sonnets XLIX and LII of "Willowwood" and mostly lines 105 to 114 in "Anactoria," I will explain how these acts of consumption convey the speaker's desire to control their lover and ultimately form an absolute power structure.

The definitions of consumption that are important to these poems include the following: The action of destroying and action of eating or drinking (OED). These definitions will convey how the act of the speakers' consumption in both poems can be viewed as a form of control on their lover. Because the second definition explains that "consumption" can mean to destroy a person, the act by the speaker in both poems suggests that they ultimately control their lover in which they are consuming because they destroy their existence.

In Dante Gabriel Rossetti's "Willowwood" the speaker and Love are sitting side by side at a well and only lock eyes in the water. As the speaker is looking into the reflected eyes of Love, he begins to see a woman's eyes and sees her come from the water. The speaker is familiar with this woman because in line thirteen he says, "And as I stooped, *her own* lips rising there" (13, italics added for emphasis). By saying "her own" the speaker indicates that he is familiar with those lips and thus, familiar with the woman. Love has reincarnated the speaker's lover and as the speaker is spending time with this woman Love is singing; as soon as Love's song stops, the woman goes back into the water. The speaker explains that she fell back into the water and he tries to keep her with him by drinking her in:

> So when the song died did the kiss unclose;
> And her face fell back drowned, and was as grey
> As its grey eyes; and if it ever may
> Meet mine again I know not if Love knows.
> Only I know that I leaned low and drank
> A long draught from the water where she sank,
> Her breath and all her tears and all her soul: (5-11).

At the beginning of the poem, Love controls the woman because he gives her to the speaker and takes her away from the speaker, but the speaker also controls his lover by only keeping her with him and kissing her throughout their time together – she is never allowed to act on her own accord. The speaker attempts to control this woman even more when he tries to consume her in lines nine through eleven, "Only I know that I leaned low and drank / A long draught from the water where she sank, / Her breath and all her tears and all her soul:" (9-11). The speaker tries to drink every fiber of his lover's being; he wants to lock her soul and her existence within himself. This act of consumption conveys the ultimate form of control because the woman would be contained only within the speaker. Through drinking and thus consuming her she becomes a part of him.

Because the female is constantly controlled and never allowed to do anything on her own, she is subjected to a patriarchal system being built between

Love and the male speaker. In Eve Sedgwick's chapter "Gender Asymmetry and Erotic Triangles" in her book *Between Men: English Literature and Male Homosocial Desire* the concept of a continuum for male relationships is introduced. She explains that normal bonding between men is defined as homosocial desire. In "Willowwood" this continuum holds true because the male speaker and the male form of Love gradually transition into a homosexual relationship. The two males form a bond when they lock eyes in the water and there is this sense of desire between them. The speaker is also moved by Love's lute playing in lines six through eight, "Only our mirrored eyes met silently / In the low wave; and that sound came to be / The passionate voice I knew; and my tears fell" (6-8). Before these lines it is said that Love is playing a lute and he expresses his secrets through his playing. This "voice" moves the speaker to tears because it is so full of passion. From this situation the two men form a stronger bond and their relationship grows into a homosexual one by the end of "Willowwood." At the end of the sonnet sequence the speaker accepts his desire for Love and they form a homosexual relationship, which according to Sedgwick's continuum would be the ultimate relationship between men.

In her chapter on the erotic triangle Sedgwick looks at another theorist, Heidi Hartmann's, definition of how men's relationships relate to patriarchy. Hartmann indicates that in order for male to female relationships to be powerful they must rely on a male to male relationship (25). Sedgwick explains that social structures depend on the erotic triangles with two men and one female. She looks more into the idea of the triangle and expresses the following:

> We can go further than that, to say than in any male-dominated society there is a special relationship between male homosocial (*including* homosexual) desire and the structures for maintaining and transmitting patriarchal power: a relationship founded on an inherent and potentially active structural congruence. (Sedgwick 25).

This suggests the same type of relationship between the characters of "Willowwood." Love creates this woman in order to be with the male at the end of the poem.

There is not only the creation and the death of the woman by Love and the controlling of her by the speaker, but also the act of consumption performed on her. When the speaker drinks his lover he literally consumes all of her existence into himself. Not only is she manipulated by both the male form of Love and the male speaker but she is consumed and ultimately controlled by the male speaker as well. By looking at a definition of the verb "consume" as given by the Oxford English Dictionary as "To destroy or kill (a person)" it can be noted that the speaker in "Willowwood" destroys his lover through the act of drinking her (OED). Because consume can mean both drinking or eating and destroying someone, then by drinking his lover in, the speaker thus destroys her whole sense of being. This act controls the woman to a point that she is no longer in existence.

There is a transaction between the Love and the speaker when Love gives this woman to the speaker. With the woman being the subject of the transaction, she is equal to monetary goods. It is the same situation as a Victorian era father selling his daughter in order to remain financially successful, while the man who would buy this daughter would receive a dowry from her parents as well. There is a notion of eroticism because the daughter is being sold for sex and in order to fulfill both men's desires; her father desires money while her new husband desires sex as well as money. This relationship is conveyed through the relationship in "Willowwood" because Love desires to be with the speaker so he reincarnates the speaker's lover, and the speaker desires sex. As soon as the woman is gone the speaker and Love fulfill their desires with each other because the speaker accepts his desire with Love in lines twelve through fourteen, "And as I leaned, I know I felt Love's face / Pressed on my neck with moan of pity and grace, / Till both our heads were in his aureole" (12-14). Love brings this woman into the situation so that he can take her away in order for the speaker to feel heartbroken and sexually frustrated because he was only kissing the woman, it did not lead to anything else. Love takes the woman away so he can comfort the speaker and allow him to feel a heightened sense of desire, so that they can form a stronger male bond. By never allowing the woman to speak throughout the poem and the speaker consuming her, the patriarchal structure is formed.

In his essay "Love, Unity, and Desire in the Poetry of Dante Gabriel Rossetti," Stephen Spector takes a look at "Willowwood" among Rossetti's other poems. He suggests that in "Willowwood" the speaker becomes

obsessed with the idea of unity and this yearning grows stronger after he becomes separated from his lover. He continues to note that the speaker wants to become whole again after this separation:

The initial impulse to drink at the well arises from the desire to quench the anguished thirst of separation, the well representing, in this aspect, as it traditionally does so often, the source of being – and the desire to drink its waters is the desire to recover wholeness." (Spector 456)

Spector explains that because of this loss of unity with the woman the speaker is forced to form a union with Love, who will not let him go and haunts him (456). In Spector's article it is never indicated that the speaker ends up with another male, because he examines Love as a personification of the emotion. It is still important to see Love as a male and as controlling the woman in the poem in order to become closer with the speaker. Although Love does grasp the speaker and holds onto him, the speaker accepts this embrace and wants this unity to form between himself and Love. The unity must form in order for the patriarchy to be successful.

This patriarchy is created because the woman is controlled throughout the poem, with the ultimate form of control toward her being the speaker's consumption by drinking her in and bringing her existence into his own. The idea of unity can also be connected to the speaker's quenching his desire of fulfillment. By drinking his lover's existence the speaker unites her soul with his own because he is bringing her into his body. Through this act of containing her, the speaker is also destroying his lover's existence. When the speaker destroys his lover and unites with Love at the end of the poem the patriarchy is reached and thus, fulfilled.

This idea of a social power structure being created through the act of consumption as control is also conveyed in Algernon Swinburne's "Anactoria." The situation in this poem is similar to the speaker and his lover in "Willowwood" because the act of consumption can be seen as a form of control; through this control Sappho, the speaker, creates a matriarchy. By consuming Anactoria, her lover, Sappho forces Anactoria to become one with her. This dominance creates the matriarchal power structure because it conveys that Sappho is dominant and able to control her lover. This sense of control leads to a sense of power and because Sappho holds the ultimate form of power, she conveys that a matriarchy can be built.

In lines 105 through 114 Sappho explains that she wants to eat Anactoria so that they can become one:

Ah that my lips were tuneless lips, but pressed
To the bruised blossom of thy scourged white breast!
Ah that my mouth for Muses' milk were fed
On the sweet blood thy sweet small wounds had bled!
That with my tongue I felt them, and could taste
The faint flakes from the bosom to thy waist!
That I could drink thy veins as wine, and eat
Thy breasts like honey! that from face to feet
Thy body were abolished and consumed,
And in my flesh thy very flesh entombed! (Swinburne 105-114).

In these lines Sappho is saying that she wishes to eat and consume Anactoria. This act of cannibalism suggests that Sappho ultimately wants to control her lover; she does not want Anactoria to be with anyone else – it is much like the cliché phrase: If I can't have you, no one can. Sappho wants to keep Anactoria all to herself and wants to control her.

In the chapter "Radical Lesbians" in her book *Feminist Theory: the Intellectual Traditions of American Feminism*, Josephine Donovan examines the main ideas of Radical Feminists. The main section that I am focusing on is the information on the "Radicalesbians." Donovan explains that they focus on the idea of the "woman-identified woman" and they argue that "the lesbian is really a natural, 'unconscious' feminist, a woman who devotes her energies to other women, who refuses to be identifies in terms of a man" (Donovan 161). These women try to not be oppressed by men by way of acting like a male in society. In this chapter Donovan even discusses the ideas of the "Radicalesbians" and quotes the group as saying, '"Lesbian is a label invented by the Man to throw at any woman who dares to be his equal...who dares to assert the primacy of her own needs'" (161). This group believes that a lesbian is pushing the boundaries because she takes a man's role in choosing to be with another woman but also identifies herself through another woman, and thus is the strongest feminist. Donovan then expresses that women want to make their identities through comparison to one another (162). By looking at

these ideas of "Radicalesbians" it can be assumed that because they believe in woman identified woman then the ultimate form of power, to them, would be a matriarchy.

Sappho would technically be the original idea of a lesbian because she wrote love poems for women and had female lovers; even the word lesbian comes from her because she lived on the Isle of Lesbos. Swinburne creates Sappho's character through his poem by writing the poem to one of her lovers and having Sappho as the speaker. So, because Sappho is a lesbian she would identify with women and disown the ideas of the patriarchy. In order for her to form the opposite power structure, a matriarchy, she must not only identify with another woman but build the strongest bond with this woman. She does this by fusing Anactoria's mind, body, and soul with her own. The act of consumption not only brings Anactoria into Sappho but it also indicates a form of control; Sappho not only wants to eat Anactoria but wants to destroy her so that she can only be contained within the confines of Sappho's body. This ultimate form of control leads to a formation of a power structure; control becomes power. Also, Sappho holds power because she writes – her words will forever be known. She holds power over all of the other existing people because only her words will be known throughout history. This power is formed because Sappho has consumed her lover into her poetry. Anactoria will become immortal because Sappho, who will be known throughout time, has consumed her and brought Anactoria into her own mind but Sappho has also immortalized her by consuming her within her poetry. Here again is this control over Anactoria.

After Sappho tells Anactoria in lines 105 to 115 that she wants to consume her because of her beauty and she wishes to become one entity she goes on to suggest even further that she wants to destroy Anactoria. In line 113 she tells Anactoria that she wishes "that [her body] were abolished and consumed," which conveys that Sappho wants to destroy all of Anactoria's existence. Furthermore, in lines 129 through 132 she tells Anactoria that she wishes to destroy her even more, "O that I / Durst crush thee out of life with love, and die, / Die of thy pain and my delight, and be / Mixed with thy blood and molten into thee!" (129-132). Sappho wants to completely abolish Anactoria and become fused with her in order to become one entity. These lines convey that Sappho wants to become fused with Anactoria so that their bond can grow stronger, but through this bond Anactoria would no longer exist. Sappho would be the only existence because she has controlled Anactoria by literally consuming her and also consuming her within the lines of her poetry.

Control can be conveyed by the act of destruction through consumption, but there is also another interesting aspect to look at in Swinburne's poem. In lines 107 to 111 there is a sense of a vampirism because Sappho wants to suck Anactoria's blood through small wounds. Sappho explains in a vampiric way that she wants to consume her lover:

> Ah that my mouth for Muses' milk were fed
> On the sweet blood thy sweet small wounds had bled!
> That with my tongue I felt them, and could taste
> The faint flakes from the bosom to thy waist!
> That I could drink thy veins as wine, (107- 111)

Like a vampire, Sappho wants to drink Anactoria's blood; she wants to feed upon her constantly. This image alludes to vampirism and control. Because vampires bite and suck the blood from people, they control them. They control people through the act of consuming their blood, and Sappho displays this type of behavior when telling Anactoria that she wishes to drink her blood. Then in line 132 Sappho explains that she wishes to abolish Anactoria and wants her blood to mix and be "molten into [her]" (132). Through this act of vampirism, Anactoria's blood will mix with Sappho's and will become fused with Sappho's own blood. Because Sappho is fusing her lover's blood with her own, she is controlling her.

In David Cook's article "The Content and Meaning of Swinburne's 'Anactoria'" he explains that Sappho controls Anactoria through the act of sex. Basically, Sappho becomes the dominant partner in this lesbian relationship. He explains that Sappho wants to "merge bodily with [her lover]... [because] absolute physical coalescence with another body...would be the perfect finite manifestation of infinite union;" (Cook 81). Sappho wants to reach a perfect union with her lover in order to reach the greatest form of climax. She does this through controlling Anactoria and fusing her within herself. Cook then goes on to suggest that if this were to be looked at literally then Sappho desires to "break down the barriers of the flesh and achieve a sanguinary confluence of organic tissue with [Anactoria]" (81). This can be seen as a sadistic act but also forms the ultimate

union between lovers. He explains that this idea of forming a union relates to the idea of sexual release or gratification; it becomes a metaphor for an orgasm through oral sex (82). Cook does not come out and say this but Sappho and Anactoria are both female and cannot really have penetration through sex but he does say, "Only in death can one body (or being or self) *wholly* penetrate another, only, that is, when both have ceased to be" (82). So, Sappho wishes to destroy Anactoria because she wants an ultimate union, which equals a penetration. This is also a form of control – Sappho is consuming and destroying Anactoria in order to fulfill her own desire for an orgasm through penetration.

Cook goes on to further explain the allusions of the labia and other female genitalia throughout the poem. He says that Sappho "threatened in line 29 to 'vex' her lover with 'amorous agonies'" (83). This indicates that Sappho wishes to sexually hinder her lover's orgasm or more simply put, tease her lover until climax. Also, beginning in line 37 it can be seen that there are two lips, "And all the broken kisses salt as brine / That shuddering lips make moist with waterish / wine," (Swinburne 37-38). This could be an image of oral sex because there are kisses which taste salty and "shuddering lips" that become moist through a sexual act. It seems that there is an allusion of cunnilingus in the beginning lines, but late in the poem Sappho becomes dominant in her sexual relationship with Anactoria and wants to destroy her so that there can be a penetration. Cook says that "death becomes equitable with orgasm" (Cook 88). This is an important statement because Sappho wants death and the fusion of her body with Anactoria's so that there can be an ultimate union, which can lead to orgasm through an actual penetration of bodies. This is also notable because in French the word orgasm means "little death." Sappho wishes to kill herself and Anactoria not only because they will reach an ultimate union but because they will reach orgasm. Her destruction can be a metaphor for sexual gratification.

Although Sappho wishes to destroy Anactoria and integrate her into her own body for sexual pleasure there is still a notion that she is controlling the situation and becomes dominant. Even sexually Sappho is the dominant female in the relationship; she creates Anactoria's orgasm through cunnilingus and wants to destroy Anactoria in order to reach an ultimate union for an orgasm through penetration. She controls almost everything in the relationship and is able to remain powerful because she is dominant and can contain every part of her lover's being within her poetry.

By viewing Sappho as a lesbian and a woman-identified- woman it can be said that she creates the ultimate identity of a radical feminist. She identifies herself through other women and takes on the role of a man as she conveys her dominance to Anactoria. By doing this she is ignoring all aspects of the dominant patriarchy and forming her own dominant power structure, a matriarchy. Sappho becomes dominant by controlling her lover in all areas, including her sexual relationship. Her ultimate act of control is the act of consumption, when she explains that she wants to eat and destroy Anactoria so that she can fuse her into her own body. This containment of Anactoria bodily and metaphorically, in Sappho's poetry, indicates the control of her by Sappho. This control inevitably leads to power. As a woman, Sappho holds the dominant role and builds an absolute power structure, a matriarchy.

In both Rossetti's "Willowwood" and Swinburne's "Anactoria" consumption conveys control. Through this control both speakers gain power and in the end form opposing power structures. In "Willowwood" the male speaker and the male form of Love never allow the woman to speak throughout the poem and thus control her, but the speaker performs the ultimate act of control through consumption, by drinking and thus destroying his lover. In "Anactoria," Sappho controls every aspect of her relationship with her lover but ultimately controls her through consumption, by eating and therefore destroying Anactoria. In "Willowwood" the speaker gains control through his consumption of the woman in the poem and he builds a patriarchy by destroying the woman through consumption and maintaining a homosexual relationship with Love, which is the absolute form of power in Eve Sedgwick's continuum. In "Anactoria," Sappho gains control through the consumption of Anactoria, and she builds power through this control. She gains power not only through the act of consumption, but also by being a lesbian or a woman-identified-woman and taking the place of the dominant male in her relationship. Because Sappho is the dominant female in her relationship with Anactoria she holds power and through this she forms her absolute power structure, a matriarchy. Through the act of

consumption the speakers in both poems control their lovers and gain power through this control.

In Christina Rossetti's "Goblin Market" consumption refers to not only eating but also illness as well; Laura eats the fruit that the Goblin men sell, and then seems to become ill. This illness could relate to illness from the fruit but also to a sexually transmitted disease. At the beginning of the poem the goblin men are yelling at passers-by to buy their fruits; the description of the fruits are quite seductive and succulent: "*plump* unpecked cherries," "Pomegranates *full and fine*," "Figs to *fill your mouth*, / Citrons from the South, / *Sweet to tongue* and sound to eye; / Come buy, come buy." (7; 21; 28-31; italics added for emphasis). The seduction of the fruits makes them more appealing for consumption. As the goblins go through the woods telling people to buy their fruit, sisters Laura and Lizzie, caution each other about taking the fruit. Lizzie warns her sister of the goblins, "'Oh,' cried Lizzie. 'Laura, Laura, / You should not peep at goblin *men*'" (48-49; italics added). It is interesting that the unwanted merchants are goblin men and they carry luscious and sexualized fruits. It seems that Lizzie is not only warning Laura about the fruit but also about the fact that the goblins are men.

Laura is entranced by the fruit and finally gives in to the goblins; after she explains to the goblins that she has no money they tell her to just give them a lock of her hair and she can eat all that she likes. Laura consumes the fruit and cherishes them because they are forbidden: "She dropped a tear more rare than pearl, / Then sucked their fruit globes fair or red," "She sucked and sucked and sucked the more / Fruits which that unknown orchard bore; / She sucked until her lips were sore," "And knew not was it night or day/ As she turned home alone" (127-128; 134-136; 139-140). The word "sucked" sexualizes this scene of Laura eating the fruit, especially with the notion that the goblin-men are giving her the fruit. After Laura returns home she becomes obsessed with the idea of tasting the fruit again. After the sisters go back to the glen and Laura cannot hear the cries to buy fruit, she is consumed by a mysterious illness.

Laura becomes frustrated with the idea that she cannot hear the men and that she cannot taste the fruit. As her hair goes gray and she refuses to eat, her body begins to waste away. Laura's symptoms could relate to a sexually transmitted disease. Pamela Gilbert examines the idea of the female body and sensationalist stories and while she looks at novels, she also looks at the background for the thoughts that reading is a type of consumption. In her article "Ingestion, Contagion, Seduction: Victorian Metaphors of Reading" Gilbert explores the idea of diseases and how they relate to women. She explains that syphilis was a widespread disease going around in the Victorian era and was related to prostitutes because it was transmitted through sex (Gilbert). The Centers for Disease Control and Prevention say that the symptoms of secondary stage syphilis include the following: hair loss, weight loss, muscle aches, and fatigue. The final and late stages include becoming numb and memory loss such as dementia (CDC). All of these symptoms relate to Laura's own demise in health.

As Laura's health starts to decline it is explained in the poem that she is beginning to decay: "Her hair grew thin and grey; / She dwindled, as the fair full moon doth turn / To swift decay and burn / Her fire away" (277-280). This conveys that not only is her hair graying but is also patchy and she is losing her hair. So, Laura consumes the fruit given by the goblins, which could convey that she has had her first sexual experience because of the description of the fruit and because the goblins are goblin men. After she has eaten the fruit, Laura is consumed and taken over by a sickness – the illness controls her body. The goblin men provide Laura fruit that can control her through the act of consumption. The men try to destroy her through the fruit and it almost works, until Lizzie saves her sister from her deathbed.

Lizzie goes to the goblins to persuade them to give her fruit; because she does not eat it the goblins smash the fruit against her and the juices flow onto her skin. Lizzie does not consume the fruit, so she does not become ill and is not controlled or destroyed by the goblin men. As she runs home to Laura, Lizzie is covered with the fruit juices. Lizzie runs to her sister and says:

> Come and kiss me.
> Never mind my bruises,
> Hug me, kiss me, suck my juices
> Squeezed from goblin fruits for you,
> Goblin pulp and goblin dew.
> Eat me, drink me, love me; (466-471).

Although, Laura is still consuming the juices from her sister, she is not becoming ill because she is not at

risk of illness from the goblin men. Although Laura endures intensity past feelings of pleasure or pain she still lives because "She kissed and kissed her [sister] with a hungry mouth" (492). The juices from Lizzie's body cure Laura; the taste of the fruit from another female body cures her illness given to her by a male.

This scene is visualized as sexual just as much as the scene where Laura eats the fruit from the goblin men, but this act of eating is out of love and Lizzie has sacrificed herself for her sister. It also seems that by Laura consuming the fruit juices from another woman, especially her sister, she has no way of becoming ill. She can only get better because she is no longer consumed by an illness and thus controlled by a male patriarchal figure – the goblin men. Just as in Algernon Swinburne's "Anactoria," with Sappho and Anactoria, Laura and Lizzie form a matriarchal power structure against the patriarchal form set to consume, control, and ultimately destroy them.

References

Centers for Disease Control and Prevention. CDC, 2012. Web. 24 March 2012.

"Consumption" *Oxford English Dictionary.* 2nd ed. 2011. Web.

Cook, David A. "The Content and Meaning of Swinburne's 'Anactoria.'" *Victorian Poetry.* 9.1 (1971): 77-93. Print.

Donovan, Josephine. "Radical Feminism." Feminist Theory: The Intellectual Traditions *of American Feminism.* New York: Ungar, 1987. 141-169. Print.

Gilbert, Pamela K. "Ingestion, Contagion, Seduction: Victorian Metaphors of Reading" *Scenes of the Apple.* Ed. Tamar Heller and Patricia Moran. Albany: State University of New York Press, 2003. 65-86. Print.

Rossetti, Christina. "Goblin Market" The Broadview Anthology of Victorian Poetry and *Poetic Theory.* Ed. Thomas J. Collins and Vivienne J. Rundle. Toronto: Broadview, 1999. 317-318. Print.

Rossetti, Dante Gabriel. "Willowwood." The Broadview Anthology of Victorian Poetry and *Poetic Theory.* Ed. Thomas J. Collins and Vivienne J. Rundle. Toronto: Broadview, 1999. 317-318. Print.

Sedgwick, Eve Kosofsky. "Gender Asymmetry and Erotic Triangles" *Between Men:* English Literature and Male Homosocial Desire. New York: Columbia University Press, 1985. 1-28 Print.

Spector, Stephen J. "Love, Unity, and Desire in the Poetry of Dante Gabriel Rossetti." *ELH* 38.3 (1971): 432-458. *JSTOR.* Web. 10 November 2011.

Swinburne, Algernon Charles. "Anactoria." The Broadview Anthology of Victorian Poetry *and Poetic Theory.* Ed. Thomas J. Collins and Vivienne J. Rundle. Toronto: Broadview, 1999. 317-318. Print.

GROUPTHINK AND WATERGATE

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Abstract

In this paper the theory Groupthink will be applied to the Watergate Scandal involving Richard Nixon and his administration. By first giving a background to the Watergate scandal and then applying Groupthink, motivations for many of Nixon's behaviors become understood. Groupthink explains why Nixon's administration could have made such poor decisions through issues with cohesion, structural factors, internal and external stress, illusion of unanimity and overestimation of the group all led to groupthink.

When hearing about the infamous Watergate scandal, many people find themselves questioning President Nixon and his inner circle as to what caused them to perform such ludicrous acts. Questions arise such as why did not anyone have any protest in the illegal burglary and attempted wire-tapping of the Democratic Committee? Did they really not think they would get caught? Others may wonder as to where the administration went so drastically wrong. To simply put it, the Nixon administration became victim to groupthink. Groupthink is a hazard that all groups are susceptible to. It can be defined as a way of group deliberation that minimizes conflict and emphasizes the need for unanimity (West and Turner, 2010). Groupthink suggests that group members make premature, often irrational, decisions without weighing other options. In brief, in the year 1972 a former member of the CIA and four others were caught breaking in to the Watergate Hotel, which was the location of the National Democratic Committee. Investigations linked President Nixon directly to this crime, and an extensive inquiry and trial began. The Watergate scandal of 1972, and the reasoning behind the Nixon administration in regards to this scandal, illustrates a prime example of groupthink. This scandal is largely seen as one of the biggest tarnishes on our United States presidential system. Through investigative reporting, many dirty secrets meant to be kept under wraps in the Nixon administration were exposed. In this paper the theory of groupthink will be used to analyze behaviors surrounding the Nixon administration that lead to their actions. The positivist/empirical approach was employed in application and research.

The positivistic/empirical approach that is used in groupthink assumes that one can uncover objective truths, and that research should be value neutral (West and Turner, 2010). This approach tends to construct laws to govern human interactions, and strives for control over important concepts in a theory (West and Turner, 2010). Groupthink's communication tradition is socio-psychological and socio-cultural. When it is called socio-psychological it means that the theory examines how one's behavior is influenced by something else. It is also socio-cultural, meaning it looks at how interactions are influenced by preexisting, shared cultural patterns and social structures (West and Turner, 2010).

To fully understand the way groupthink can be applied to the Watergate Scandal, it is first important to understand what exactly the scandal entailed. To begin, in 1971 secret documents from the Defense Department involving the Vietnam War, dubbed the Pentagon Papers, were leaked by Daniel Ellsburg. Only two months later, Ellsburg's psychiatrist's office was broken into in an attempt to find files on him (Washington Post, 2011a). The break in was coordinated by G. Gordon Liddy and E. Howard Hunt, both "plumbers" who were supposed to fix leaks from the White House (Bernstein and Woodward, 1973b). Nearly a year later on June 17, 1972 five men were arrested at the luxurious Watergate Hotel for attempting to bug the National Democratic Committee's floor (Lewis, 1972). Two investigative journalists for the Washington Post, Bob Woodward and Carl Bernstein, became particularly interested in the case and dug deeper into the matter. It was found that one of the burglars was a former CIA

agent James W. McCord Jr., and was also on the payroll of President Nixon's Committee for Re-Election (Bernstein and Woodward, 1972a). Former attorney general John Mitchell, who was head of Committee for the Re-Election of the President, vehemently denied that McCord was working on behalf of the Republican Committee. Things became even more suspicious when money that could be traced back directly to the Committee for the Re-Election of the President was found in a bank account of one of the five burglars (Bernstein and Woodward, 1972b). Soon after, it was alleged that while he was attorney general, Mitchell also controlled a Republican fund that was used specifically to gather intelligence on the Democratic Committee (Bernstein and Woodward, 1972c). The FBI established that the break in at the Watergate Hotel was part of a campaign to spy on and sabotage the National Democratic Committee, on behalf of President Nixon himself (Bernstein and Woodward, 1972d). H.R. Haldeman and John Ehrlichman, top White House executives found themselves being investigated in regard to the scandal and resigned (Washington Post, 2011a). When the Senate Watergate Committee began their national televised hearing, former White House counsel John Dean testified that he had discussed covering up the Watergate scandal with President Nixon at least 35 times. He said that Nixon asked how much more the burglars would have to be paid to keep their silence, in addition to the $460,000 that was already paid (Bernstein and Woodward, 1973a). When Watergate prosecutors found a memo to John Ehrlichman describing plans for the break-in of Ellsburg's psychiatrist, it became clear that Nixon and his staff were heavily involved in criminal acts. A White House aide told prosecutors that Nixon actually had all of his conversations regarding Watergate taped (Meyer, 1973). When the Senate Watergate Committee demanded Nixon hand over the tapes, Nixon refused (Washington Post, 2011a). The Supreme Court ruled unanimously against Nixon's claim to executive privilege, and forced him to hand over the tapes (Greenburg and Page, 2009). This would essentially seal Nixon's fate in the Watergate affair. The House Judiciary Committee began the impeachment process of Robert Nixon (Washington Post, 2011a). As a result Nixon resigned as President of the United States with his tail between his legs. Gerald Ford took over as the President, and later pardoned Nixon of all crimes (Washington Post, 2011a). In his resignation speech, Nixon acknowledged that "some of his judgments were wrong" but did not admit to any of the crimes he was charged of (Kilpatrick, 1974).

President Nixon and his small group of co-conspirators made some terrible choices, and while none of which are justifiable, they are explainable. Groupthink, developed by Irving Janis, would explain how the dynamics of groupthink can lead to poor decision making. To begin the application of groupthink to the Watergate scandal, let us look at the three guiding assumptions of groupthink. The first is that conditions in groups promote high cohesiveness (West and Turner, 2010). Cohesiveness is defined as the extent to which group members are willing to work together. Cohesion is what connects a group and bonds it together. If a group is cohesive, they are likely to have equal emotional investment and share a group identity (West and Turner, 2010). Nixon's administration most definitely had high levels of cohesion. The most obvious reason they had cohesion is they worked together on a daily basis. They also had a shared group identity in that they all had political careers and worked in the White House. The second is that group problem solving is primarily a unified process (West and Turner, 2010). This means that when solving a problem you try to be united and try to get along. A key element of this is affiliative constraints, which is when members withhold their input rather than face rejection from the group (West and Turner, 2010). There is no question that when Nixon proposed certain ideas of how to sabotage the Democratic Committee, some of his administration might have not agreed. However, they were not willing to dissent and put in their opinion for fear that they would be ousted or lose Nixon's favor. The third is that groups and group decision making are frequently complex. When working with a group Robert Zajonc (1965) said that even having people around has an effect on us. This is because we know we are going to be evaluated. Members of Nixon's counsel may have been hesitant to give an alternative idea for fear of being negatively evaluated, and therefore dismissed from the exclusive group.

Another characteristic conducive to groupthink is when members are very similar, or have homogeneity (West and Turner, 2010). Nixon's inner counsel consisted of powerful men who worked closely with the same people in the same building, so they very were homogeneous. Another thing to consider is that

charisma and an ability to communicate effectively can be very persuasive when there is pressure (West and Turner, 2010). When all the scheming was going on around Watergate, there was the pressure of an upcoming election. Nixon and his administration might have been feeling uneasy or threatened, and as a result didn't think clearly about proposed decisions.

There are structural factors that can influence a group to participate in groupthink. Group insulation is one of these factors, and is defined as a group's ability to be unaffected by outside influences (West and Turner, 2010). Private meetings that Ehrlacher, Haldeman and Nixon had could lead to group insulation because of how isolated they are. Who could get through to a President and his advisors? Another factor is lack of impartial leadership. This is defined as when groups are led by people who put their own agenda above the group (West and Turner, 2010). President Nixon was obviously not an impartial leader. He wanted to be reelected, and had more on the line than any of his peers. He felt that he had to do whatever it took to make sure he was reelected, no matter if it meant illegally digging up dirt on the National Democratic Committee.

Large amount of internal and external stress on a group can evoke groupthink (West and Turner, 2010). Nixon and his companions were feeling external stress because of the election, and because of the leaked Pentagon Papers. The decision to cover up the Watergate scandal by Nixon was made under great stress. He had to make sure that it wasn't linked back to him, even if it meant bribery. His counsel did not dissent however, and it may be because if you feel stress when trying to make decisions it is likely that groups will rally around the leader and agree with the leaders' opinions (West and Turner, 2010).

There are various symptoms of groupthink. One type is when you believe the group is more than it actually is, called overestimation of the group. In this you may experience the illusion of invulnerability which is when you believe that your group is special enough to overcome obstacles (West and Turner, 2010). This applies directly to the Nixon's Committee for the Re-Election of the President, because they had major obstacles in their path but believed that their own group was superior enough to beat them. One obstacle that was placed in their way was the leak of the Pentagon Papers. When that happened, they simply burglarized a psychiatrist's office to find information on Ellsburg so as to discredit him. Another obstacle was just the fact that there was even an election. The election posed as a threat because it could mean that each person on the Nixon administration could lose their job. The solution was to spy on the Democrats, perhaps to find blackmail or maybe just to find out strategy. Either way, they overestimated their group and found the hard way that their group was not invulnerable.

Out-group stereotypes often occur during groupthink. This is when the group has certain perceptions of their enemies or competition (West and Turner, 2010). Nixon and his administration's competition was the Democratic Party. The Democrats may have even been seen as an enemy, which would negatively affect the way they were viewed. Janis (1982) says that stereotypes might provide the thinking that enemies are inferior and unable to counter offensive tactics. When applied to Nixon, Ehrlacher, and Dean, among others, not only did they view Democrats as inferior but they just did not anticipate the fact that they would be caught, or that it would ever be linked back to them.

Another of groupthink's symptoms is collective rationalization, which is when group members ignore warnings about their decisions (West and Turner, 2010). Specifically in the Watergate scandal, Nixon outright ignored John Dean's warning that the cover up was "a cancer on the presidency," (Washington Post, 2011b). Nixon may have rationalized ignoring the warning by saying that there was no other alternative than to bribe the burglars not to talk.

It would seem that Nixon's administration fell especially victim to the pressures toward uniformity involved with groupthink. Pressure toward uniformity is best defined as when members acquiesce with whatever is being done or said just so they can get along with each other (West and Turner, 2010). The illusion of unanimity is one particular area of groupthink where the Nixon administration succumbed. This symptom suggests that silence is the equivalent as consent (West and Turner, 2010). If G. Gordon Liddy, the mastermind behind the psychiatrist break in as well as the Watergate break in, proposed an idea, especially something illegal, and none of the group members spoke up or gave an opinion it may be interpreted as consent. Even if it is not consent, it can be interpreted as so decisions are made based off of the assumption.

If the Nixon administration had been aware of groupthink, they could have done things to prevent against it. Nixon's presidency could have been saved and the American people would have been spared the chaos that our government went through. Although it is too late to change the way Watergate was handled, a lesson can always be learned. When working with a group, it is crucial to remain aware of the possibility of groupthink. You could even go a step further and practice conscientious objecting, which is refusal to participate because it violates personal conscience (West and Turner, 2010). Whistle-blowing is another lesson we can take away from the Watergate scandal. It is when individuals report unethical or illegal behaviors or practices (West and Turner, 2010). This is what John Dean finally did when faced with jail time. He told the courts about Nixon's plan to cover up the Watergate scandal, and even though it was after the fact, it was finally an end to the cycle.

The Nixon administration had many flaws when working as a group and making important decisions. Many of the flaws were directly from groupthink. Main factors that led groupthink to affect the administration are cohesion, structural factors, internal and external stress, overestimation of the group, and the illusion of unanimity. Hopefully we will be able to look back and learn from the scandalous incident that is Watergate.

Reference Page

Bernstein, C., & Woodward, B. (1972a, June 19). GOP Security Aide Among Five Arrested in Bugging Affair [Electronic version]. *The Washington Post*.

Bernstein, C., & Woodward, B. (1972b, August 1). Bug Suspect Got Campaign Funds [Electronic version]. *The Washington Post*.

Bernstein, C., & Woodward, B. (1972c, September 29). Mitchell Controlled Secret GOP Fund [Electronic version]. *The Washington Post*

Bernstein, C., & Woodward, B. (1972d, October 10). FBI Finds Nixon Aides Sabotaged Democrats [Electronic version]. *The Washington Post*.

Bernstein, C., & Woodward, B. (1973a, June 3). Dean Alleges Nixon Knew of Cover-up Plan [Electronic version]. *The Washington Post*.

Bernstein, C., & Woodward, B. (1973b, June 13). Break-In Memo Sent to Ehrlichman [Electronic version]. *The Washington Post*.

Greenberg, Edward S., and Benjamin I. Page. *The Struggle for Democracy*. 9th ed. New York: Pearson Education Inc., 2009. Print

Janis, I. L. (1982). Groupthink: Psychological studies of policy decisions and fiascoes. Boston: Houghton Mifflin

Lewis, A. E. (1972, June 18). 5 Held in Plot to Bug Democrats' Office Here [Electronic version]. *Washington Post*.

Meyer, L. (1973, July 17). President Taped Talks, Phone Calls; Lawyer Ties Ehrlichman to Payments [Electronic version]. *The Washington Post*. Retrieved December 28, 2011

The Washington Post. (2011a). Watergate Timeline. In WashingtonPost.com. Retrieved November 28, 2011, from http://www.washingtonpost.com/wp-srv/politics/special/watergate/timeline.html

The Washington Post. (2011b). The Government Acts. In WashingtonPost.com. Retrieved November 28, 2011, from http://www.washingtonpost.com/wp-srv/politics/special/watergate/part2.html

West, Richard, and Lynn Turner. *Introducing Communication Theory: Analysis and Application*. 4th ed. Boston: McGraw-Hill Higher Education, 2010. Print.

Zajonc, R. B. (1965). Social facilitation. *Science*, 149, 269-27

REEFER MADNESS: 2012

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In a democracy as large as America, it is certainly not possible for the citizenry at large to make every single decision that the governing body may be called upon to make. It is not possible for everyday people to know the little details and intricacies that are required to make a successful, sustainable law that will remain just and relevant for as long as laws are typically on the books. People have to work jobs, take care of their children, go to the grocery store; by the end of this they are lucky to have just a little leisure time. Of course, if they are really astute citizens they might catch an hour or two of news and politics on the television or internet. But even these astute citizens don't have the knowledge or time to acquire such knowledge that is required to legislate. Luckily, in America we have our esteemed representatives in Washington, whose job it is to acquire said knowledge and make the most appropriate decisions, taking in all relevant factors, such as the economy, international relations, and most importantly the will of the people. There is one factor that must be considered in legislation, however, that not even our esteemed legislators can control, even though they are surely the most competent people for the job. This is the factor of unintended consequences. Every measure the government takes has them. Sometimes they are negligible. Other times they are massive and far outweigh the benefits of the legislation in the first place. Every law that is passed must undergo a cost-benefit analysis. Now, it is usually the job of the legislative body to consider the costs and benefits associated with each new rule that is proposed. It is their job to do this before the law is actually passed. It is also their job to consider the unintended consequences that occur after the bill is passed. However, in the mind of this author, this is where the duty of the citizenry comes back into play. The main goal of the legislator is to legislate. By legislate I mean pass new laws. While it is their responsibility to make sure all laws they pass actually work after they're passed, passing a law requires a lot of political energy, and repealing a law often requires even more energy. So once a law is passed, a legislative body may be reluctant to repeal a law if it does not have the intended effects. A legislature may also feel that they can simply pass new laws to deal with the unintended consequences. This may work sometimes, and others not. That is why it is up to the people to do a cost-benefit analysis on laws, and they must include all unintended consequences.

Now, marijuana is bad. All major studies have shown that it leads to demotivational behavior, memory loss, and impotency. There have been many studies showing that marijuana is very beneficial for cancer patients undergoing chemotherapy, and it is also a viable medication for many other ailments. Although it is good for cancer patients, this does not mean that it is good to use recreationally. I'll say it again: Marijuana is bad. This paper is not trying to argue the opposite. This paper is simply trying to argue that the citizens of the United States should perform a cost-benefit analysis on the prohibition of marijuana, to see if the benefits of forcing marijuana into the black market outweigh the costs associated with it. If the answer is no, then the prohibition of marijuana in the United States should be strongly reconsidered.

There was a propaganda movie produced in 1936 entitled *Reefer Madness* that portrayed a man hallucinating and then violently attacking a person, resulting in a gun going off killing a young woman, and several other people die throughout the movie as a direct result of marijuana. Now if the benefits of prohibiting marijuana are preventing our children from killing their parents after hallucinating on marijuana, then the costs of that prohibition would have to be infinite to outweigh the benefits. However, this paper is not about the benefits of prohibiting marijuana. Fortunately, the American public is pretty well acquainted with the benefits of prohibiting marijuana. According to the National Household Drug Abuse Survey, in 2007 over 100 million people, or 46% of the population, admitted to having used marijuana in their lifetime. So the American people have a pretty good idea of the effects of marijuana, and therefore the benefits of prohibiting it. What isn't so clear to the average American, however, are the unintended consequences of this prohibition. That is what this paper will explore.

There are two main consequences that we will look at. The first is the fact that Americans' demand for illicit drugs sends billions of dollars annually to drug cartels south of the border in Mexico, and these cartels use this money to fund their campaigns of terror on the Mexican people. So I will look at the drug wars south of the border, and see if legalizing marijuana here in America might help curb some of the violence down there. The second consequence I will look at is more controversial, and is not widely accepted in academic circles. The idea of marijuana as a "gateway drug" is a very prominent idea, and I will look at several studies that show that using marijuana does increase a person's chance of moving on to other drugs. There hasn't been much conclusive proof of why exactly marijuana is a gateway drug though. In the past decade or so, though, a new idea called "social environmental hypothesis" has begun picking up supporters. This hypothesis poses the question of whether marijuana is a gateway drug simply because prohibition places people who use marijuana in an environment where other drugs are readily available. Basically, since marijuana is illegal, once you smoke it you have passed through the "gateway" of the black market and all other goods on the black market are now there for your purchase. So I will look at these two consequences, and briefly look at a few others. I will compare these consequences to the benefits of prohibiting marijuana, and will ultimately see if legalization of marijuana will reduce these phenomena First, however, let's just take a brief look at the history of marijuana laws in the United States.

Federal regulation of illicit narcotics dates back to 1914, with the passage of the Harrison Stamp Act (Boggess, 1992). This act did not make marijuana or any other drugs illegal. It simply required a government issued stamp to sell these products. The trick, however, was that a person had to be in possession of the illicit narcotics before being able to obtain a stamp, and being in possession of a drug without the stamp was of course illegal. This act was more for opiates, however, and only had a small clause about marijuana added a year after its passing. Now, marijuana was not that popular in America, and it was not really a problem for a couple decades after the Harrison Act. However, when Harry J. Anslinger became head of the FBI in 1930, one of the first things he did was start a crusade against marijuana. With his support, Congress passed the Marihuana Tax Act of 1937. Here is an interesting quote from Mr. Anslinger at his testimony before Congress in support of this act: "There are 100,000 total marihuana smokers in the US, and most are Negroes, Hispanics, Filipinos, and entertainers. Their Satanic music, jazz and swing, result from marihuana. This marihuana causes white women to seek sexual relations with Negroes, entertainers, and any others." Now, while I do not know of any studies that relate marijuana to a heightened sense of musical interpretation, there are a great number of studies that show marijuana leads to impotency and a decreased sex drive. (Whan, 2006) So at least his last sentence was inaccurate. On any account, over 100 million Americans have now smoked marijuana, so they can decide for themselves how dangerous it is. The Marihuana Tax Act made marijuana illegal for distribution except for medical and industrial purposes, and it taxed marijuana for these purposes. Now, this was the law of the land until 1970. In 1970, Congress passed the Controlled Substance Act. This act placed marijuana under Schedule I, along with heroin, cocaine, and various other drugs. In order for a drug to be classified as schedule I it must meet three criteria: a.) The drug or other substance has a high potential for abuse, b.) the drug or other substance has no currently accepted medical use in treatment in the United States, and c.) there is a lack of accepted safety for use of the drug or other substance under medical supervision. Now, despite California and various other states legalizing medical marijuana, and despite the fact that medicinal marijuana has been endorsed by the American Cancer Association and various other medical organizations, under federal law marijuana is still considered an unsafe drug that has no medical use. This is the law of the land today, and it is where we stand right now.

So now that we have had a brief history of marijuana laws, let's look at a few problems that have occurred as a result of this prohibition. The first problem we're going to discuss is the massive drug war in Mexico. Before we begin talking about Mexico's actual problems, I'd like to point out an interesting fact. According to Thomas Kellner, "In some respects, the Mexican problem is a result of Columbia's successful war on the Cali and Medellin drug cartels in the 1990s." (Kellner, 2010) This goes back to what I said in my introduction about governments and unintended consequences. The Columbian and American governments successfully defeated Pablo Escobar, but the unintended consequence of this success was to push

drug production into another country, namely Mexico. Now, instead of reevaluating the original problem, we are seeking to do the same thing in Mexico as we did in Columbia. But who is to say that this won't just push drug production to another country? Then we solve that country's problem, it moves on to another, and on and on it goes.

Now let's discuss the specifics of Mexico. Estimates put the total number of deaths resulting from violent drug cartels in Mexico since 2000 at well over 30,000 people. A Mexican newspaper called *Reforma* reported that there 6,587 drug related murders in 2009. This was down from 5,207 in 2008 and 2,275 in 2007. During February and January of 2010 over 1,500 executions occurred, and estimates put the total number of murders in 2010 at over 9,000. So you can see that drug-related violence is on the rise in Mexico, and shows no sign of slowing down soon.

But why are these cartels so powerful and why can't the Mexican government do anything to curb their violence? In 2002, Attorney General John Ashcroft placed the size of the U.S. demand for drugs at $62.9 billion, with about 90% of this money being transited through Mexico. In 2009, the U.S. National Drug Intelligence Center reported that Mexican cartels generated profits of about $38 billion. Compare this to Google's worldwide revenue in 2009 at $23 billion. Now compare this to Mexico's GDP, which stood at just over $1 trillion in 2010. Mexico's tax revenues equal about 13.7% of GDP. This means Mexico's tax revenues equal about $137 billion. Now the Mexican government has to use this money to protect and serve a population of over 100 million, and they have to combat a domestic enemy with revenue about 25% of their own. So you can see, just from a money perspective, how hard it is for the Mexican government to fight this problem.

Now, what can we do about this problem here in America? Ethan Nadelmann offers five options: 1.) we can stop consuming the drugs produced in Mexico, 2.) we can "buy American", 3.) we can legalize marijuana, 4.) we can get serious about reducing demand for cocaine, heroin and other serious drugs, and 5.) we can join with Mexico, break the public taboo, and keep all options on the table. (Nadelmann, 2011) We've been trying number one since the Harrison Act of 1914, so that's no good. Number two and number three are the only ones that I believe would have much of an effect.

But would legalizing marijuana and "buying American" solve the problem? If we were to legalize all drugs in America and produce them here, we could completely wipe out the cartels' revenues. However, legalizing other drugs would have costs that are beyond the scope of this paper. Would legalizing marijuana have any effect? Some estimates put revenues from marijuana at about 30%, but a more conservative estimate would put it at about 15%. (Kellner, 2010) Even with this conservative estimate, by "buying American" we could reduce the drug cartels revenues by about $6 billion annually. However, Nadelmann offers another reason why it would help. First there is the fact that legalizing marijuana in America would surely shift some of the market away from the cartels and into the hands of U.S. producers. Another reason, though, is that if America were to legalize marijuana, Mexico would undoubtedly follow suit, bringing competition from legitimate sources to the criminals. (Nadelmann, 2011) This is an idea thrown around by many people, notably Brian Boggess, who wrote an article detailing how the United States pressured other nations in the 70's to criminalize drugs, and how this pressure continues until today. So not only do we buy the drugs, but we also force Mexico to keep this enterprise illegal, and therefore empowering the criminals rather than the farmers. So whether or not you are for the legalization of marijuana, you cannot deny that the prohibition of marijuana in the United States results in the transfer of billions of dollars annually from the American economy to the hands of violent criminals in Mexico.

However, maybe you're not concerned with the situation in Mexico. After all, we're here safe in America and the violence that occurs down there rarely spills over the border. If you live north of Texas you really have nothing to worry about. Maybe you are much more concerned with keeping American children safe and drug free, and the fact that thousands of Mexicans die annually because of our drug consumption is but a regrettable side effect. This might seem like a cold idea, but there is certainly nothing unethical about placing the safety of our own children first and foremost. So now the question becomes, is the prohibition of marijuana keeping our children safe?

Now according to the National Household Survey on Drug Abuse, about 15% of our 13-14 year olds have tried marijuana in their lives, and about 40% of 16-17 year olds have tried it. So at first glance you can see right

away that prohibition has not kept marijuana away from our children. If you compare these rates to rates in Portugal and Amsterdam, where marijuana is legal, you can see that it definitely does not work. Rates in both Portugal and Amsterdam are lower than in the U.S. at about 30% among 16-17 year olds. (Yacoubian, 2007)

So first of all, most data has shown that prohibiting marijuana does not reduce its use among teenagers. However, many studies have shown that using marijuana has a strong positive correlation with usage of other drugs. This is commonly called the "gateway drug" hypothesis. (Hall, 2005) Every study I came across strongly supported this hypothesis. However, I came across another study that tested the "social environmental hypothesis". Wayne Hall described it like this: "Regular cannabis use, on this hypothesis, exposes cannabis users to opportunities to use other illicit drugs either through shared illicit markets or shared peer networks." (Hall, 2005) He looked at the amount of exposure kids who had only tried alcohol and tobacco to cocaine, and compared this with the odds of a kid who smoked marijuana being exposed to cocaine. He found that only 13% of children who had not tried any of these things had the opportunity to try cocaine, and 26% of children who used alcohol and tobacco were exposed to cocaine. Now compare this to 51% of kids who had smoked marijuana being exposed to cocaine. So the odds of being exposed to other drugs after having tried marijuana are more than double the odds of someone who just drank alcohol. Now we can talk in terms of numbers and percentages all day, but let me explain this in more common sense terms. If you are 14 years old and you want some alcohol, you stand outside of a 7/11 and ask adults to buy for it you. If you're lucky enough to find someone who will do it, they buy it for you, you drink it, and that's the end of the story. Now, if you are 14 years old and want some marijuana, you only option is a drug dealer. If you buy some marijuana and decide you like it, you might decide to go back for some more. Only this time the drug dealer will might say something like, "Hey man, if you liked that weed, you should try this white stuff. It's way better than weed." Now this 14 year old has been told all his life that weed is bad. If they tried it and decided for themselves it wasn't bad, then they might assume that everything else their parents and the government told them about drugs is also wrong. If you're a kid and you like weed, and now a drug dealer is telling you something else is even better, you are probably going to try it. So yes marijuana is a gateway drug, and it has become so as a direct result of the prohibition of marijuana. Now, as I said earlier, marijuana is bad. But it is imperative that we decide whether or not marijuana is so bad that it is worth prohibiting, and thereby forcing our kids into the black market and into mingling with criminals and drug dealers.

The war on drugs is funded by Congress, and is enforced by two main entities: the Drug Enforcement Administration and U.S. Customs and Border Patrol. The DEA, of course, regulates marijuana within the United States and Customs regulates marijuana across the Mexican border and other ports of entry. According to the Office of National Drug Policy, the federal government spent about $15 billion in 2010 on the war on drugs, and the DEA reported a budget of $2.02 billion for FY 2011 (interestingly, the 50 states spent about $25 billion, but that is not the point of this paper, as we can't be sure whether or not the states will legalize marijuana when the federal government does). Now it's hard to determine just how much of this money goes directly towards marijuana, as marijuana is simply a Schedule I drug and is treated as if it was meth or heroin. If marijuana were legalized however, the resources that are currently spent on marijuana can easily be diverted towards other drugs, or perhaps drug education and treatment investment. Not only would legalizing marijuana free up these resources, but it would also provide a new source of tax revenue, both for the federal government and the states that allow it. In 2010, the DEA reported that they seized 722,476 kgs of marijuana. 700,000 kilograms breaks down to 1,562,500 pounds. If we assume a street value of $1,000 per pound (which is a very low estimate) that comes out to $1,562,500,000 worth of marijuana. Assuming the DEA is able to capture half of the marijuana in the country, and assuming a relatively equal amount comes from Mexico and other ports of entry, it seems Americans have about a $6 billion demand for marijuana. If the federal government were to tax marijuana consumption at a rate of 10%, that would yield a revenue of about $600,000,000. Some of this money could be spent on preventing other drugs, and the rest could go towards fixing the massive budget deficit. Of course, marijuana would have to be regulated. All the federal government would have to do is remove marijuana from the controlled substance list, and then transfer authority

from the DEA to the Bureau of Alcohol, Tobacco, and Firearms. The ATF could then sell marijuana distributor licenses, and the regulation of marijuana would be self-funding.

Now, how likely is it that marijuana will become legal in the United States? Fortunately, I believe it will become legal very soon, in the next two decades at most. First of all, there is the fact that 40% of Americans have smoked marijuana in their lives. I don't think anyone believes 40% of the population belongs in jail. While reducing drug use is always a popular topic on campaign trails, marijuana decriminalization is really something that all sides should be able to agree on. Democrats constantly talk about social freedom, and Republicans constantly preach about reducing the size of government, personal responsibility, and getting the government out of our lives. The only political groups that might be diametrically opposed to marijuana legalization are the social conservatives and the Christian Right. Of course, there are plenty of opponents of marijuana. Most notably are the pharmaceutical companies and, interestingly, alcohol and tobacco companies. However, I strongly believe that the American people will soon bypass the lobbyists and special interests against marijuana and realize that marijuana legalization should at the very least be considered. As the violence in Mexico worsens, and the federal government continues to outspend itself, I think legalizing marijuana will become a more and more viable option.

I want to stress that this paper is not urging the legalization of marijuana. This paper is simply urging the American people to reconsider the prohibition of marijuana. It is my belief that the benefits of criminalizing marijuana do not outweigh the costs. However, people have their own moral obligations and personal feelings. That is why it is important for each person to decide for themselves, using the tool of cost-benefit analysis that utilizes all relevant information, whether they believe marijuana should be illegal. As we saw earlier, marijuana was first prohibited under false pretenses of danger and racism. This does not mean marijuana should be legal. But it does mean that prohibition should be reconsidered, using a cost-benefit analysis that utilizes all current and relevant information. As we've seen, some of the costs of prohibition include widespread violence and lawlessness in Mexico and forcing those children who do smoke marijuana into the shady underworld. I urge everyone that reads this paper to consider these costs when deciding whether or not they support the legalization of marijuana.

References

Boggess, Brian. 1992. "Exporting United States Drug Law: An Example of the International Legal Ramifications of the War on Drugs." *Brigham Young University Law Review*. 1992: 165-191.

Hall, Wayne. 2005. "Is Cannabis a Gateway Drug?" *Drug and Alcohol Review*. 24 (January): 39-48

Kellner, Tomas. 2010. "Inside Mexico's Drug War." *World Policy Journal.* 27 (Spring): 29-37

Nadelmann, Ethan. 2011. "How Can We Help Mexico?" *NACLA Report on the Americas.* 44 (May): 16-20.

Whan, Lynne. 2006. "Effects of Delta-9-Tetrahydrocannabinol, the Primary Psychoactive Cannabinoid in Marijuana, on Human Sperm in Vitro." *Fertility and Sterility.* 85 (March): 653-660.

Yacoubian, George. 2007. "Assessing the Relationship between Marijuana Availability and Use: A Legal and Sociological Comparison between the United States and the Netherlands." *Journal of Alcohol and Drug Education.* 51 (December): 17-34

National Household Survey on Drug Abuse http://www.oas.samhsa.gov/nhsda.htm

www.DEA.gov http://www.justice.gov/dea/1107_fact-sheet.pdf

FIREARM POLICY IN THE UNITED STATES: WHY IT NEEDS TO BE STRENGTHENED

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Abstract

The national issue of gun rights versus gun control is one of the most polarizing issues present in the political landscape that we find ourselves living in. While media coverage and public attention may wax and wane from time to time, this issue has been argued over almost continuously since the second amendment to the constitution was ratified in 1791. While there are regulations in place in the United States to oversee firearms there are still two distinct factions among American Citizens; those who want stricter regulations and those who want to do away with regulations. There has been an array of legislation passed on the issue of gun control in the United States and it can be overwhelming to go through and understand. This is the first thing this paper will do: outline the history of gun control laws in the United States since 1934. Once I have that basic outline in my mind I can explore my own personal recommendations on gun control policy, and the repercussions of my proposals. This topic will almost certainly be an important debating point in the coming Presidential election in November because of the upswing in publicity gun control laws have been given since the shooting of Gabrielle Giffords last January. This means that it is in every citizen's best interest to know where they stand on gun control, and I'm hoping I can help in this understanding of the topic with this paper.

History of Gun Control Legislation

The precursor to gun control legislation and the catalyst for the argument over gun rights is the Second Amendment of the United States Constitution which guarantees its citizens the right to bear arms. This passage is very ambiguous and was not ruled on by the Supreme Court for more than two hundred years until 2008. The first major legislation to deal with the regulation of firearms within the United States was the National Firearms Act of 1934(NFA). This law taxed and regulated machine guns, silencers, and sawed off shotguns and rifles to make their use undesirable. It also regulated the importation, manufacturing, and sale of these weapons as well (Crooker 2003). The law put in place a two hundred dollar fee for the purchase of one of these weapons, and required that the purchaser also send a photograph and finger prints to the Treasury Department (Crooker 2003). The reason for this legislation was as a response to the wide spread use of Tommy guns, a submachine gun with a large firing capacity, in urban areas during prohibition. The next major piece of legislation to be made was the Federal Firearms Act of 1938. This act made gun dealers obtain a federal firearms license and maintain records of the names and addresses of their customers, as well as barring them from selling guns to convicted violent felons (Crooker 2003). It is important to note here that the commerce clause is what gives Congress the power to make these laws and regulate the firearms that are in the United States because it says that Congress has the power to regulate commerce among the several states. The next piece of legislation that was enacted to regulate firearms was the Gun Control Act of 1968, the heart of all federal firearms law. This act came on the heels of the assassinations of both Martin Luther King Jr., and Robert Kennedy and is the most comprehensive gun control law ever passed by the United States federal government. It is still the cornerstone of gun control laws currently in the United States. This piece of legislation outlaws the mail order sale of guns and ammunition, bans the sale of firearms to all convicted felons, minors, and addicts, and requires the purchase of firearms to be done within the home state of the purchase (Crooker 2003). Another important part of this act was the inclusion of age restrictions. This act

banned the sale of handguns and handgun ammunition to citizens less than twenty one years of age, and banned the sale of rifles and shotguns and their ammunition to citizens less than eighteen years of age (Crooker 2003). It also set up a list of certain people that are not allowed to be sold a gun, including: fugitives, illegal drug users, people with mental deficiencies, illegal aliens, people dishonorably discharged from the military, people who have renounced their United States citizenship, people with domestic violence restraining orders filled against them, and people convicted of misdemeanor crimes of domestic violence (Crooker 2003). Finally, this act added explosives, gas, bombs, grenades, rockets, missiles, and mines to the list of firearms that could be regulated by the National Firearms Act of 1934 (Crooker 2003). The next important legislation is the 1986 Law Enforcement Protection Act which put restrictions on armor piercing bullets. This act bans the importation or manufacturing of ammunition that can pierce Kevlar, the main component in bullet proof vests (Crooker 2003). That same year another important piece of legislation came into being, the Firearms Owners Protection Act, which was an amendment to the Gun Control Act of 1968. This act can be viewed as a victory for the pro-gun rights side of this argument, and had two main points. First, it makes universal law for the transportation of firearms with the conditions that the gun be unloaded, not be readily available to the passenger, and cannot be kept in the glove compartment (Crooker 2003). Second, it prohibits the government from keeping the data collected on gun ownership permanently (Crooker 2003). This took a little bit of the teeth out of the Gun Control Act of 1968, but it still has a lot of power. The next important piece of legislation is the Gun Free School Zones Act of 1990. This act made it illegal for anyone to have a gun inside a school zone with the exception of police officers and security guards (Crooker 2003). The Violent Crime Control and Law Enforcement Act of 1994 is the next important piece of legislation we need to discuss. This act included the Federal Assault Weapons Ban of 1994 and outlaws the manufacturing, importation, and possession of a semiautomatic assault weapons (Crooker 2003). This ban expired in 2004 and even though there have been multiple attempts to renew it, no bill to do so has passed Congress. The next piece of legislation is the most important piece of gun control legislation since the Gun Control Act of 1968, The Brady Handgun Violence Protection Act of 1994. This was a seven year battle in Congress between pro-gun control proponents and pro-gun rights proponents that resulted in a compromise that made both sides happy. The act itself required that anyone trying to purchase a firearm had to have a background check first; it also established a five day waiting period to give time for the background check and to deter crimes of passion (Crooker 2003). There were two large loopholes though. First, private parties do not have to administer background checks: second, if you are just suspected of a felony and not convicted you can still buy your gun (Crooker 2003). In the first four years that this act was enacted, 1994-1998, it foiled 320,000 attempts to buy a gun by people who are not allowed to purchase firearms. The last important firearm legislation we need to look at is the Supreme Court case *District of Columbia v. Heller* (*District of Columbia v. Heller*, 2008). This Supreme Court decision was the first ever to uphold an individual's rights to bear arms for self-defense, making it legal for citizens to keep loaded guns inside their homes (*District of Columbia v. Heller*, 2008).

Implementation and Cost of Gun Control Legislation

As we can see from the extensive list I have just examined, there is a great deal of legislation concerning gun control law, but who carries out these laws and how much do they cost? The United States Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) under the United States Department of Justice is responsible for enforcing these laws. The ATF has two main jobs: controlling gun licensing and controlling gun trafficking. The ATF uses the Federal Firearms Licensing Center (FFLC) to issue federal firearms licenses (Department of Justice, 2011). There are currently 5,400 licensed firearms manufacturers, and 950 licensed importers in the United States (Department of Justice, 2011). To control gun trafficking in the United States the ATF uses the National Tracing Center (NTC) to trace firearms from its point of manufacturing or importation to the point of its first retail sale (Department of Justice, 2011). In their fight against gun trafficking the ATF uses its Integrated Violence Reduction Strategy (IVRS) which is a plan with four main points: they want to remove violent offenders from our communities, keep firearms from prohibited persons, eliminate illegal firearms transfers, and prevent firearms violence through community outreach

(Department of Justice, 2011). To be able to carry out their duties the ATF employees 5,107 employees whose average salary is between $38,116 and $45, 648; annually it receives a budget of $1,120,800,000 from the federal government (United States Bureau of Alcohol, Tobacco, Firearms, and Explosives, 2009).

Problems with Current Implementation of Gun Control Policy

In my opinion, the main problem with the current implementation of gun control policy is that its reach is not large enough, and that it needs to be expanded. There are so many guns in the United States that I believe it is impossible to expect a mere five thousand employees of the ATF to adequately regulate them. I also believe that the gun control laws themselves need to be strengthened and streamlined to make it easier to enforce them. I believe that our gun control laws need to become more unified and give the ATF more power to better protect United States citizens from illegal firearms.

My Proposal

As I pointed out in the last section of the paper, I believe that the main problem with the gun control legislation in the United States is that the Bureau of Alcohol, Tobacco, Firearms, and Explosives does not have enough power. To fix this problem many things will have to be changed in our country's laws, but my plan to kick start this transformation in gun policy in the United States has two parts. First, we need to renew the Federal Assault Weapons Ban of 1994 and this time not include a sunset provision that would let the ban die after any amount of time. Second, we also need to draft a piece of legislation that would outlaw handguns to any citizen who is not in the military or a police officer; in essence we need to draft the Federal Handgun Weapons Ban of 2012. While these new policies would only add one caveat to the policy we have seen in the past on gun control, it would also have a far reaching effect that would make America safer once these policies have been implemented. I think these changes are essential, and I can now back up with facts and statistics. The first battle any legislation that wants to do what I propose would encounter would be the argument that the Second Amendment guarantees ordinary citizens the right to bear arms. It is my contention that the Second Amendment does not guarantee citizens this right, but rather was an amendment that was applicable in 1791 when the Bill of Rights was passed and not relevant in 2012 America. I believe that the following evidence can back up my claim. Going as far back as 1328 the English Monarchy has been limiting the firearms of its citizens, and in the 17th Century the few rights the King's subjects were given were to preserve the laws and liberties of the kingdom, not to enable a subject to violate them (Emery 1915). If we look at the American colonies and the beginning of the United States we can see that ever man of military age was enrolled in the military and was required by law to provide and keep his own firearms for such service, for the colonies had no other means of defending themselves against domestic of foreign enemies because they had no standing army (Emery 1915). What this tells me is that the Second Amendment was put in place because the new United States did not have a sufficient army to defend itself in the 1790's; this is clearly not the case in 2012. It is my opinion that the Second Amendment, concerning the right of the people to keep and bear arms, was framed in ordinance not for individual rights but of the maintenance of all the states active, organized militias (Cress 1984). This statement makes clear what my own personal belief of what the Second Amendment is saying. The Second Amendment when it was written was made to assure our new country was not overrun by domestic threats, such as Native Americans, or foreign threats, such as the English or French, not to give every American citizen the right to possess as many guns as he or she pleases. It is my contention that this amendment needs rewritten because it simply does not translate to the current times with which we are living. Aside from testimony from scholarly articles I can also back up my proposal for stricter gun control with black and white statistics. From 1994 through 1998; the first four years after the Brady Act, In the United States gun homicides dropped by 36%, while the number of non-gun homicides dropped by only 18%; also during this time the number of households owning at least one gun fell by 17% (Duggan 2001). I believe that these statistics show clearly that gun homicides drop when gun ownership drops; to me it is just common sense. I have one more main reason why I think my reforms on gun control are much needed, and that is the eye popping results you get when you compare American gun policy to another countries gun control policy. I compared the United States to Japan and the results clearly back up my proposals. In Japan

the only firearm a citizen can own is a sporting shotgun, and to get it he or she must pass a shooting class, acquire a gun license, and pass a background check (Kopel 1993). Conversely, gun crime in Japan is very low; Tokyo averages forty muggings a year, while New York City averages 11,000 muggings a year (Kopel 1993). Statistics from the United Nations Office on Drugs and Crime also back this up; annual firearm homicides in Japan in 2002 totaled 47, while annual firearm homicides in the United States in 2002 totaled 9,369 (UNODC 2005). With all of this backing me up, I have no qualms about my two proposals to fix the gun policy legislation in the United States. The Federal Assault Weapons Ban needs to be renewed, and a new Federal Handgun Weapons Ban put in place, but how much would these new policies cost the American people? I believe that the basic structure is already in place to bring back the assault weapons ban, and create the new handgun weapons ban. The ATF, as I stated above, already has its National Tracing Center (NTC) in place to be able to trace the manufacturing and importation of firearms coming into the United States. It is my contention that we can use the NTC to slow the manufacturing, and stop the importation of handguns which will lead to them not being readily available to our citizens who are no longer allowed to have them. While there would have to be some growth in the size of the ATF, I don't think it would be an overarching increase in the cost of funding the agency. Let us hypothetically say that the ATF needs to add 1,500 additional employees. The average salary for an ATF employee is $41,882, so a rough figure that would be added to the ATF's budget would be $62,823,000 (Online 2012). To an agency whose budget is already $1,120,800,000, I don't think an additional sixty-three million dollars is that big a deal. Overall, I believe my plan has merit, and that it would be a smart move for the United States; however I know there will be a fight to get it passed and that is the next issue we need to discuss.

Assessment of Political Will

The actions that would be needed for my policy proposal to be carried out are actually pretty straight forward technically, but not politically. We would simply need a Congressman to write up our legislation and have both the House of Representatives and the Senate to pass it, and then have President Obama sign it into law. It would be amazing if things could be that simple, but this is not the case. The stir that my proposal would cause in the United States would be enormous. Groups all over the country would come out in support and opposition to the new legislation and they would be led by the two most important interest groups there are when it comes to gun control policy: the National Rifle Association (NRA), and the Brady Campaign to Prevent Gun Violence. First let us discuss the National Rifle Association. This interest group was founded in 1871 for the purpose of developing the marksmanship of United States Army, but since the 1960's has turned its attention to opposition of gun control policy. The group uses two major entities to make its position on gun control vocal. The first is the NRA's Institute for Legislative Action (ILA) which does all it can to help pro-gun rights candidates win public office throughout the country (Spitzer 2008). The second entity, the NRA's Political Action Committee, is the committee the NRA has set up to channel campaign contributions to these candidates and give the ILA the ability to do its job; in the 1999-2000 election cycle the NRA raised more than 20 million dollars for the candidates it supported (Spitzer 2008). Now we can look at the Brady Campaign to Prevent Gun Violence, which can be looked at as the mirror image of the NRA but on the side of the pro-gun control camp. While not having as many members as the National Rifle Association this is still a major lobbying group, and was the main reason why the 1994 Brady Act was passed into law (Spitzer 2008). Clearly if we are going to get this new legislation through we have to have the support of the Brady Campaign, and we have to try and our best to curb the negativity campaign the NRA will most likely put forward. Besides the interests groups that this proposal will need support from to pass, it will also need substantial public support to make it a reality. This is where my proposal runs into a buzz saw. From the 1930's through the 1970's never did less than 2/3 of the American people want guns to be under some kind of supervision from the federal government (Erskine 1972). The number of people in favor of this had fallen to 44% by 2010 (Newport 2010). What is the cause of this change? In my opinion it is the culture that has sprouted out of the mass ownership of guns in the United States. Gun owners across the board are connected by a suspicion of the United States court system (Glaeser 1998). In the American South relying on the legal system is seen as a negative signal about

individual competence; while in the inner cities of America police officers are rare and it leads people to turn to guns to settle their own personal grievances (Glaeser 1998). This means in large areas of our country guns are interwoven into the way of life of that area's citizens. Even with this gun culture that is present in our country 44% of the country still supports gun control, so why won't politicians who believe in gun control take the initiative and do something about it? Simply put, because they want to stay in office. Gun owners are, on average, middle aged, married, white, and own their own homes (Glaeser 1998). In other words, they are the people who vote in elections. This is why this issue is still up in the air, and why in my opinion, my proposal doesn't have much chance of getting made into law. Even though I feel all the facts and statistics back up my proposal to fix gun control legislation in the United States it will not happen anytime soon because the NRA is too powerful and the public support to get a law like this passed just simply is not there. That is the only ingredient my proposal needs to make it a reality, public support, and as soon as gun control starts getting that support back I have no doubt that a proposal very much like mine will be passed.

Conclusion

I hope by now you agree with my first assertion that if nothing else, it is important for United States citizens to be informed about the countries gun control policies. There is a long history of policies about gun control throughout the entire time the United States has been a country, and it is important for us to understand them to take the topic forward to its next steps. As I made clear, my proposal is to strengthen the existing laws that are in place in the United States my outlawing assault weapons and handguns through federal bans. While this fight will be an intense one I ultimately think it is a fight worth fighting because the facts, statistics, and even real world examples like our comparison to Japan show that this proposal would be effective. Sadly though, we have to also understand that sweeping legislation like what I have proposed is going to be hard to come by right now in the United States. The interest groups that have a lot of power are lined up against this kind of legislation, and the public support is not great enough to spur our elected officials to take up our cause. In the end, while this legislation is not likely to pass anytime soon, it will one day, I have no doubt. Our job is to make that day as soon as possible, because to slow down this much needed change is not only unintelligent, but is hurting

References

Cress, Lawrence Delbert, and Robert E. Shalhope. 1984. "The Second Amendment and the Right to Bear Arms: An Exchange." *The Journal of American History* 71: 587-593.

Crooker, Constance Emerson. 2003. *Gun Control and Gun Rights*. Westport, CT: Greenwood Press.

Department of Justice. 2011. *Firearms Commerce in the United States 2011*. Washington, DC: GPO.

District of Columbia v. Heller. 2008. 209 U.S.

Duggan, Mark. 2001. "More Guns, More Crime." *Journal of Political Economy* 109: 1086-1114.

Emery, Lucilius A. 1915. "The Constitutional Right to Bear Arms." The *Harvard Law Review* 28: 473-477.

Erskine, Hazel. 1972. "The Polls: Gun Control." *The Public Opinion Quarterly* 36: 455-469.

Glaesar, Edward L., and Spencer Glendon. 1998. "Who Owns Guns? Criminals, Victims, and the Culture of Violence." *The American Economic Review* 88: 458-462.

Kopel, David B. 1993. "Japanese Gun Control." *Asia Pacific Law Review* 2: 26-52.

Newport, Frank. 2010. "In U.S., Continuing Record-Low Support for Sticker Gun Control." *Gallup Politics*. http://www.gallup.com/poll/144887/Continuing-Record-Low-Support-Stricter-Gun-Control.aspx (March 3rd, 2012).

Online. 2012. "ATF Agent: Degree, Career, and Average Salary." *Careers in Criminal Justice.* http://careersincriminaljustice.net/degree-directory/careers/atf-agent-degree-career-average-salary/

Spitzer, Robert J. 2008. *The Politics of Gun Control*. Washington DC: CQ Press.

United States Bureau of Alcohol, Tobacco, Firearms, and Explosives. 2009. *Fact Sheet: Fiscal Year: 2009*. Washington, DC: GPO.

UNODC. 2005. 'Recorded Homicide and Firearm Homicide in 53 Countries, Completed or Attempted.' Eighth United Nations Survey of Crime Trends and Operations of Criminal Justice Systems (2001-2002). Vienna: United Nations Office on Drugs and Crime.

AGE DIFFERENCES IN PERCEIVED STRESS IN COLLEGE STUDENTS

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Abstract

This study was designed to assess how perceived stress responses fluctuate between different age groups of college students at Marshall University. Participants were asked to perform several tasks while being filmed. Participants had five minutes to prepare a free speech that was given in front of a select panel of judges. During the experiment participants had to complete two questionnaires, including the DASS and COPE questionnaires, which are commonly used to assess how people handle stress in everyday life. We hypothesized that older and more experienced participants would report higher stress levels than younger participants who are more apt to handle stressful academic situations. Maturity levels may have an influence on the findings. Older students tend to have more experience with interviews and academic events, thus contributing to make the task less stressful, but the daily stressors in the days before the task are predicted to be higher in older participants. This information can help us to better understand the relationship between aging and stress

Significance of the project:

College students are frequently influenced by stressors from different aspects of their lives and society. Everyday life and academic stress generates some difficulty with college students' mental health and well-being (Guo, Wang, Johnson, & Diaz, M. 2011). The impact of stress varies throughout the different stages of a human life. Aging is paired with changes that could enable the ability to handle stressors therefore it is important to clarify the physiological mechanisms that cause the changes of stress response as we age (Almel, Hidalgo, Villada, van der Mei, Espín, Gómez-Amor, & Salvador, 2011). The ability to handle stress resistance under pressure is a defense mechanism and has become a fundamental part of fast paced society. As people age, there is a loss of resistance of stress and can speed the aging process (Salminen & Koarniranta, 2010). A study showed that older people and stress are shown to have a higher risk for cardiovascular disease. By taking blood pressure this study shows that older participants significantly had greater increases in blood pressure than in the younger participants who deal with daily stressors (Uchino, Berg, Pearce, Skinner, Smith, 2006). This is why when we hear of someone having a heart attack in their thirties, we can almost hardly believe it. Younger people tend to worry and stress about things such as social acceptance, image, school, etc., while older people worry about things such as their health, paying the mortgage, their jobs, their families, and more.

The significance of the proposed research was to understand how and why participants perceived stress responses when given a stressful task, and which age group handled it with less stress. There are several ways one can prevent stress from a day to day basis. It will help better us understand the relationship between age differences and stress. The questionnaires administered throughout the experiment helped aid in the understanding of how one handles a stressful task and if their age plays any part in the findings. It was likely that the differences in age will represent a certain way one handles a stressful task. It was expected to see the older participants being more stressed than younger participants. There are plenty of steps that one can take in reducing or preventing stress. A few of the examples are talking with family and friends. Being able to talk about stresses to others will help lighten the feeling you have towards is. Another example is engaging in daily activities. Riding a bike or reading a book can help get the stress off of your mind (American Heat Association, 2011). Accept things that cannot be changed. If we understand that we have to deal with certain things, accept it. If we continue to dwell on the things we cannot change, we will not focus on the things that can be changed. Laughing, pacing ourselves, and accurate

sleep time are other ways we can manage stress (American Heart Association, 2011.) It was found that aging hinders the relationship between thoughts and affect. Studies have shown that the link between stressful events and action decreases with age, thus showing an importance of aging at the micro level (Brose, Lindenberger, Lövdén, Schmiedek, 2011). Feeding off of this information, it was believed that younger students could handle stress better than older participants.

Methods

Students volunteered to participate in the experiment through Marshall University's SONA System. Demographic information and self-report data on their perceived stress were collected throughout the experiment.

Procedures

The participants entered a room with a main host and a panel of select judges. The participant was asked to confirm his or her age and then proceed to fill out the consent form. The participant was informed that their participation is voluntary and they can leave at any time. The experimenter then collected the first saliva sample from the participant. Measuring cortisol levels, which come from the adrenal gland, helped measure the stress levels the participant was having at that time. After finishing the saliva sample, participants were given two questionnaires which are the DASS and the COPE. The experimenter asked the participant what sort of job they would like to hold one day. After the participant responded, the experimenter told the participants that their task is to prepare for an interview. The Trier Social Stress Test was used for this part of the experiment. The level of frustration during the TSST was measured on a scale between 1 being no frustration at all up to 10 being very frustrated and the experiment was interrupted. Participants were given five minutes to prepare their speech, and then they were brought back into a room while a video camera is recording their performance. After the speech is over, participants were then informed of their second task, which was to perform a simple mathematical task. Participants had to start with the number 6,223 and subtract the number 13 as quickly as possible. The panel monitored the performance with no facial expressions and no signs of encouragement. After this task is over, a final saliva sample was taken, and the participant exited the room.

Surveys and self-report data

The demographic survey, COPE Scale, DASS, and saliva samples aided in measuring the perceived stress and how it is induced. The DASS which stands for Depression Anxiety Stress Scale is a set of three scales that measured negative states of depression, anxiety, and stress. The DASS is able to further understand and define significant emotional states. Each of the three DASS scales contains fourteen items that are divided into several subscales. The questionnaire focuses on symptoms such as tension and irritability. The DASS focuses on what the participant did and felt over the previous seven days, and how they responded to stressful events held within those seven days. Self-report scales like the DASS are used because they are reliable, quick, and can determine someone's psychological stage that they may be in (Crawford, Garthwaite, Lawrie, Henryk, MacDonald, Sutherland, & Sinha, 2009).

Results

While there were no significant findings between age and frustration, older participants showed a significant trend towards less frustration during the TTST (4.3 vs. 5.8; $t22=1.91$, $n=24$, $p=0.07$). Also reported was a significant trend towards a higher level of perceived stress during the week prior to the experiment (DASS scores: 54.6 vs. 43.7; $t22=1.61$, $n=24$, $p=0.13$).

Discussion & Future Directions

The original hypothesis stated was that individuals that were older in age would more likely be stressed during the experiment than those who were younger. Based from our results, age did not quite show significance, but there was a very close trend. Age groups were split into two categories. Group one being 18 and group two being 19 and up. Although there was not a big difference in the ages of the participants, we found in the results a trend that the older participants were more stressed out the week prior to the task. The ability to handle stress resistance under pressure is a defense mechanism and has become a part of evolution. Older people tend to have a harder time handling stress (Almela, Hidalgo, Villada, van der Meij, Espin, Gomez-Armor, & Salvdor, 2011). Perceived stress is commonly used to help aid in the prediction of health in which stress creates a negative outcome in health and over all well-being (Scott, Jackson, & Bergeman, 2011). This information relates back to the previous findings on

stress prevention and the steps taken in order to help eliminate daily stress.

With the help of further studies in this area, we would be able to target a direct link between age and perceived stress. This kind of information will help people of all ages in learning about stress and the simple ways one can deal with stressors. With this information we could possibly see a decline in heart attacks and other illnesses that occur because of stress. It is estimated that stress is a big contribution to almost 75 percent of all the human illnesses in the world. Around 40 percent of people who are over the age of 55 do not engage in physical activity, which can alter stress levels (American Heart Association, 2011.)

Some problems may have occurred during the study that could have affected the results of our findings connected with age specifically. One major problem could possibly be the sample size. There were only 24 participants in the study. Because of this, we did not receive a great variety of different ages. Another issue was could be the amount of time the study was run. If the study was conducted for a longer amount of time we could have possibly received participants of different ages. Results from this specific study will help further our understanding of perceived stress and its effect depending upon age.

Referencies

Almela, M., Hidalgo, V., Villada, C., van der Meij, L., Espín, L., Gómez-Amor, J., & Salvador, A. (2011). Salivary alpha-amylase response to acute psychosocial stress: The impact of age. Biological Psychology, 87(3), 421-429. doi:10.1016/j.biopsycho.2011.05.008

Amerian Heart Association (May 2, 2011). Fight Stress with Healthy Habits. In American Heart Association. Retrieved February 25, 2012, from http://www.heart.org/HEARTORG/.

Brose, A., Schmiedek, F., Lövdén, M., & Lindenberger, U. (2011). Normal Aging Dampens the Link Between Intrusive Thoughts and Negative Affect in Reaction to Daily Stressors. Psychology & Aging, 26(2), 488-502.

Crawford, J. R., Garthwaite, P. H., Lawrie, C. J., Henryk, J. D., MacDonald, M. A., Sutherland, J., & Sinha, P. (2009). A convenient method of obtaining percentile norms and accompanying interval estimates for self-report mood scales (DASS, DASS-21, H ADS, PANAS, and sAD). British Journal Of Clinical Psychology, 48(2), 163-180.

Guo, Y., Wang, S., Johnson, V., & Diaz, M. (2011). College students' stress under current economic downturn. College Student Journal, 45(3), 536-543.

Uchino, B. N., Berg, C. A., Smith, T. W., Pearce, G., & Skinner, M. (2006). Age-Related Differences in Ambulatory Blood Pressure During Daily Stress: Evidence for Greater Blood Pressure Reactivity With Age. Psychology & Aging, 21(2), 231-239.

Salminen, A., & Kaarniranta, K. (2010). ER stress and hormetic regulation of the aging process. Ageing Research Reviews, 9(3), 211-217.

THE PRODIGAL

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Prologue

Three years old. I demanded my mother play "The Cat's in the Cradle" over and over on our Cadillac sized stereo. I didn't understand all of the words, but I was moved by it. I got the gist. Some man and his son, together, then separated. They loved one another very much, but somehow, they were driven apart, doomed to lives that did not intersect. No matter how much they wished otherwise and worked to bend life to their desires, they discovered that life doesn't bend. I learned that early.

I suppose most babies begin their speaking lives with literally familiar words: "Bye-bye"; "Dad-da"; "Ma-Ma." According to my family's lore, my first words were a complete sentence, syntactically correct. My mother has always said that one day, as she led me by the hand toward our 1962 Ford Falcon, I said, "I want to go bye-bye." Thus began my gift for gab. And I was off. I didn't slow down until I began to suffer from mental illness in my early twenties. Brain problems, you see, quiet a person. At least, the sort I have. But until that dark time, I never shut up. I talked incessantly about anything to anyone who would listen. Only now, with hindsight, do I realize what a pain in the ass I must have been. What a know-it-all, loud mouth, blabber-yap pain in the ass. But it did pay off. I scored astronomically on the verbal sections of aptitude tests and won every prize I went for in my school's speech and debate program. One unexpected, at least sort of unexpected turn of events, was that my constant verbosity led me to a tenure as a teenage preacher. I would say I never saw that coming, but that wouldn't quite be true.

When I was a little boy, a lot of my peers played outside games like "War" or "Cowboys and Indians." It wasn't that I never got out my six shooter or anything, but my favorite game to play was an inside game called "Office." In this game, I dressed in my church suit, put on my clip-on tie, and balanced my grandfather's 1940's hat on my head. In addition to this get up, I armed myself with my Uncle Duke's Air Force brief case (filled with all sorts of official looking Air Force paperwork which made its way home with him). I set up a nice office in my bedroom, using my toy box as a desk and my little sister as my secretary. I spent countless days running my office. I typed on an old typewriter, stamped papers with an old rubber stamper (again pilfered from Uncle Sam), and spoke authoritatively into old telephones about really important matters. Sometimes the War playing Cowboys and Indians in the neighborhood would find out about my game and make all sorts of fun of me, but I loved to play Office so much I didn't care a bit.

On Sundays my family went to the Alum Creek Church of Christ to worship God and fellowship with our brethren. I sort of liked going to church from an early age. For one thing, I got to wear one of my suits. My mother would help me get all gussied up in it and even let me wear one of the bow ties which had belonged to my father when he was a boy (I loved bow ties). Unlike most kids who wallowed around on the pew and played with Match Box Cars or just squalled incessantly through the sermon, I sat upright and dignified beside my father and listened carefully to what the preacher had to say. I was mesmerized by the stories of Moses in the desert, Noah and his ark, and especially Jesus, the man who could walk on water. No doubt I didn't understand the implications of all I was hearing, but I was fascinated by the stories and, even as a young child, moved by the moral and ethical points the preacher offered (at least the easy ones). But, I have to say, the thing I liked most about going to church was that I got to wear my suit.

My father was an ornery sort. Growing up, he had been a real handful for his parents, the adults of Sumerco Mountain at large, and the entire Lincoln County School District. He was the sort of student who urinated in classroom heaters, let the air out of teachers' tires, and engaged in daily bare knuckled brawls with any takers. My favorite story (and his most impressive feat, in my young mind) was the time my father dropped Chuck McCallister from atop a Maple tree with a smooth, sailing rock. My father was at least one

hundred yards away, so the trigonometric aspects of this act of delinquency alone were astounding. Chuck ran home screaming, blood spouting from his head. My father told this tale and laughed until his smoker's cough kicked in every time. I guess most kids skipped rocks, but my father peeled kids' heads with them.

As a child-father in his late teens, not much had changed for this Sumerco Mountain Hooligan, only now he was a handful for Madison Mining Company. He drank, he fought, and he cursed like a Drill Sergeant with a bad case of Tourettes. Yet, he wanted my mother and us kids to be in church, to be "good," even while he persisted in being "bad." Ironic, I know, but this was the duality in the mind of my father. He believed he could live one life, and we could live another. So, after a few years of suffering through sermons (most likely sermons directed towards him) my father stopped going to church with us, and my mother became one of those embarrassed ladies who took her kids to church dutifully while her husband was busy with other things. Church folk look both kindly and pitifully on such ladies, and my mother hated it. She wanted her whole family to go and be good, decent people, but my father just wouldn't play ball.

Like all young boys, I envisioned my father as a giant. He knew all, could do all, and was the dream I hoped one day would become my reality. I wanted nothing more than to impress this Marlboro Man who was my dad. But I was bookish and well behaved and a kid who's idea of a good time was dressing up in suits and stamping papers in my make-believe office. It must have been hard on him, having me for a son, especially the Christmas when I ordered up a toy Kitchen (you know, one of those things which is made to be a miniature kitchen for little girls to play house with). But he never let on if he was thinking words like "fairy" about his oldest child and only son. Given the guy that he was, though, I just know this was the case.

Despite my affinity for dressing in suits and playing House with my shiny new kitchen, I wanted very much to be like my father when I grew up. I think this gave him some hope that, in fact, I wasn't going to turn out dressing in women's clothing or something. I imagined myself big and strong and fearless, and as I grew older and started school, this dream became stronger.

But, crying, squalling, snot-drip projectile puking right at the effeminate Mr. Stowers or his dutiful aid, Mrs. Marge wasn't what I had envisioned. Often, one of these, my Kindergarten Commissars did an awkward reverse tap dance to avoid the stream of Cheerios and chocolate milk spewing from my mouth. This was my first two years in school. I was the crying kid. The kid all the other kids just had to consider and wonder a great big- WHY? Adults too. No doubt, the old man hadn't had this in mind for his firstborn. His namesake. His son. Puking and bawling his way through the first few years of elementary education. But, no matter how many times I was dragged to the schoolhouse door, leaving two little parallel trails in the gravel, no matter how many times he threatened to beat the tears out of me, I just kept on snot-bawling, breaking only for naptime. My father's disappointment with me probably truly began here. But more would come.

There was the time the neighbor kid decided he was going to teach me how to box. This turned into a Class A clobbering, and I was the clobberee. My father asked me why I let that boy beat on me like that. I told him we were just playing, but I saw a look on his face that I'd never seen before. His eyes turned inward. This condition is subtly visible, more sensed soul to soul than seen. His head gave a sharp, but gentle shake back and forth and a faint grumble emanated from his throat. I watched him, fearful, disgusted with myself. For I knew whatever this new class of disbelieving marvel my father beamed towards me was something I caused and something that would send him for the bottle in the cabinet he turned to after heavy meals. It was shame. Even my toy kitchen hadn't brought out that look. Seeing my father ashamed, truly ashamed of me, scarred my deeply, and I've felt the motivation ever since to undo that look whenever I could. But, it just keeps coming back.

Then there was my foray into the world of sports. My first game of T-ball, when I kept getting hit in the head with the ball. Then Basketball, again, often either missing the ball, dropping the ball, or getting blasted in the face with the orange orb.

Then there was the year I became old enough to try out for junior high football. My father, a former high school football star, could hardly suppress his hopes that I would follow in his footsteps. But I joined the band instead. Trombone. He barely spoke to me the whole drive over to the high school to get my instrument and uniform.

Then there was my academic performance, which was always stellar. My father professed pride in my

abilities and hard work, but his words just didn't convince me. He had been the sort of student who was passed by teachers to the next grade just to get him out of their classroom. Even as an adult, he had trouble reading (perhaps the school system should have paid a little more attention to a troubled student in those days). Despite his alleged pride in my schoolwork, I always felt something strange coming from my father. I felt it was jealousy and embarrassment, an unpleasant combination. I always thought he felt inadequate, as though I might be smarter than him and embarrassed because I was a bookworm rather than a bare fisted brawler who drove fear into students and teachers alike. For me, I always felt guilty. Guilty for perhaps *being* smarter than him, and ashamed that I was no tough guy.

By the time I reached my pre-teen years, my mother had finally stopped taking us to church. I was no longer dressing up in suits (now it was a lab coat and crazy wig that put one in mind of Albert Einstein's hair---more on this later). I had lost interest in the stories of Moses and Noah and Jesus and moved on to more secular concerns. Being a star pupil, my teachers encouraged me that I could be whatever I wanted. So did my mother. What I wanted was to be a physicist (hence the lab coat). My hero was Einstein (hence the wig). I dreamed of the day I would go off to college and toy with laser beams and particle accelerators and radioactive isotopes. So, I busied myself with my chemistry set and taking apart electronic appliances and reading encyclopedias. I was, you could say, a real nerd.

Then something strange happened. One night I had a dream. In the dream, I was at our church. It was empty and I wondered why I was there. I wandered around a bit, finding it sort of cool to explore the church all by myself. But then I caught my reflection in the two-way mirror separating the nursery from the sanctuary. I was a grown-up. I wore a grey, grown-up suit and carried a Bible. It hit me clearly. I was a preacher. "I don't want to be a preacher," I thought. "I'm going to be a physicist." But somehow, this dream was disturbingly insistent. In it, I felt as though I had no choice in the matter, that I wasn't just dreaming, but experiencing a revelation. I felt it came from God. Despite this severity, when I awoke, I put the dream out of my mind and went on with my life and my plans to become a physicist. There was no way I was going to waste my scientific mind spinning yarns of fire and brimstone.

But when you're dealing with a being that controls the universe, the Prime Mover, maybe it's just a waste of your time to say "no." Thus, when I was fourteen years old, it seems to me that the Lord intervened and began to bring his plans for my life to fruition. As the coal industry collapsed, my father moved my family to Florida where my Uncle Duke (who several years earlier had escaped the collapse of the Chemical industry) had a job for him at Jacksonville Naval Air Station.

We were still a young family, and we were excited about a fresh start down south. My mother announced that we would use the new beginning to start going to church again. My father even agreed to go with us. I think he really intended to leave his waywardness behind in Appalachia. We went to Lakeside Church of Christ, together, as a family. Once. After that, my father went back to his old ways, and brought some new things on board as well, like an affair (My father's waywardness would trickle out like water from a small spring hidden deep in the woods over many years. The chief complication in ever really learning just what he has and hasn't done is his mastery at manipulation and lying. To date, some twenty years on, I've learned of other families, step-siblings, and some things you'd not believe if I told you. I still stand in disbelief of some of it).

Soon after our arrival, I was persuaded to join a youth leadership program at the church. My life-long verbosity was responsible. As it came out that I swept speech competitions, the program director set in to recruiting me for the public speaking part of the program. I didn't really realize it, but the public speaking thing really meant "sermon delivery." But I took to it like Noah did to ship building, and soon I was a local teenage preaching phenomenon delivering sermons at every local church that would have me. People argued over whether or not I had a divine appointment or was just a kid who could play the part. As for me, I had it all figured out.

I took to Christianity with a vengeance. And as I became more and more devout, more and more ensconced in the leadership program, I became radically convinced of the divine intervention going on in my life and the life of my family. That dream, you see, really had been a message from God, and he did, in fact, intend for me to be a preacher. And like that, I dropped physics and took up the role of clergyman (at least, adolescent clergyman).

As I became devout---devout in the way a fourteen year old disciple becomes devout, without doubt or spiritual hindrance of any sort---I became obsessed with the state of my father's soul. He was lost, damned, and determined, it seemed, to stay that way. I dreamed of eternity in Heaven, my mother, my sisters and me. But my father would be in Hell, burning in the lake of fire, tormented day and night. I was up nights over it, truly bothered, and it became my goal as a preacher to save him. The obsession I had with this mission was a zealous one. But, there was one problem. I feared my father, more to the point, I feared his judgment. And again, like all those times before, I felt he was ashamed of me, his son, the boy of the cloth.

My mother was always after my father to come and hear me preach. "He's so good; you should hear him." Sometimes, I heard them arguing at night about how he needed to support me and all. I let on like I had no idea, but I knew if he ever did come, I'd have my shot at saving him. And one day it happened.

I was already in the pulpit, reading the scripture on which my sermon would be based. It was the story of the Prodigal Son. When my father walked in and came down the aisle looking for my mother and sisters, I knew it was up to me now. I began to sweat a marathoner's sweat and shake like the palsied, but I lit into preaching like I never had before. I wanted my father to see himself as the Prodigal Father and to feel God's spirit speaking in his ear, urging him to come back to God and make his life right, his path straight.

Throughout the sermon, I looked into my father's eyes, and spoke of God's love and forgiveness while willing him with my own spirit to hear God's voice. In my mind the visions rolled. I saw him, as we sang the Song of Invitation:

Come to Jesus; He will save you

Enter in at mercy's gate

In my ecstatic mind, he slowly stood, stepped into the aisle, timidly, then with resolve, and walked towards me. We embraced and tears fell freely. After his baptism and return to the fold, the church spoke often of the miraculous day when a boy preacher spoke God's word and his wayward father returned to the saints. I reasoned it *must* happen this way, the way I was dreaming it in my half-trance, perched in the pulpit like a vulture, determined to devour his sinful soul and conjure from its ashes a new man, a saved and Godly man. It had to happen. It was God's will, and I had seen it.

Sermon ended and song sung, I took my seat by my father. You see, nothing happened, not really. He didn't budge. For a moment, I was angry with God, and then I was just miserable with sadness and remorse. I had failed. I had failed to save my father. The dream was a lie. There was no plan. We were all on our own, and no amount of love, or hope, or preaching could move a man to come to God. Only the Prodigal could *choose* to come home. Only they could shake the dust of the world off of their feet and turn. And it would be when they were good and ready.

I thought I had been tapped on the shoulder by God's big finger and given a mission. But, I sat there by my father, my yet damned father, wondering if *the Father* still gave out missions at all. In those few disappointing moments, I transformed from the sort of believer who steps out of the boat and charges atop the water toward Jesus, to the sort who, like Thomas, needs to see the holes in His hands. And I couldn't shake the feeling that it was all my fault, even my new found doubt. And how could a doubter save anyone?

Later that day my father labored over the stubborn engine of his old Chevy (speaking of God, I believe only He could truly have breathed the life back into that rattletrap). I sat in my room, looking through a book on lasers, thinking maybe I'd go back to physics. My mother called in from the garage. My father needed my help.

As I held the alternator in position, my father tightened the bolts into place.

He glanced at me a time or two out of the tops of his eyes, like he wanted to say something but wasn't sure how to do it.

"I'm proud of you, son."

He meant it, too. There was no shame in his voice. He wasn't going through the motions. He really was proud of me. I was certain about it.

"Thanks."

"It takes courage to get up there and talk like that. In front of all those people."

"I don't mind it."

"You're good at it. Made me think."

That was the only time we ever spoke about my preaching. It was the only time my father indicated in any way that maybe his life needed some changing, the

only time he ever really let on that he was less than the giant I saw him as at the beginning of my life.

I don't guess it was much to say. But it was enough. At least for a while.

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In my life time skips like an old record in my mother's collection. It doesn't march on or trudge along. It skips. One minute you're here, and then you're there, and time has played its old trick, skipping you through your life.

When the record found its groove, we were back home in West Virginia, my mother's solution to the various affairs and other misbehavior my father had gotten himself into. *Get him back home, get us all back home, and he'll straighten up.* Boy was she ever wrong.

My father just moved his main mistress back with us to live in a town just thirty minutes away (without our knowledge, of course). She brought along her little girl, whom my father had somehow adopted, and a newly minted little boy who he had given my name (These details emerging molasses slow over many years). Maybe, I reasoned, when this information came to light, I had let him down so much he just decided to start fresh with a new son and see if he couldn't get one to evolve in a manner that pleased him.

You'd think I began to hate my father at this point, but that wouldn't be true at all. What happened was, I began to feel really sorry for him, obsessively sorry for him. He made it clear that we had all let him down, which led my mother and sisters to despise him. But me, I took it to heart, thinking we were just as responsible for his failings as he was, maybe me most of all (It turns out I have almost as convoluted a way of seeing things as my father, as you'll soon see).

You see, my father had been very close with his own father, or "Daddy" as he called him. My father's life had been brutal growing up. The Perry Sowards' were very poor, and my father had worked side by side with his Daddy: laying brick, bringing in tobacco harvests, whatever work there was, to bring them up from dirt poor to just your garden variety poor. To make matters worse, his mother, my grandmother, was bat-shit crazy. It was never made explicit by my father, but we knew by reading between the lines that she had been a poor mother to my father, his brother, and sister. When Pa-Pa Gramps (that's what I called my father's Daddy) had been out of town working at whatever job he could get, she had failed to take care of the children properly, and often, they had gone hungry.

It was Ma-Ma Rose's (that's what I called my father's "Mommy") craziness that caused my family to break all contact with my father's parents when I was just four or five years old (The way I heard it whispered, they had tried to abduct me, though this is an event I don't remember). After that, we never saw them again.

In the years to follow, Pa-Pa Gramps died rather young, and the sudden death of Daddy drove my father mad. That's another reason I never really blamed him for his indiscretions. You see, they all started up after Daddy died. Today I wonder if my father hadn't had a problem like my own (a I-can-never-please-my-father problem). I often consider it possible that he, too, had lived his whole life trying to become Daddy, had based his very personality on Daddy's, to such a degree that when the man died and the tether that binds sons who want to, no *must*, become their fathers was broken, his own identity simply crumbled, like so much sand castle in the rising tide. A truly broken man then, my father cast about for himself and finding no one there arrived at a place with no self, no rules, no hope. It would be a few more years, but I would go through the same process, and it was then that I formulated this theory about my father and the causation of his total degeneration into debauchery and betrayal.

But, I remember, as a child, when Pa-Pa Gramps would catch Ma-Ma Rose out of the house for a few hours, and he would sneak to the telephone, the last remaining route of connection between my father and Daddy. My father would talk to his Daddy for hours, during which time we kids were required to sit silently so we didn't disturb. It was a holy time in our home, when my father was able to talk to his Daddy. A time when kids were silenced, plans delayed. My mother sat with us, tearing up at times. We all knew how special those rare phone calls were. I felt such sorrow for them, father and son who loved one another so much. Separated. For good, as it turned out.

I carried on with the preaching all the way through High School and made plans to attend Ohio Valley College, a Christian school with a Bible Studies program for the preparation of young ministers. I had it all sorted out. I would become a real preacher and dedicate my life to God. But, to be honest, it was all wearing a little thin by then, my preacher identity. I was still preaching, but I was doing it because I felt I had no

choice. I had always believed that when God tells you to do something, you do it. But, my heart wasn't really in it anymore, and like my father before me, I had learned to lead a dual life.

One half of me was still a good guy, the boy of the cloth. The other, increasingly insistent half, was a fledgling drunkard fooling around with any girl who would let me get near her. But, you must understand, that this was not a condition I entered into with much joy. I was terribly torn, feeling myself damned all the time for my sins. Feeling myself a real hypocrite. But, one other feeling was competing with this soul-trauma. Without this other feeling, I might have gone through my ornery phase and pulled myself together, as so many young men do, but the other thing was just too powerful. I was starting to see myself becoming more like my father. It wasn't the drinking and the womanizing (At the time we kids were still kept largely in the dark about the extent of those things. We knew there were problems, lapses, but not the full extent).

What it was, the way I was becoming like my father was, I was taking risks. I was doing what felt good rather than what felt right. I was overcoming my fears of the Big Father and cutting loose. And the more I did it, the closer I felt to my father. I was becoming him, you see, finally. And though it was hidden, and he didn't know about it, it made me feel like a real man. Like him, the ultimate man, in my mind. Even though I was on the cusp of adulthood and should have grown, to a large degree, into my own identity by then, the obsession persisted, had even grown. I only knew that I *must* become like my father if he was to ever really accept me as a man.

But,

If you ride a railroad whose bridges tend to be out, you stand a good chance of ending up in a train wreck.

And the record of my life skipped again, and again, and again.

1992- H.S. Sowards enters Ohio Valley College, major, Biblical Studies. Soon looses interest in matters Biblical and begins cultivation of right-wing political philosophy (fueled by alcohol, marijuana consumption, womanizing, and Rush Limbaugh). Here, Sowards makes the dark realization that little separates a successful preacher from a successful manipulator of the masses but intent and the presence or absence of good will.

October 12, 1992, founds the American Reformation Organization, a political party with the stated purpose of the eventual overthrow of the U.S. government and the institution of a totalitarian regime headed by H.S. Sowards. The new nation, The American Christian Republic would essentially be a theocracy with Sowards as the arbiter of Christian Law. Becomes highly delusional, perfects the art of binge drinking, fails all classes and becomes persona non grata at Ohio Valley College.

1992-1994- H.S. Sowards and compatriots become known as the OVC Underground. Given to the perpetual causation of mayhem at the conservative institution. After multiple suspensions fail to reform Sowards, he is politely asked not to return for fall semester 1994 by frustrated Dean Dennis Cox. Perfects womanizing. Delusions of grandeur grow even more persistent. Hard at work on *America Lost*, personal political manifesto. Never to make it beyond chapter 2.

August 1994 – May 1995- H.S. Sowards, in a brief respite from delusional madness, attempts personal reform by accepting a position as minister at Oceana Church of Christ, Wyoming County, West Virginia. Nearly breaks even. One Baptism. Two Burials. Enjoys the confidence of parishioners and the community, but secretly betrays such through continued womanizing and the consumption of large quantities of alcohol. Delusions return. Spends most of his time working on manifesto and dreaming of the "Consummation" (The transition from our American Republic to his theocratic tyranny). Studies noted twentieth-century tyrants for inspiration.

May 1995 – August 1995- H.S. Sowards moves to Huntington, West Virginia to attend Marshall University. Has decided to join ROTC as a means of beginning his climb to eventual power ("the military Officer route" in his words). Learns grades far too poor for such an appointment. Degenerates into a quest to drink all the alcohol in Huntington. Becomes prime consumer of LSD in that metropolis. Womanizing efforts fail due to sudden development of lard ass and level of delusion so sever no one can stand him.

August 1995- January 1996- H.S. Sowards enlists in U.S. Army. To report for duty 3 January 1996. (This is the "enlisted man route"). Destroys all material associated with the A.R.O. due to surveillance by unknown persons. Retreats into relative seclusion during interim between moving back into his parent's

house and departure for Boot Camp. Friends grow concerned, but develop distaste for Sowards as they come to realize he actually believes the nonsense he spouts when drunk. Comparisons made to Adolf Hitler and Joseph Stalin during one drunken argument. Sowards' defense: he will be a *good* dictator. Sowards looks forward to becoming a soldier and learning the skills he will use to convert the A.R.O. into a terrorist organization modeled after the Irish Republican Army.

3 January 1996 – 18 October 1996- Military adventure comes to rapid end as an increasingly delusional H.S. Sowards becomes severely depressed, then psychotic, then suicidal. Incarcerated in mental ward for three months. Diagnosed with Major Depressive Disorder, recurrent, severe with psychotic features, and Obsessive-Compulsive Disorder. Has the good sense to hide delusions of grandeur and plans for treason from shrinks in hopes of eventual release. Abandons dreams of the Consummation, realizing no one in their right mind will ever follow a diagnosed nut case.

October 1996 – Sometime in 2002- H.S. Sowards wallows in self-pity for some time. Finally, convinced by therapist to return to college. Takes to it quite successfully and earns B.A. in Psychology (hopes of Ph.D. and a teaching/research career). Upon graduating, begins alcohol consumption at levels not seen before and soon reaches successful state of full blown alcoholism (a long time coming). Primary activities are: nurturing delusions, drinking, drug use (when available), arguing with mental health staff of local VA about refusals to take medication, sleeping, finding ways to detach himself from all other human beings, and new found activity of writing memoir about mental breakdown, *Psychomachia or The Pickled Lenin*, but mostly drinking. Upon the rejection of his opus by publishers, a dejected Sowards crawls further into bottle and withdraws from all remaining human contact. Friends give up hope and allow him to go his own way. One spring night, H.S. Sowards pleads with God to *leave me alone* as well. God obliges him.

Spring 2002 – February 2007- After several blackout / awakenings in emergency rooms due to a cocktail of *way* too much alcohol and large doses of psychiatric medications, H.S. Sowards attends his first meeting of Alcoholics Anonymous. Though goaded into seeking help, he finds something there he hadn't expected: hope. Despite many relapses, suicidal ideation, and fleeting returns of A.R.O. delusions, Sowards eventually finds sobriety. More importantly, he once again develops a relationship with God, who, though kicked out of his life years before, is kind enough to re-establish relations.

And the record finds its groove.

Yes. If you've reached this conclusion already, I apologize for stating the obvious, but I became my father at last, only worse. I lost interest in saving his soul. I lost interest in saving *my* soul. I became one of those people who doubted souls and God and right and wrong. I became him alright. Just as selfish and degenerate and lost. It cost me my sanity, nearly took my life, and robbed me of over a decade. Oh, when I think where I might be today if I had only stayed on the straight path. A wife instead of ex-girlfriends who hate me? Kids? I don't know. Things would be different. That's for sure. But, to be honest with you, I wouldn't change a thing. Well, I would like to make amends to those young women, and to some I have been blessed with that opportunity and surprised by their graciousness towards me. But, many things you break simply cannot be fixed. You just have to learn from it and swear by Almighty God that you'll never do it again. And mean it.

I also wish I had not become a right-wing tyrant in training. Frankly, it's just embarrassing. Ironic too, since these days I'm pretty much a liberal, leaning towards the socialist end of the spectrum. But, I did learn a thing or two on that path. I learned what to look for. These days, I think I'm pretty good at spotting the kind of megalomaniacal whackos I once was. The scary thing is just how many I see out there. Of course, I also learned tolerance. I know that's a strange thing to learn by being intolerant, but it's one of the best teachers. Once you've hated pretty much everyone for being different from you, once you've thought yourself equal to God and able to dictate terms to all, and recovered from it, well, you learn a strange compassion. It's a compassion that even includes guys like the one you once were. So these days, despite strong urges to do the contrary, I don't hate Rush Limbaugh, but I do pity him. I don't know, maybe it's because you remember that at least part of you meant well.

During my time hoboing the rough and rugged rails of my father's railroad, I learned much. I learned that while I love my father and always will, he is, in many

ways, not such a good guy. I learned this by becoming a not such a good guy myself and waking up to the knowledge that I had become him. My awakening came slowly, through the process of losing my mind. In this most difficult of times I believe I went through much the same process my father did when Daddy died. Only for me, it was an experience, not brought on by the death of my father, but by the death of his myth. Becoming him, I saw who he truly was, and I didn't care for it. While I managed to be him for a time, in the end, I couldn't keep it up. That person is just far too different than the person who lives in me. And I discovered that the AA slogan, "To thine own self be true" is a very powerful bit of wisdom. It seems to me that I am much more fortunate than my father, a man whose identity was, in fact, Daddy's identity. It turns out I really had developed a personality all my own. But it was so very different than that of *my* father, that trying his on for a while simply broke my mind. These years since the days of my madness have been a time of reconstituting the person I was before I became my father, because that's who I really am. But, sometimes the suits we wear leave their mark, and we never can truly iron them back out.

Now, I'll always be a drunk. I'm just a drunk who doesn't drink these days and prays very hard never to again. But, that has brought me to an interesting place in life, and it's a place that has reconfirmed my belief in God and my confidence that He really does have something for each of us to do on this good earth.

I dreamed I would be a preacher and soon came to understand the reason that was so was because my father's soul needed saving. I didn't dream I would become a drunk, but I did, become one that is. For a good while I wondered why. How? Where did this fit in? Could anything good come from it? And not long after joining AA, I got my answer.

You see, my father is a drunk. Most likely, the troubles he has gotten himself into over the years, the now broken family(ies) (for he had at least two), the poor health, financial troubles, legal troubles, you name it; most likely those things all came in a bottle (And I now know that Daddy also spent a lot of time looking down the neck of a liquor bottle himself. You know, the man my father *had* to become).

I've come to see it like this: God couldn't reach my father through me when I was a boy preacher, but maybe he can reach him through me now that I'm a grown man who's a drunk, like him. There's just one problem. My father never has believed that I'm an alcoholic. That was a skill, he thought, only he could perfect. I was too "soft" to make it in the hard scrabble world of drunks. "Is that something they filled your head with down at the VA." He was disgusted. And that's the adjective, it seems, my father most often had in his mouth for me: disgusted. So even when I had come to be his shadow, I still wasn't good enough, in his eyes, to be his son. He was the drunk, and I was just some pussy who got thrown out of the Army, head filled full of VA shrink nonsense. No I wouldn't know how to drink properly if I tried.

If only he could have seen me during the long nights with my bottles (The OCD intruded even on my drinking, you see, so I drank a certain number of bottles of varying sizes, but the end result was that I drank around a fifth each long night). I sat in front of the television staring at it, but not watching. I sat at the computer, staring at it but not writing. Sometimes I screamed and wept for the soldier I once was (I should note that the Army all but cured me of my megalomania, besides for occasional spells. In fact, before the breakdown, I fell in love with the Army and planned to spend my life as a soldier) who forsook his comrades and did the one thing which could bring their reproach, their hatred and scorn. I quit. If he could see these things he might believe.

Later, as my drunk ass became more skilled at the art, he might have sat with my Mother in ERs, waiting to see if I would finally awaken, or if the concoction of enough alcohol for several men and enough psychiatric meds to dumb an agitated lion would leave me in permanent slumber or wake me to a lessened mind. If he could have sat with her, sweated it out with her, he would have believed. But, as usual, he wasn't there. He had other plans, other places to be.

So, maybe I'm wrong about the whole damn thing. I do believe it was God who saved me from drinking myself to death, saves me each day. But, I had to take the first step, go to that meeting, ask for help, truly plead for help. You see, I had to come home before I could find any hope. But once I did, boy. Fatted calf? It was far more. I got it all, and now I'm nearly finished with my Master's and hard as it is for me to believe, at least a few people seem to think I've got a little hope as a writer: my dream. God really pours it out, you see, if you just ask, and if you're willing to see, to accept.

So, my father, I know, has to come home himself. Has to choose it himself. It's no different, I see, than when he chose not to come on down the aisle and repent. I couldn't make him then, and I can't make him now, not in my new capacity as the drunkard son, whether he believes in that or not.

All I can do for him is keep on loving him, despite his frailty. You can't preach a better sermon than that for anyone, whether you're a boy preacher or a damn fine drunk. So, I'll love him and hope that one day his record will find its groove.

TANF Reform

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Introduction

History

Many have the misconception that welfare policy and the welfare state are recent phenomena. However, welfare and aid to the less fortunate have been institutions that have been in existence for hundreds of years. In the early 1600's, the poor in England were reliant upon the state and more specifically the church for financial support (Kelly 2011, 343). There has always been the mentality that the poor and the less fortunate must have some sort of safety net and have means in which to survive. The English Poor laws were put in place in order to institutionalize these types of charities and church based donations. Regardless of where the money comes from, the idea of welfare has always been mainstream for much of recent human history. Whether it be money given through charity or given by the government, welfare has been essential in the supporting of those who aren't capable of supporting themselves.

It wasn't until the New Deal, a series of laws passed by President Franklin Roosevelt, that we saw an evolution in welfare policy. Instead of community, charity or church based assistance, the responsibility centralized and became the responsibility of the federal government. President Roosevelt's New Deal and Aid to Families with Dependent Children gave temporary assistance and jobs to those who had lost their previous jobs due to the harsh economic climate brought about by the Great Depression in the late 1920's and early 1930's (Shelly 2008, 610). He created programs such as the WPA which gave people jobs that improved our nation's infrastructure. He instituted programs like Social Security, one of the most important programs still today, that instituted financial assistance to the elderly. It was the policies and practices instituted by Franklin Roosevelt that paved the way to the modern welfare system that we are familiar with today. This system was only enhanced by the presidents Lyndon B. Johnson, whose presidency coined the slogan the Great Society and President Richard Nixon.

The face of Welfare Policy shifted during the Presidency of Ronald Reagan, who saw to it that federal involvement be drastically reduced. From Reagan until Clinton we saw a gradual transformation in welfare policy until PRWORA (Personal Responsibility and Work Opportunity Reconciliation Act) and Temporary Assistance for Needy Families was passed by President Bill Clinton in 1996 which replaced AFDC (Wamhoff 2006, 23). This policy put time restrictions on how long one could receive welfare benefits, while completely shifting and changing the identity of welfare policy in our country.

Today

TANF completely changed the nature of welfare policy and was the result of resistance and uncertainty about the welfare system. The TANF program was the result of a stigma placed upon welfare recipients. It is no longer considered an act of charity as it was in the days of the English Poor Laws. People who receive welfare are stigmatized as being lazy and useless. Those who oppose welfare believe that it is a dated system and they no longer feel obligated to distribute aid for those without income. This is a major shift in mentality from the days if AFDC and President Roosevelt's New Deal. As a result, it is important that we understand why this change took place and the impact it has had in our country and why reform is needed.

It is important to understand TANF and welfare policy in our country because it effects every United States citizen equally. We all pay into welfare and the majority of us will collect welfare or some type government assistance in our life time. TANF completely changed the face of welfare in our country and it is essential to completely understand this policy because whether we want to believe it or not, we are affected by this change in policy. In this paper we will discuss the policy TANF in its entirety, then offer a proposal to reform the policy as it stands now, why the reform is needed and finally assess the political will of politicians and the people for such a reform to be implemented.

The Policy

Overview

The Temporary Assistance for Needy Families (TANF) program, was deemed to be the end of welfare as we know it. Many believe that the welfare debate has been settled, and many people in Washington have deemed the program a success (Lens 2002, 279). During the time of TANF's passing, the United States was experiencing a rather large economic boom. What many deem the Technological Revolution was underway, the invention of the internet and production of advanced technologies and many businesses were starting up. Unemployment was low and reformation of welfare policy seemed like the right decision.

In a society where welfare was less required, lessening the benefits seemed like a logical step. Thus, Bill Clinton came forward and said that he was going to implement PRWORA and TANF, which would change welfare as we knew it. Many people judge the success of TANF based upon three trends, the decrease in the number of people receiving TANF benefits, increased employment among single mothers in the 1990's, and the decline in child poverty during the 1990s (Parrot 2006, 1). During a booming economy, the administration wanted to rid the remaining unemployment and poverty that remained within the borders of the United States and given the economic climate, this seemed like a realistic goal. At first the three trends mentioned above seemed to progressing positively, but soon economic recession set in and sent a major shock throughout the entirety of the system.

The idea of TANF was to distribute funds to people while at the same time offering job assistance and training to those who received the benefits (Byungkyu 2010, 354). TANF promoted work experience and gave incentives to those who were able to engage in such activities. As stated above, these reforms were all put in place because of the economic climate that our country was in at that time. It was viewed as completely plausible for one to find work if aided by the government through the programs offered by Temporary Assistance to Needy Families.

The major component of TANF that I would like to focus on are the work requirements and more broadly the eligibility requirements that have been imposed by this new welfare policy. TANF specifies that a person must be involved in some work based project and record at least 30 hours of work related activity a week for receipt of cash assistance under TANF and stipulates that the proportion of state welfare recipients in a work activity must reach at least 50 percent by 2002 (Purtell 2011, 720). Along with this come a set of time restrictions that are also placed upon recipients of TANF benefits. The new program makes it so families can only receive welfare benefits for five years in their lifetime. Some states such as Florida made it so these time limits were even more strict, limiting its citizens to only two years of welfare assistance during their lifetime.

The States

With the passage of TANF, a lot of responsibility was placed on that of the state. They were given flexibility and able to extend or restrict TANF benefits to citizens in their states. Some states have been very liberal with their TANF benefits, but as stated before states like Florida have put a stranglehold on welfare within their state. With a program that is already unfit to run in a recession due to the eligibility issues, states putting even more restrictions on those who receive welfare has only further hurt the poor. More than thirty states have imposed harsher restriction and making massive cuts since 2010. Thirty states have cut funding for TANF projects by over twenty percent in the last two years (Byungkyu 2010, 354). The power given to the states was meant to decentralize the welfare state and get funding where it needed to be and in the places that were in the most need. However, in a climate where many state economies are following the trend of the federal recession, they are slashing many assistance programs including TANF. This only further proves that TANF was not designed to operate in a declining economic realm.

The Data

TANF was proclaimed a success only a few years after its implementation. As proof, its supporters pointed to the nearly 40 percent decrease in the number of welfare recipients, from 13.6 million in 1995, to 8.9 million recipients in 1998 (Department of Health and Human Services, 1999). With a booming economy it was easy to offer such programs as work experience and job training to the unemployed and offer them TANF benefits as long as they maintained employment. Consequently, this was all dependent on a booming and successful economy. As long as the economy was

preserved, which it was for a while, this program seemed like the right policy decision. Time limits and work requirements were not an issue because those who were unemployed had multiple employment opportunities in an economy that was present in the 1990's and early 2000's. As a result, time limits and work requirements weren't a concern because of the programs instituted ensured that those who wanted to gain employment would be able to attain this goal.

This policy did change welfare as we knew it. President Roosevelt's Assistance for Families with Dependent Children program was less restrictive than that of TANF. However, in the times of Roosevelt's presidency restrictions didn't offer a realistic option. During the Great Depression, to limit one's ability to collect welfare in a horrible economic climate would have been a horrible policy decision. The objective of AFDC was to increase demand among the unemployed population and to give these people a means of survival during one of the most depressing periods in the history of the United States. In the 1990's the United States wasn't experiencing this economic hardship, so limiting welfare and promoting employment among the smaller unemployed population seemed legitimate. However, we as a country have witnessed another fallout in the economic sphere.

TANF seemed like the logical choice and was showing positive results when it was first enacted. However, in an ailing economy, has TANF in its current form remained a relevant policy? In a depressed economy, work requirements have become quite an issue. When job opportunities are scarce, it becomes harder for those who are unemployed to find employment. As a result, we have many people who are terminated from receiving TANF benefits before they gain employment and this has devastating effects on those who receive welfare. Not only are the effects physical such as employment, but the emotional impact is great as well. In an economy that is on the decline, such as the one we are witnessing now, we would expect that the extension of welfare benefits should increase. However, it is obvious that this isn't the case. Supporters of TANF argue that this is a positive sign. As we will find out there is much more to this than appears on the surface.

Data shows that the people receiving TANF increased a mere 6.6% over the first nineteen months of the recession, rising from 4,014,111 in December 2007 to 4,278,030 in June 2009 (Parrot 2006, 1). This is unusual behavior as far as government spending on welfare. With a declining economy we should have an increase of extension of welfare benefits. However, while extension of benefits are increasing, they are not doing it as fast as we expect or as fast as they should. The trend that has emerged is that as poverty has become more of an issue because of the recession, we have still seen a dramatic drop in the amount of people who receive TANF benefits. The reason for this is because the eligibility requirements are no longer realistic guidelines and restrictions. Supporters of TANF say that the decrease of people receiving TANF benefits proves that the program has been successful. However, while TANF recipients have declined, the number of people who fall below the poverty line is increasing. If this program was indeed successful we would see an increase of employment over time. The purpose for TANF after all was to provide temporary assistance while giving people experience and providing them with the means of gaining employment again. The immediate aftermath of TANF seemed positive. people were gaining employment and being lifted out of poverty. However, as economic decline set in this program didn't have the means to compensate for such a shock.

In October 2009, the unemployment rate skyrocketed to 10.2 percent (Bhargava 2009, 4). This compared to the unemployment rate right after the passage of TANF in 1996 is staggering. In 1996 to 1998 the jobless rate remained within a narrow range of 4.3 to 4.5 percent but gradually increased from 1998 onward (Bureau of Labor Statistics). Here we can see we have seen a steady increase in unemployment since the passage of TANF. As soon as the economic recession set in after the housing bubble burst in 2008, we saw huge increase in unemployment rates, meaning that that there should have been an increase in TANF recipients. But what we find is the opposite. Raising the question, with such a large unemployed population why are there so few people receiving TANF benefits? TANF has one goal, to push those who are unemployed into the job market so that they become "self-efficient." Whatever sense this made in the boom years when welfare reform was devised, it makes none now (Bhargava 2009, 18). If a program designed to get people back to work, doesn't have the means to do so because of the job market and current condition of the economy, what use is the program? One of the eligibility requirements is that a

person receiving TANF benefits must have at least thirty hours of work related activities a week in order to receive their benefits. However, in a down economy this goal has become less and less realistic. With this in mind we can examine my policy suggestion to make welfare in our country a more inclusive program that is relevant in a depressed economy.

Policy Suggestion

We must make TANF a more all-inclusive welfare policy to cover those who are need in an ailing economy. For my policy suggestion I will draw upon a report filed by Center for Community Change, Jobs with Justice, and the Institute for Policy Studies that is titled, *Battered by the Storm: How the Safety Net is Failing Americans and How to Fix It.* With respect to TANF, the report asks Congress to allocate an additional $16.5 billion a year in federal funds to be used for purposes such as cash assistance, creating subsidized jobs, sustaining current TANF-funded child care, or emergency payments (Bhargava 2009, 3). We should increase the funding of TANF and use the program to create a series of work programs across the country. With the reform proposed, through TANF, the government would provide funding to put these people who are impoverished back to work, whether it be community service or an actual paying job, so that they are again eligible to receive TANF benefits. There is a major problem with the way the block grant stands now. For one the amount has not increased since the passage of TANF in 1996. That means that it hasn't adjusted for inflation at all. This has essentially made the current money allocated for TANF worthless and inefficient (Bhargava 2009, 4).

The suggestion that I have proposed would be similar to President Roosevelt's WPA program. It would require 16.5 billion dollars, doubling the block grant currently used to fund TANF, and would put millions of people to work. This 16.5 billion dollars would be allocated among states in the greatest need and highest unemployment to fund public works projects and employ those who are ineligible to receive TANF benefits. This would help those who weren't eligible due to the work requirements in their respective states. The creation of jobs and the increase in the block grant is the only possible solution to make TANF an effective program. The creation of these jobs would make individuals who weren't once eligible for TANF because of the work requirements of the program, eligible to receive the benefits and the program could actually do as it was designed, to get the poor back to work. One of the lessons of the recession is that the program is not structured to meet the needs of families who lose all or a substantial part of their income due to unemployment and time restrictions are issues that need to be addressed to make the program more effective in helping families, particularly during periods of high unemployment.

Funding

The funding for the increase of the block grant would have to be through the federal government through deficit spending. Much like President Franklin Roosevelt's New Deal these programs would be provided through major deficit spending. Additionally, it should function like the New Deal once implemented as well by stimulating demand and resulting in a massive upsurge in the economy. While this will be a major financial undertaking at the forefront, it will eventually even out by promoting demand within the economy. In a New York Times article in December 2008, economist Paul Krugman argues that financial expansion is the only way to prevent the economy from going into a freefall. (Krugman 2008, 1). At least some of this financial expansion should be used to help those in need of welfare become eligible. So not only does my suggestion help those in need, but solves for the economic crisis, a major issue that has resulted in the welfare crisis we are confronted with today.

Assessment of Political Will

Ever since the Reagan Administration, the American public has had a bad taste in their mouth at the mere mentioning of welfare. Through Reagan's unorthodox rhetoric about the "Welfare Queen" and various other strategies, we have gradually seen a negative stigma place upon welfare recipients and the programs themselves. It is no coincidence that the Welfare State has been on a gradual decline ever sense the Reagan Presidency. Throughout history in times of economic recession we see increases in welfare programs and government assistance to the public. For instance, during the Great Depression, President Roosevelt instituted his programs that were under his New Deal. This began programs such as Social Security and Aid to Families with Dependent Children.

However, we haven't seen this increase in welfare distribution when examining this economic recession, and it has to do with the stigma that has been place on such programs. Many people in the 1980's and the 1990's felt that the welfare system as it stood promoted dependence and irresponsibility and a paternalistic type welfare system was needed in order to promote moral uplift and get these "lazy" people back to work and off of welfare (Soss 2001, 4).

As a result of this stigma placed upon welfare recipients that views them as being irresponsible and being in need of moral uplift we are presented with the welfare system that we observe today. Consequently, I do not believe that my policy suggestion has any chance of passing or being approved by Congress or by the American population. These misconceptions about those who collect welfare have done a huge disservice to those who need these benefits. This period of time is unlike any in history. In a recession, you would expect the distribution of more welfare benefits, but this is obviously not the case today. The stigma that has been place upon welfare programs and recipients will ensure that much needed policy changes and reform to the welfare system will not happen in the near future in the United States. Additionally, government spending has been extremely demonized in today's economic climate. To propose that we double the current funding for the TANF block grant would cause a political uproar due to the down economy and negative perception of welfare programs.

Conclusion

We have examined the details of TANF, the suggested reform that I have proposed and analyzed the political will for such a reform to be passed. When TANF was passed it seemed like the logical policy decision. In a successful economy where there are plenty of jobs and low unemployment, designing a workfare type system was perceived as the best option. However, a program that was designed to serve welfare recipients during an economic boom may not necessarily be the best decision during and economic recession as we have discussed. During the Great Depression, Franklin Roosevelt created the welfare state with the policies implemented under his New Deal. During a recession this is exactly what you expect. More people are going to be in need of welfare and governmental assistance. However, we haven't seen this trend play out during the recession we are facing today. TANF is contingent upon work programs for those who are need of TANF funds to qualify for those funds. But in a down economy these types of programs are scarce. Thus, my policy suggestion was to reform TANF and increase the amount of money in the block grant that funds ANF to institute such a job program that would allow individuals in need of TANF funds to be able to qualify for the program. The downside to this is the political will for Congress and the people to pass such a reform to TANF. Social stigmas that have been placed upon welfare programs and welfare recipients will make it difficult for such a reform to become a reality. With all of this aside, something major needs to be done about the current state of our welfare program. It was not designed to function in a depressed economy and the price will be the wellbeing and lives of those who are dependent on government assistance in order to survive. If something isn't done, poverty in America will persist and we will continue to fail those who need our help.

Bibliography

Bhargava, Deepak. 2009. "Battered by the Storm: How the Safety Net is Failing Americans and How to Fix It." December. http://www.ips-dc.org/reports/Battered_by_the_Storm.pdf.

Bureau of Labor Statistics. 2012. Unemployment Rates. March 7. http://data.bls.gov/timeseries/LASST34000003

Byungkyu, Kim. 2010. "Second-Order Devolution and the Implementation of TANF in the U.S. States." *State Politics & Policy Quarterly* 10, no. 4: 341-367.

Irving, Shelly. 2008. " State Welfare Rules, TANF Exits, and Geographic Context: Does Place Matter?" *Rural Sociology* 73, no. 4: 605-630

Kelly, Morgan. 2011. "The Poor Law of Old England: Institutional Innovation and Demographic Regimes." *Journal Of Interdisciplinary History* 41, no. 3: 339-366.

Krugman, Paul. 2008. "Deficits and the Future." *New York Times,* 1 December.

Lens, Vicki. 2002. "TANF: What Went Wrong and What to Do Next." *Social Work* 47, no. 3: 279-290.

Parrot, Sharon. 2006. "TANF AT 10 Program Results are More Mixed than Often Understood." August 17. http://www.cbpp.org/files/8-17-06tanf.pdf.

Purtell, Kelly. 2011. " Low Income Families' Utilization of the Federal "Safety Net": Individual and State-Level Predictors of TANF and Food Stamp Receipt." *Children and Youth Services Review* 34, no. 4: 713-724.

Soss, Joe. 2001. "Setting the Terms of Relief." *American Journal of Political Science* 45, no. 2: 378-395.

Wamhoff, Steve. 2005. "The TANF/SSI Connection." *Social Security Bulletin* 66, no. 4: 21-36.

CITIZEN, INTERRUPTED: DISENFRANCHISEMENT OF FELONS IN THE UNITED STATES

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Abstract

The United States of America prides itself on being a beacon of democratic virtue, shining with the radiance of liberty and possibility. However, great lights produce great shadows. In present-day America, a group of people exist legally bound to spend eternity in this shadow: felons. Unable to take any part in the system that put them there, felons are denied the most basic democratic tool- the right to vote. In some states these individuals are denied this essential right for the rest of their lives, even after their debt to society is paid. This policy blatantly contradicts our fundamental democratic philosophy, is justified only by our fear, and stands as a threat to the liberty of all Americans. In this paper I will discuss the history, implementation, philosophy surrounding this policy, and the potential pathways for this issue in the future. Through examination within this article, we will come to discover what citizenship looks like in the world's democratic beacon, and what this policy says about personhood, more generally.

Introduction

In his legendary work, Discipline and Punish: The Birth of the Prison, Michel Foucault (1977, 91) discusses the relationship between citizenship and criminality in regard to eighteenth-century criminal justice reform: "At the level of principles, this new strategy falls easily into the general theory of the contract. The citizen is presumed to have accepted once and for all, with the laws of society, the very law by which he may be punished. Thus the criminal appears as a juridical paradoxical being. He has broken the pact; he is therefore an enemy of society as a whole." Continuing, he says, "Indeed, he is worse than an enemy, for it is from within society that he delivers his blows- he is nothing less than a traitor, a 'monster'."

Foucault's description demonstrates the type of thinking that justifies a set of laws that violate the civil rights of millions of individuals a year, stripping them of their title of "citizen" in a country that prides itself on its citizens' rights, on its promotion of democracy and liberty. In this country all but two states have laws forbidding those serving time for felony convictions from participating in the electoral process.

Felon and ex-felon disenfranchisement currently affects over 5.3 million Americans (The Sentencing Project 2011). The right to vote is perhaps the most taken-for-granted right Americans possess, and many fail to realize that these policies bar a huge percentage of the population from partaking in it. It is commonly understood that while serving hard time, one loses many of his or her civil rights, but to lose one's citizenship is another story. In this paper I will discuss the policy of felon disenfranchisement from historical, practical, and philosophical angles; I will also broaden our scope to examine the idea of citizenship in a civil society and what it means when it can be revoked.

As Foucault reminds us above, the issue of criminal justice is concurrently an issue of the social contract. This issue is important to every American citizen because it is one that shapes the nature of the contract and often flies under the radar. This issue speaks to a greater issue- one of humanity. Justice Anthony Kennedy said it beautifully: "To be sure the prisoner has violated the social contract; to be sure he must be punished to vindicate the law, to acknowledge the suffering of the victim, and to deter future crimes. Still, the prisoner is a person; still, he or she is part of the family of humankind" (Kennedy 2003). Humanity and citizenship are, unavoidably, united in the deepest of senses and the existence of these policies call to action much more than advocacy for a small minority; it calls for the reclamation of the humanity inside all of us.

Defining our terms

When discussing issues of public policy, as in all things, terms must be defined, as to create an environment of mutual understanding. I will lay this foundation by first defining the term "disenfranchisement" as *the act of depriving a person of a right of citizenship, the right to vote.* Also, there is much confusion surrounding the term "felon". The U.S. government defines a "felon" as *a person who has been convicted of a crime punishable by imprisonment in excess of one year.* There are distinctions between states, but it is not imperative that we lay out all of the definitions for the sake of this paper, though we must remember that there exists in these definitions a broad range of interpretations of severity.

Specifics concerning the policy

History The history of this issue is the history of suffrage; as long as the vote has been the standard, it has been compromised. In ancient Greece criminal offenders were barred from participating in the political community. However, it is important to remember that only elites, a very small minority, were allowed to participate politically to begin with, so this system had hardly set a standard of universal suffrage. Medieval Europe saw a similar standard. Most criminals suffered "civil death" which is the revocation of all rights as a citizen, but these cases were more subject to the whims of the day than formal law. This trend also seems to be found in colonial America. Written laws were also highly capricious and vague. An example of this is Plymouth membership standards. Citizenship was denied to "any oppose of the good and wholesome laws of this conlonie" (Manza 2008, 22-24).

It is roundly understood that acquisition of the franchise has been a battle for many groups in America. It has been contentious issue on levels of race, sex, class, and even age. However, it seems most Americans see the battle as won, despite the fact that 48 states and the District of Columbia currently revoke this right from felons in prisons. Florida and Iowa disallow even ex-felons from voting, and Kentucky and Virginia restore the franchise to ex-felons only after special permission is granted by the state. Still yet there are other states that restore civil rights post-incarceration after a waiting period of 2-5 years. Other states stipulate based on the nature of the crime (The Sentencing Project 2011). The most efficient way to display this information is in the following chart, also from The Sentencing Project:

Disenfranchisement Categories Under State Law

STATE	PRISON	PROBATION	PAROLE	POST-SENTENCE	
				All	Partial
Alabama	X	X	X		X (certain offenses)
Alaska	X	X	X		
Arizona	X	X	X		X (2nd felony)
Arkansas*	X	X	X		
California	X		X		
Colorado	X		X		
Connecticut	X		X		
Delaware	X	X	X		X (certain offenses 5 years)
District of Columbia	X				
Florida	X	X	X	X	X (certain offenses 5 years)
Georgia	X	X	X		
Hawaii	X				
Idaho	X	X	X		
Illinois	X				
Indiana	X				
Iowa	X	X	X	X	X
Kansas	X	X	X		
Kentucky	X	X	X	X	
Louisiana	X	X	X		
Maine					
Maryland	X	X	X		
Massachusetts	X				
Michigan	X				
Minnesota	X	X	X		
Mississippi	X	X	X		X (certain offenses)
Missouri	X	X	X		
Montana	X				
Nebraska	X	X	X		X (2 years)
Nevada	X	X	X		X (except first-time nonviolent)
New Hampshire	X				
New Jersey	X	X	X		
New Mexico	X	X	X		
New York	X		X		
North Carolina	X	X	X		
North Dakota	X				
Ohio	X				
Oklahoma	X	X	X		
Oregon	X				
Pennsylvania	X				
Rhode Island	X				
South Carolina	X	X	X		
South Dakota	X		X		
Tennessee	X	X	X		X (certain offenses)
Texas	X	X	X		
Utah	X				
Vermont					
Virginia	X	X	X	X	
Washington	X	X	X		
West Virginia	X	X	X		
Wisconsin	X	X	X		
Wyoming	X	X	X		X (certain offenses 5 years)
U.S. Total	49	30	35	4	8

* Failure to satisfy obligations associated with convictions may result in post –sentence loss of voting rights.

This is reinforced by the U.S. Constitution. Voter eligibility is determined by each state, according to its constitution. This has, of course, been altered due to federal moves, but states are given considerable discretion (Manza 2008). This discretion was upheld by the Supreme Court case *Richardson v. Ramirez*. The outcome of this case reversed a California case, in which three men were granted the right to vote after serving their time and parole. The majority opinion cites Section 2 of the Fourteenth Amendment, which stipulates that states can disenfranchise citizens for committing crimes, which invalidates the Equal Protection Clause (*Richardson v. Ramirez* 1974).

In 2005, Senators Hilary Clinton (D-NY) and Barbara Boxer (D-CA) proposed a bill to grant the franchise to ex-felons, sparking the conversation. Later, Senator Russ Feingold (D-WA) and Representative John Conyers (D-MI) introduced the Democracy Restoration Act of 2008 to grant the vote to those released from prison (Manza 2008, 223). These measures were failed attempts at national change, but there has been more progress on the state-level in recent years. Among the most pivotal of these changes we find Rhode Island's 2006 referendum which amended the state's constitution to allow those serving probation and parole the right to vote. We also find Maryland, which in 2007 repealed all provisions of its lifetime ban, perhaps following the same measures taken by New Mexico in 2001. Overall, fifteen states took measures to "liberalize" their felon enfranchisement policies from 1997 to 2011. Conversely, significant measures were taken in the opposite direction. Between 1998 and 2002, four states pushed restrictions further (The Sentencing Project 2011). It still holds true, however, that the past fifty years has seen a steady liberalization of the laws surrounding the issue (Manza 2008, 221).

Implementation The implementation of this policy is the duty of each state's Secretary of State's office. In most states the Department of Corrections informs the Secretary of State's office of the status of felons, which the office uses to revoke or reinstate rights. Interestingly, many states have formed policies requiring many more agencies to become involved. Eligibility certificates for the reinstatement of voting rights are required in eight states, which require action from most, if not all of the following offices: Department of Corrections, Board of Pardons, Secretary of Corrections, and State Board of Parole Commissioners (Middlemass 2007, 225). Because of the nature of the implementation and differences among the states, cost of implementation is tied up in personnel and paperwork and is impossible to accurately calculate.

Examination of Policy

Those who support the policy of felon disenfranchisement cite goals like retribution, or revenge for committing a crime; or they assert that the penalty serves as a deterrent. It has also been argued that this policy serves as a rehabilitative aid by forcing the offender to acknowledge his or her wrongdoing by being outcast from the society. None of these claims has been reinforced by data. Another point is that it protects the integrity of the ballot box (Hull 2003).

There are, however, many problems with this policy: in implementation, democratically, and in the purpose of the criminal justice system. Firstly, the implementation of this policy has seen some major errors; the most widely known of these is the 2000 election blunder in Florida. On Election Day in 1999, thousands of Florida citizens showed up to their precincts to vote and were forbidden. Their names had been removed from the list of eligible voters because they were either former felons who had later had their rights restored or they had the same name as a person convicted of a felony. This farce was nearly repeated in 2004, due to the same issues (Manza 2008, 199).

Secondly, a wealth of research can be found dedicated to race and the criminal justice system, and disenfranchisement is not exempt from the list of concerns in that respect, either. The African-American community is disproportionately affected by felon disenfranchisement laws compared to other groups, so it is impossible to ignore the racial component of this issue. In the mid-1800's, when racial tensions were at a pivotal crossroads in America, fourteen states adopted disenfranchisement laws. This could be attributed to an unfortunate coincidence, but that would give the issue too little credit before the 1840's felon disenfranchisement was only law in four states. Eleven more states enacted these laws after the Civil War, which shows an even more explicit link to race in that it directly corresponded to blacks gaining suffrage (Uggen 2007, 238).

Robert R. Preuhs (2001) points out these laws can have a strong impact on voter turnout for minority groups. He asserts that minority civic participation is not fostered in an environment in which disproportionate numbers of minority members are forbidden ballot access. Interestingly, he also notes that ex-felon disenfranchisement can have an impact on future generations because children are highly likely to take on the civic participatory habits of their parents. In 2009, this study was furthered, and found that felon disenfranchisement laws did, in fact, was connected to lower voter turnout for blacks. This policy was not found, however, to affect whites (Bowers 2009).

However, racial issues are only a small part of a bigger problem. While it is imperative to acknowledge the racial injustice taking place thanks to this policy, it is

important to understand felons represent a larger community; one that is misunderstood, mischaracterized, and unjustly treated for reasons not limited to color.

It has been found that fear is a highly significant factor affecting attitude toward criminals and the ways in which they are punished. Fear is perhaps the strongest determinate, an even stronger one than direct victimhood. Felon disenfranchisement does not speak to the American public's interest in the integrity of the ballot box, but its fear of crime and criminal power. Significantly, when fear is linked to economic concern, the attitudes toward criminal justice sharply increase in severity (Costelloe 2009). It is obvious that politics and economics are intrinsically tied, and this fear of crime becomes a fear of economic instability. There is no evidence, however, that granting felon enfranchisement will increase crime or economic instability.

It is also important to understand the purpose of the criminal justice system in this country. In every state criminals reside under the control of the Department of Corrections; the very title demonstrates that the purpose of the system is to rehabilitate, to "correct." Felon disenfranchisement laws, especially the disenfranchisement of those who have been rehabilitated by the system well enough to reenter society, show a blatant lack of trust in the system and the products of its very important work.

Beyond this, there are many other problems deriving from these policies. They are laid out concisely by Itzkowitz and Oldak (1973). These policies brand the individual and distance them from society, unnecessarily reinforce the stigma attached to non-citizenship, weaken the person's feeling of ownership in the community, reignite feelings of isolation which is a hindrance to rehabilitation, and forces the felon into a second class, which makes true rehabilitation nearly impossible.

Proposal

From the above information, we can assess that felon disenfranchisement is an unnecessary and undemocratic policy that should be eliminated. This can be and likely will be achieved state-by-state, without infringing upon each state's right to regulate voting rights. It can also occur on the federal level, which would bring about a more sweeping, speedy, and unified change. It is also possible, though perhaps not as likely, to see real change arise in the form of Supreme Court decisions, but as we have seen with *Richardson v. Ramirez*, the favor of the court seems to be siding with the status quo, for now. At the very least, it is imperative for each state revise laws barring those who have served their time from voting, as it is an even more heinous infringement on the civil rights that these citizens and corrections officers have worked to restore.

There is no way to work the numbers to make enfranchisement more costly than the current regime. It would mean less paperwork, less interagency correspondence on the issue, and less in paid time for office staff, but not significantly enough to require a decrease in manpower.

Why Enfranchise?

Aristotle lectures, "The man who is isolated- who is unable to share in the benefits of political association… is no part of the polis, and must therefore be either a beast or a god." He continues, "Man, when perfected, is the best of animals; but if he is isolated from law and justice he is the worst of all" (Barker 1977, 6-7). What has society labeled criminals in this instance other than beasts? Is this the beacon of democracy and liberty that America claims to be? No. In comparison to other democracies, America falls far short (Middlemass 2007). Aristotle held this position in a time when only a select group of men was granted suffrage, and yet his standard for humanity is established at a higher level than this policy seems to represent. This policy demonstrates a complete lack of appreciation for one simple fact: the health, not the "purity" of the franchise is directly determinate to the health of the nation.

John Locke asserts that members of society who violate the social contract forfeit their right to participate on a civic level. However, he also states the decision to strip a person of their rights should be done with consideration of the nature of their crime. America violates social contract theory in this sense by treating those who forge prescription bottles the same as those who murder or rape (Hull 2003).

Saul Brenner and Nicholas J. Caste (2003) cite John Stuart Mill in their argument for enfranchisement: "Society benefits because by the extension of suffrage, more ideas and viewpoints are introduced into the social discussion and hence more alternatives are considered." Though it can be (and likely has been) argued that the ideas and viewpoints of felons are possibly not the most

valuable to society, let us consider some great people who would not have the franchise if they were American citizens and alive today: Socrates, Alice Paul, and Malcom X. Besides, Mill would not argue that we can know for certain that any group will produce the greatest thinkers, but he would argue that we will undoubtedly never benefit from those thoughts, if they do arise, if they are silenced.

Political Will

There has been little done to measure public opinion on this issue. However, Jeff Manza and Christopher Uggen (2008) conducted a survey that found that 60-68% of the public support for restoring the franchise to probationers, 60% for parolees, but only 31% support it for prisoners. They also found that results change when the variable of crime-type is introduced. While public opinion undoubtedly should play a role in national decision-making, it is difficult to examine the results of polls of this nature and not wonder if biases underlie them. Let us not forget the point addressed earlier; good policy is rarely a product of fear.

Another important factor to consider along this seam is the fact that public opinion matters in this country at all. America's entire political structure is based on the desires of the people. Andrew Altman (2005) refers to this as democratic self-determinism. The beauty of American democracy is that the people decide exactly the kind of democracy they want. Felon disenfranchisement violates this paradigm because it disallows a group from attaining that self-determinism.

Conclusion

In our exploration of the policy of felon disenfranchisement, we have discovered that this little-explored policy currently affects over 5.3 million Americans, and that it is certainly an issue worth exploring further. No matter on which side citizens will fall on issues, it is important to examine the facts that can underlie them. In this paper we have done just that. We discussed the history, implementation, issues, and philosophy surrounding this topic, and proposed a step in a new direction regarding it. The right to vote is the foundation of a democratic society, and it is paramount that citizens understand the consequences of compromising it.

"The right to vote is of the essence of a democratic society, and any restrictions on that right strike at the very heart of representative government."

–Supreme Court Justice Thurgood Marshall on Richardson V. Ramirez

Bibliography

Altman, Andrew. 2005. Democratic Self-Determinism and the Disenfranchisement of
Felons. Journal of Applied Philosophy 22:263-275.

Barker, Ernest. 1977. *The Politics of Aristotle.* (E. Barker, Trans.) New York: Oxford
University Press.

Bowers, Melanie and Robert Preuhs. 2009. Collateral Consequences of a Collateral
Penalty: The Negative Effect of Felon Disenfranchisement Laws on Political
Participation of Nonfelons. *Social Science Quarterly* 90:722-745.

Brenner, Saul and Nicholas J. Caste. 2003. Granting the Suffrage to Felons in Prison.
Journal of Social Philosophy 34: 228-243.

Costelloe, Michael T., Ted Chiricos and Marc Gertz. 2009. Punitive Attitudes Toward
Criminals: Exploring the Relevance of Crime Salience and Economic Insecurity.
Punishment and Society 11:25- 36.

Foucault, Michael. 1977. Discipline and Punish: The Birth of the Prison. New York:
Vintage Books.

Hull, Elizabeth. 2003. Disenfranchising Ex-Felons: What's the Point? *Social Policy* 46-9.

Itzkowitz, Howard and Lauren Oldak. 1973. Restoring the Ex-Offender's Right to Vote:
Background and Developments. *American Criminal Law Review* , 695-706.

Kennedy, Anthony. 9 August 2003. Address to The American Bar Association. ABA
Annual Meeting 2003.

Manza, Jeff, Clem Brooks, and Christopher Uggen. 2008. *Locked Out: Felon*
Disenfranchisement and American Democracy. New York: Oxford University
Press.

Middlemass, Keesha M. 2007. Unfit To Vote: A Racial Analysis of Felon
Disenfranchisement Laws. In M. Marable, *Racializing Justice, Disenfranchising*

Lives. New York: Palgrave Macmillan.

Preuhs, Robert R. 2001. State Felon Disenfranchisement Policy . *Social Science Quarterly* 82: 733-759.

Richardson V. Ramirez, 418 U.S. 24 (The Supreme Court June 24, 1974).

The Sentencing Project. 2011. Felony Disenfranchisement Laws in the United States. Washington, D.C.: The Sentencing Project.

Uggen, Christopher, Jeff Manza and Angela Behrans. 2007. Felon Voting Rights and the Disenfranchisement of African Americans. In M. Marable, *Racialising Justice, Disenfranchising Lives*.New York: Palgrave Macmillan.

The Effect of Employment on Acute and Perceived Stress in College Students

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Abstract:

This study was designed to assess the effects of employment on acute and perceived stress in college students. Participants were students enrolled in the Psychology 201 human subject-pool at Marshall University. They were given two questionnaires assessing their stress levels during the week prior to the task (DASS questionnaire) and how they typically dealt with stressful events in their life (COPE questionnaire). The participants were then given instructions on preparing and giving a free speech in front of a panel of judges. They were told that the goal of the study was to assess how effectively students from Marshall University could perform during a job interview, and that their task in the experiment was to convince a committee in a free speech that they were the best candidate for the vacant position. They had five minutes to prepare a speech. The participants then gave a five minute speech in front of the committee while being video recorded. Once the speech was completed, they were instructed to start with the number 6,233 and subtract 13 as fast, and as many times as they were able. We hypothesized that employed students would show a higher acute stress response during the speech and that they would also report higher levels of perceived stress than unemployed students.

Significance of the project

Stress is a common component of everyday life. Many areas of our life contribute to stress such as family, finances, employment, and being a student at a college or university. Job-related stress is an increasing concern, and has one of the largest impacts on our health (Györkös, Becker, Massoudi, de Bruin, & Rossier, 2012). Stress is reported to be one of the top work-related health problems (Györkös et al., 2012). If stress is not handled properly, poor work performance and negative health effects may occur (Hayes, & Weathington, 2007).

Amongst recent research, another significant stressor is attending a college or university. University and college experiences cause stress for many students because they are involved in structured activities that work toward a specific goal (Salanova, Schaufeli, Martínez, & Bresó, 2010). Life and academic stress often produce difficulties and impact college students' mental health (Guo, Wang, Johnson, & Diaz, 2011). College students have been stressed by rigorous demands of academic tasks (Guo et al., 2011). Poor time management behaviors have been frequently discussed as a cause of stress (Macan, Shahani, Dipboye, & Phillips, 1990).

Recent research has shown that working has become increasingly common for college students, with estimates of employment rates ranging from 48 to 77% (Butler, Dodge, & Faurote, 2010). Furthermore, 30% of full-time college students work more than 20 hours per week (Butler et al., 2010). Employed students have the challenge of balancing both school and work. Poor time management has been frequently discussed as a cause of stress in many college students, and time management becomes even more crucial to an employed student. Employed students have greater demands because they have to focus on both their studies as well as their job requirements. Employed college students have a greater chance of having higher acute stress response during the task and perceived stress.

The significance of the research proposed was to assess the effects of employment on acute and perceived stress in individuals. Previous research has shown that employment alone can affect acute and perceived stress in an individual. Stress can take years off an individual's life, so it is important to assess how employment can affect stress.

It was expected that employment plays an important role in the acute and perceived stress in college students. It was also expected that college students who are employed will have more acute and perceived stress than those students who are unemployed.

Methods

Participants were selected from the PSY 201 human subject-pool at Marshall University. There were 24 total participants with 9 males and 15 females. They were given two self-report questionnaires, The DASS (Depression Anxiety Stress Scale) assessed their stress levels during the week prior to the task, and the COPE Inventory assessed how they typically dealt with stressful events in their life.

Behavioral measure

In order to induce stress, the Tier Social Stress Test (TSST) was used. The task required a free speech and arithmetic task while being evaluated. The procedure began with the experimenter informing the participant of a free speech task. Then, two partners of the experimenter were presented as "experts" that were supposed to evaluate the performance. The experimenter told the participants that the task was to prepare for a job interview for a position of their choice, and they had to explain why they were the best person for the job. The participants were given 5 minutes to prepare for the speech, then the "experts" were brought back into the room while a video camera was turned on to record the participants' speech. After the 5 minute speech, the participants were asked to perform a 5 minute mental arithmetic task that consisted of a continuous subtraction of the number 13, starting from 6,233 as fast and accurately as possible. The expert partners observed the performance with a neutral facial expression and offered no encouragement. Previous research has shown that the TSST paradigm is a powerful method for inducing acute stress and it has been widely used to study stress effects. The stressor lasted a total of 15 minutes, including 5 minutes in which the participant prepared their speech. The stressor does not produce any known harmful effects and has been routinely used for human subject research. The level of frustration during the TSST test was gauged on a scale between 1 (no frustrated at all) to 10 (very frustrated, the experiment was interrupted).

Surveys and elf-report data

The Depression Anxiety Stress Scale (DASS) and the COPE Scale was used to measure self-report stress and coping methods. The DASS is a 28-item questionnaire focusing on the symptoms of stress and anxiety.

The COPE Inventory is a 60-item questionnaire which measures an individual's use of various coping methods such as planning and seeking social support. The 60-item questionnaire was composed of 15 4-item scales that each measures a different coping reaction. The COPE scale is interested in how people respond when they confront stressful events in their lives. The questionnaire asks you to indicate what you generally do and feel when you experience different situations of stressful events (Carver, Scheier, & Weintraub, 1989).

The COPE Inventory was developed to assess a broad range of coping responses. The inventory includes dysfunctional and functional response. It also includes at least 2 pairs of polar-opposite tendencies, because people engage in a wide range of coping during a given period, including both of each pair of opposites (Carver et al., 1989).

The items have been used in at least 3 formats. One was a "dispositional" or trait-like version in which respondent's report the extent to which they usually do the things listed, when they are stressed. A second was a time-limited version in which respondents indicate the degree to which they actually did have each response during a particular period in the past. The third was a time-limited version in which respondents indicate the degree to which they have been having each response during a period up to the present. The formats differ in their verb forms: the dispositional format is present tense, the situational-past format is past tense, and the third format is present tense progressive (I am ...) or present perfect (I have been ...) (Carver et al., 1989). The higher the score on the COPE survey, the worse an individual copes.

Preliminary Results

We analyzed the scores from the DASS and COPE questionnaires to determine any significant differences that might exist between employed, self-supporting students and unemployed students. We found no significant difference (DASS: $t22 = 0.20$, $n = 24$, $p = 0.84$; COPE: $t22 = 1.45$, $n = 24$, $p = 0.16$). We also wanted to examine any possible significant difference

between frustration during the task and employment. Again, we found no significant difference ($t_{22} = 1.23$, $n = 24$, $p = 0.21$).

Discussion & Future Directions

Understanding how employment affects a person's stress level can benefit them tremendously. Stress has been linked to many health problems and can possibly take years off a person's life. The amount of income a job or career pays shouldn't be the only factor a person considers when looking for a job or career. Salary is an important factor for the present time, but stress is important for the present time as well as the future. Having a stressful life caused by a stressful job can greatly impact an individual's health. Therefore, it is very important for a person to understand the repercussions of a stressful work environment. Once you have a better understanding of the negative affects stress can have on a person, you can then begin to learn healthy coping methods to deal with daily stress as well as stressful work environments.

The original hypothesis stated that college students who are employed would have high levels of acute and perceived stress, but our results did not support the hypothesis. Although, we did not find a significant difference in employment and stress during the task, we did find that student athletes showed more signs of being stressed during the task. A student athlete could be compared to being employed because they have other obligations they have to fulfill just like someone who is employed. They have to balance school and athletics.

Our methods need to be developed to continue examining the effects of employment on stress. In this study we had a small sample of participants, and we also did not have a good diverse age group. The small sample size could have greatly impacted our results. To improve the study, future researchers need to significantly increase the sample size. I would also suggest obtaining a more diverse age group. Since athletes showed to be more stressed during the task, I suggest any future research include athletics as an option of employment since it has similar demands as employment.

References:

Butler, A. B., Dodge, K.D., & Faurote, E.J. (2010). College student employment and drinking: A daily study of work stressors, alcohol expectancies, and alcohol consumption. *Journal of Occupational Health Psychology*, 15(3), 291-303.

Carver, C. S., Scheier, M. F., & Weintraub, J. K. (1989). Assessing coping strategies: A theoretically based approach. *Journal of Personality and Social Psychology*, 56, 267-283.

Guo, Y., Wang, S., Johnson, V., & Diaz, M. (2011). College students' stress under current economic downturn. *College Student Journal*, *45*(3), 536-543.

Györkös, C., Becker, J., Massoudi, K., de Bruin, G. P., & Rossier, J. (2012). The impact of personality and culture on the job demands-control model of job stress. *Swiss Journal Of Psychology/Schweizerische Zeitschrift Für Psychologie/Revue Suisse De Psychologie*, *71*(1), 21-28.

Hayes, C. T., & Weathington, B. L. (2007). Optimism, stress, life satisfaction, and job burnout in restaurant managers. *Journal Of Psychology: Interdisciplinary And Applied*, *141*(6), 565-579.

Macan, T. H., Shahani, C., Dipboye, R. L., & Phillips, A. P. (1990). College students' time management: Correlations with academic performance and stress. *Journal Of Educational Psychology*, *82*(4), 760-768.

Salanova, M., Schaufeli, W., Martínez, I., & Bresó, E. (2010). How obstacles and facilitators predict academic performance: The mediating role of study burnout and engagement. *Anxiety, Stress & Coping: An International Journal*, *23*(1), 53-70.

THE EFFECTS OF RIVER CONSTRUCTION ON FLOODING BEHAVIOR FOR THE OHIO RIVER

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Abstract

Flooding is the most costly natural disaster that affects the world today. There have been many studies undertaken that set out to determine if factors like climate change have affected the frequency of major floods. Also, other factors have been explored, like urbanization and specific locational studies on river modification projects and how these projects have affected flooding in the area. The results are not always alike. There have been instances of increased flooding stemming from these factors, but depending on the geographic location, there may not be a detectable change in flooding frequency. The purpose of this study is to better understand the effects of construction, urbanization, and river channel modification on the frequency and intensity of flooding along the West Virginia extent of the Ohio River. More specifically, has the frequency or intensity of major floods changed after construction of river projects such as dams? Rainfall must also be accounted for when observing flooding behavior, hence precipitation data for the area is considered in this study. These aforementioned construction projects include examples like the Robert C Byrd Dam in Gallipolis, and the New Cumberland Dam in West Virginia's northern panhandle. The flooding changes before and after these construction projects was quantitatively analyzed so that there may be an improved understanding of the intrinsic effects of river construction on flooding.

Introduction

Whether the damage stems from hurricanes, tsunamis, thunderstorms, or ice melt, flooding is the most costly natural disaster in the world today. In fact, flooding accounts for 90% of all America's natural disasters, and in fact, according to the National Oceanic and Atmospheric Administration, flash flooding is the leading weather-related killer (NOAA, 2010). Due to the natural tendencies and perceived necessities of urbanization, transportation geography, and maritime advantages in trade and economics, rivers have become a commodity and the suitable location for many different types of manmade influence and construction.

The 100-year flood is one of the most widely agreed upon methods of measuring the intensity and significance of flooding events. This is simply based upon an estimated return interval for a specific gage height, and ideally, a 100-year flooding event should only occur about once every century. Some existing literature suggests that in some areas, the 100-year flood level should be reevaluated. In a Charlotte, North Carolina study, model outputs indicated that in 1950, the return interval for a 100-year flood was near as much as 5,000 years. In 2007, the return interval was as low as around 10 years (Villarini et al., 2009). The study also revealed that there had been no significant increase in precipitation since 1950. Stable rainfall figures along with more flooding, pointed to the idea that something like urbanization is the main cause.

In the same way, urbanization and other associated factors can have the opposite effect if desired. Some wetlands restoration projects have seen success by breaching dikes and adding more connectivity between the wetlands area and a river itself (Breithaupt et al., 1996). Though this was a means to achieve a reverse effect, it shows how construction in a general sense can have major effects on a drainage basin. In some areas, the effect of urbanization on flooding is not seen as overtly because the land itself was susceptible to flooding before any human involvement occurred. This was supported by a study in Greece that attempted to address and examine the problems that arise when building construction occurs that hinders the natural

hydrological characteristics and design of a region. Due to in-river and riverside construction, the topography of the drainage basin changed dramatically. The authors found that even prior to the urbanization in the area, the characteristics of the land surrounding made it susceptible to flooding, and urbanization with human involvement has only made the situation worse (Skilodimou, 2010).

Dams and construction in or alongside a river many times lessen the impacts of major floods, and some projects like weirs are constructed, which are barriers placed in the river where unlike dams, the water is free to flow over them. These aid in altering the flow of the river and controlling floodwaters for the sake of locations downriver. Many dams aid in flood control, and some have a flood reservation where the water level on the backside of a dam is kept very low in anticipation of a large flooding event, so that the water may fill the area.

The Ohio River along the extent of western West Virginia contains many instances of river construction including 8 large lock and dam systems. There are also 8 large power plants that take advantage of the run-of-the-river benefits of hydroelectricity, which also means that it is necessary to construct right on the riverbank and sometimes includes ponding parts of the river for the plants' use. This study focuses specifically on the WV extent of the Ohio River, and the flooding crest heights were examined for any significant change after the construction of dams or floodwalls. Because flooding is being discussed, precipitation changes were also taken into account, so that there may be a general understanding of any change in flooding behavior along this stretch of the Ohio River.

Methods

Upon a close examination of the river extent, any minor or major instances of river construction were accounted for, whether this was in-river construction such as dams, or other riverside projects like road or bridge clearance, and power plants. After an overview of construction elements along the extent was observed, the focus of the study was narrowed down to the dams (Figure 1). Along the extent, there are 19 gages that measure the height of the floodwaters at all times, and almost 600 separate historical crests were recorded to be included in the analysis. This yielded an average of about 32 recorded crests for each river gage. The gages that had the most comprehensive and complete crest data for the river flooding events were chosen from the total gage set and used for the analysis. Most of these gages contained a major construction element, and two gages that did not were used for reference for the flooding events.

Since the total depth of the water in a river naturally deepens as you go downriver, the gage readings were adjusted by subtracting the gage's mean reading from each observation at the same gage in order to be able to negate this downriver effect. Regression analysis was performed on the crest data to determine to what extent the flooding was explained solely by rainfall, which was recorded for the week prior to each flooding crest. The rainfall data for a week before each flooding event was gathered from Huntington and Wheeling, and was averaged between the two locations. The regression analysis provided residuals which were a statistical representation of the amount of flooding that was not explained simply by how much rain fell previous to the crested event. T-tests were performed (assuming equal variance) to test differences before and after construction of a close-by structure for each gage location. Mean residual gage readings for all combined gage locations were also compared between the three stages of construction: before the beginning of dam constructions (pre-1937), during constructions (1937-1964), and post-construction (after 1965).

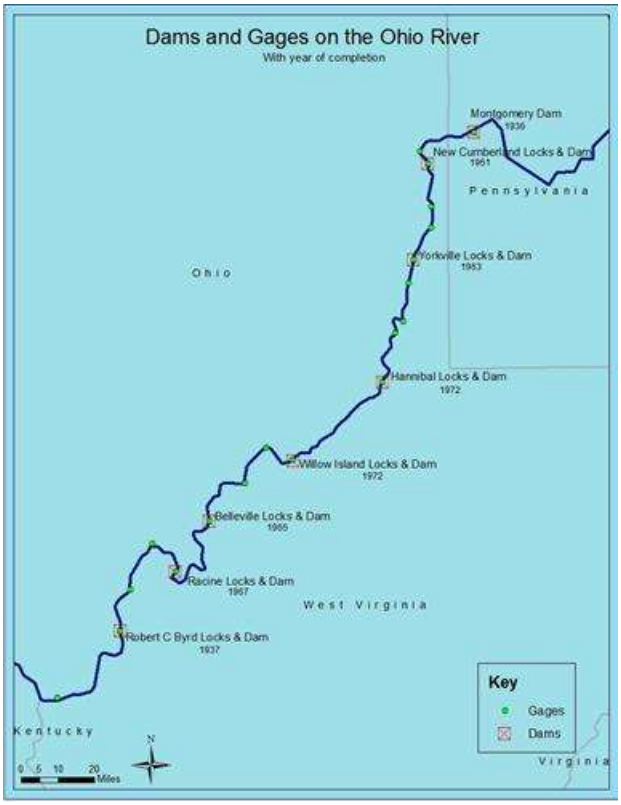

Figure 1. Map showing extent of study area. The 8 dams are shown, along with the date of their completion.

Results

Before any conclusions could be drawn from any changes in flooding before and after the major construction projects were completed, it was necessary to determine the extent of impact rainfall events had on the flooding and if there was any increase or decrease in rain events in the past century. The correlation between rainfall and the gage readings was as expected. Generally, the higher rain totals in the week before the crest, the higher the gage reading (Figure 2). Concerning the possible change in frequency of major rainfall events, the analysis clearly showed there was no significant change in rainfall over about the past century. The distribution was seemingly random.

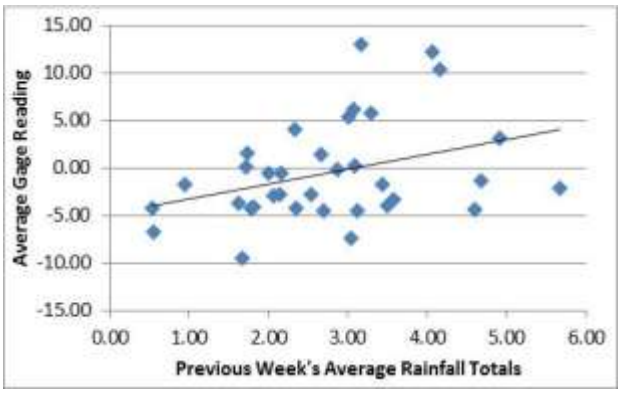

Figure 2.Graph showing average gage readings per flooding event as explained by the rainfall totals a week prior to the event. Rainfall totals are in inches, and the gage readings are the adjusted so that each gage's mean is zero and hence be comparable to other gages. *National Oceanic and Atmospheric Administration.*

The rainfall amounts for each flooding event were randomly distributed throughout the century (and if anything, there is a slight incline in the slope of the rain data), yet a clear decline in river depth for these flooding events was seen over time (Figure 3). There seems to be a transition around the 1950s or 60s, where despite the large rain events, the depth of the flooding did not seem to cross the threshold of 50 feet. There were 10 instances before 1960 where the flood depths exceeded 50 feet, but since 1960, that level has not been encroached upon once.

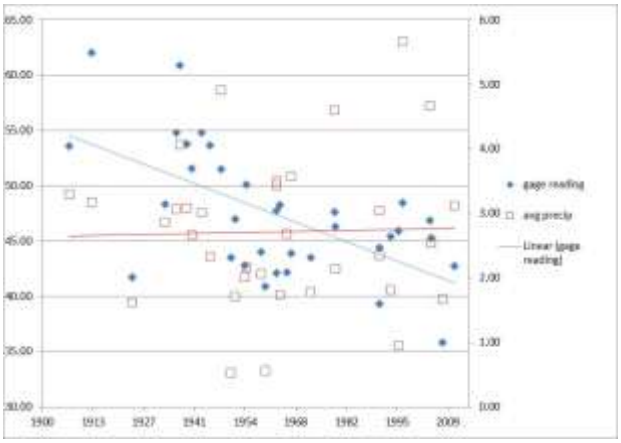

Figure 3. Shows the average precipitation (in inches) a week prior to each corresponding flood event, which are the blue gage readings. The gage readings are measured in average feet along the Ohio River extent. The graph covers flood events from 1900 to 2011. *ACIS, 2012* and *NOAA, 2012*

The results of the analysis comparing the pre-construction and post-construction means at each site

were highly significant, showing a clear decrease in flood depth since the dams have been constructed (see Figure 3 and Table 1). T-tests for all the gages combined, where 3 time

periods were allotted: one for before the bulk of construction (1884-1937), the second for during the bulk of construction (1938-1964), and the last for after the construction projects (1965-2011), were highly significant for each comparison, with the largest significance belonging to the comparison between the before and after categories (Table 2). So there was a clear difference in the data set before dam constructions compared to after these projects, with a significant drop in flood depth means after the dams were constructed. The first set of dams along this extent of the Ohio River was constructed in the late 1930s, and the effects were seen within the decade. In 1948, one of the largest weeklong rain events of the decade occurred, but the average flood depth down the river was slightly above 50 feet. Whereas, before the dams were installed, in 1913, there was a rain event that was 1/3 less than 1948, yet yielded an incredible 62 foot average crest among all the gages that had recorded data in 1948 (the largest ever recorded).

Table 1. Changes in gage readings before and after construction (ft). Significance levels of the t-tests are as follows: ** ≤ 0.01, *** ≤ 0.001, **** ≤ 0.0001.

Gage	Difference (ft.)	Significance
Huntington	-9.223	***
RC Byrd	-8.519	***
Pt. Pleasant	-7.744	****
Pomeroy	-6.178	***
Belleville	-8.615	***
Parkersburg	-9.124	****
Wheeling	-5.667	**
New Cumberland	-10.00	**

Table 2. Results for the 3 t-tests comparing the means between the following time periods respectively: 1884-1937, 1938-1964, and after 1965. Differences are displayed in change in feet. Significance levels of the t-tests are as follows: ** ≤ 0.01, *** ≤ 0.001, **** ≤ 0.0001.

Construction Periods	Difference (ft.)	Significance
Before to During	-5.7943	****
During to After	-4.4287	****
Before to After	-10.2230	****

Conclusion

Despite the extreme significance in the change in flood depths, the exact effect each individual construction element has on the flooding on this extent of the Ohio River cannot be surmised. Considering the purpose and means of this study, it is impossible to state, with certainty, any kind of link between the fulcrum point where the data dispersion became more compacted and any one dam. Overall, the dams certainly had an enormous effect, but it would take many more hours and funds to perform thorough site-specific studies, with the implementations of complex engineering methods, to give any indication of the exact effect an individual construction element or dam had on the hydrological behavior of the river and the downstream gage locations. Construction projects and dams on tributaries entering into the Ohio River also have an undeniable effect on flooding behavior, so a future study that took these in consideration would be beneficial. In conclusion, this study yielded a striking illustration of how the flooding behavior and landscape has changed dramatically along the Ohio River due largely to the manmade construction elements that have aided in controlling, channeling, and commoditizing the Ohio River.

References

ACIS (2012, April). In *SC ACIS: NOAA Regional Climate Centers*. Retrieved March 10, 2012, from http://scacis.rcc-acis.org/

Breithaupt, S., &Khangaonkar, T. Effects of Wetland Restoration on Floodplain Hydrodynamics Under Extreme Flooding Conditions. *Ecological Restoration*, *29*(1-2), 161-172. Retrieved October 20, 2011, from EBSCOhost.

NOAA (2010, March). Flooding: Our Nation's Most Frequent and Costly Disaster. In *floodsmart.gov*. Retrieved March 3, 2012, from http://www.floodsmart.gov/floodsmart/pdfs/Flood_History_and_Causes.pdf

NOAA (2012, April).In *Advanced Hydrologic Prediction Service*. Retrieved February 2012 Skilodimou, H., Livaditis, G., Bathrellos, G., &Verikiou-Papaspiridakou, E. Investigating the Flooding Events of the Urban Regions of Glyfada and Voula, Attica, Greece: A Contribution to Urban Geomorphology. *GeografiskaAnnaler*, *85*(A), 197-204. Retrieved from EBSCOhost.

Villarini, G., Smith, J. A., Serinaldi, F., Bales, J., Bates, P. D., &Krajewski, W. F. (2009, August). Flood Frequency Analysis for Nonstationary Annual Peak Records in an Urban Drainage Basin. *Advances in Water Resources*, *32*(8), 1255-1266.

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The Effects of Natural Resource Industries on West Virginia Counties' Unemployment Rates

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Abstract

West Virginia is a state full of natural resources, which bring along a lot of jobs. This study examines the patterns and connections between West Virginia's unemployment rates and the production of oil and gas as well as coal at the county level. The main question is whether or not these industries have a significant impact on West Virginia's unemployment rates.

The relationship between natural resource data and West Virginia counties' unemployment rates were examined visually and statistically. Oil and gas permits and coal per ton produced within each county and year of study were used as measurements for correlating the data. Pre-recession, during recession and post-recession years were chosen in order to show the appropriate correlations between the two industries and the unemployment rates. Quantitative data were collected from the West Virginia Department of Environmental Protection and the West Virginia Office of Miners' Health, Safety and Training. A careful examination of the data will show if the different types of industries have different levels of impact on West Virginia counties' unemployment rates. Results may also reveal information about the impact the latest recession has had on natural resource industries and unemployment rates.

Introduction

In certain counties of West Virginia the unemployment rates are steady and in some cases even decreasing. In order to find out why this takes place within West Virginia counties, one has to consider a variety of factors, such as what industries are within the thriving counties that could be causing the lower unemployment rates? Also, could geography play a role? This study examines the effect that oil and gas well permits and coal per ton have on West Virginia's unemployment rates at the county level.

Research for this study shows the correlation between West Virginia's unemployment rates and oil and gas deposits such as the Marcellus Shale, a natural gas shale play (layers of thin rock with trapped deposits of natural gas) underneath West Virginia, Pennsylvania, New York and Ohio. Certain areas of the state have been more impacted than others because of the shale's locations. Northern West Virginia, closer to Pennsylvania, has seen much more of an impact from oil and gas than central West Virginia where there aren't as many resource rich counties.

There has been controversy in Canada, specifically British Columbia, about protecting the natural landscape from oil and gas pipelines and drilling (House, 2002). People are worried about the environment being destroyed and the impacts on the quality of drinking water. On the other side of the argument however, here in West Virginia, small business owners see drilling as a very positive thing for their annual incomes. Some people have been trying to stop the process of drilling and adding pipelines, however adding them could increase the numbers of jobs and lower unemployment rates in oil and gas rich counties of West Virginia. Small local businesses thrive on the people working during the drilling of the wells as well as the maintenance and production of them so it is financially beneficial for counties.

Beginning roughly in the 1920s, West Virginia's land and cities were being bought and controlled by coal companies (Lewis, 1992). The coal industry has been a large controller of employment in West Virginia, especially in the southern counties of the state for many generations. Only recently, within the last thirty years or so, has coal's influence on unemployment rates as an

industry been slowing down (Lewis, 1992). At one point in West Virginia's history the coal industry controlled a large majority of West Virginia's jobs, and coal was the most vitally important industry within the entire state. However, in some southern counties, and a few other counties throughout the state, coal still has a significant impact on unemployment levels. This study will determine if oil and gas, as well as coal, has any correlation to West Virginia county unemployment rates.

Methods

West Virginia's per county unemployment rates for the years of 2009, 2010 and 2011 were obtained from the Bureau of Labor Statistics (BLS). The data were found by searching for archival county data within the BLS database. The amount of coal per ton in West Virginia's counties was found on the West Virginia Mine Safety website. For the counties in which no coal was produced in the years of study, zeros were added to the data.

The information for the oil and gas well permits per county was located using the West Virginia Department of Environmental Protection's oil and gas permit database. An oil and gas well permit is a state issued permit that ensures the area to be drilled on is sufficient and meets the state requirements for drilling. The well permit data were extracted and sorted by wells drilled, then added by county and by year. The data were sorted using only permits for wells drilled because this data shows where the highest earning and therefore job creating potential is. The data not included were permits for things such as pipeline and areas not being drilled or used for production. The number of wells were determined for each county as well as each year. The oil and gas data were similar to the coal data in that, again, counties that did not produce oil or gas in a given year were entered as zeros. Regression analysis was conducted using Excel, with unemployment rates as the independent variable, and coal extraction or oil and gas well permits as the dependent parameter. The correlation coefficients, R-values, and p-values were extracted. This information was then used to deduce results to either prove or disprove the original research hypothesis.

Results and Discussion

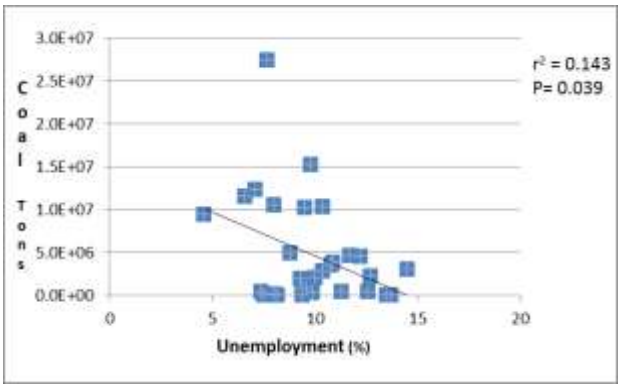


Figure 1. Linear regression showing coal produced per ton in 2009. (Source: West Virginia Mine Safety.)

The original hypothesis for this research was that oil and gas, as well as coal per ton, had a significant impact on unemployment rate per county. Statistics show that only 2009 coal production was significantly and inversely correlated to unemployment rates in West Virginia counties but 2010 and 2011 coal production did not confirm this (Figure 1).

The research for this study was unfortunately constrained due to limitations in finding archival data for all three variables. Had data been available for years dating before the economic downturn or before machinery began replacing human labor in both the oil and gas as well as coal industries, statistics would potentially show a stronger correlation to unemployment rates in West Virginia (Figure 2).

Coal mines originated as human ran machines and it could be speculated that they were responsible for a large portion of West Virginia jobs. With the transition of mining jobs originally performed by human labor to machine labor, jobs are lost that once fueled West Virginia's employment. This could possibly be a major factor in why there is no strong correlation between the coal industry and unemployment rates throughout all the study years.

The oil and gas industry is shifting its focuses dramatically from oil and natural gas found by drilling vertically which at one time could be found throughout West Virginia, towards horizontally drilling for shale natural gas. The shale play containing prime natural gas is now located primarily in northern West Virginia, Pennsylvania, parts of Ohio and southern New York. Before the major impacts of shale natural gas plays in Appalachia and farther northeast, vertical oil and natural gas drilling was the main methodology.

Beginning in approximately 2007, horizontal methods were used because they are the most effective for the Marcellus shale. The drilling was performed all over the state of West Virginia, south as well as north and also scattered in a lot of counties throughout the state. Because of the depletion in the areas from over-drilling and strong regulations due to the negative impacts, the shale, closer to the northern part of the state, is a lot more valuable today to oil and gas companies in West Virginia because they are not as depleted of the profitable natural fossil fuels.

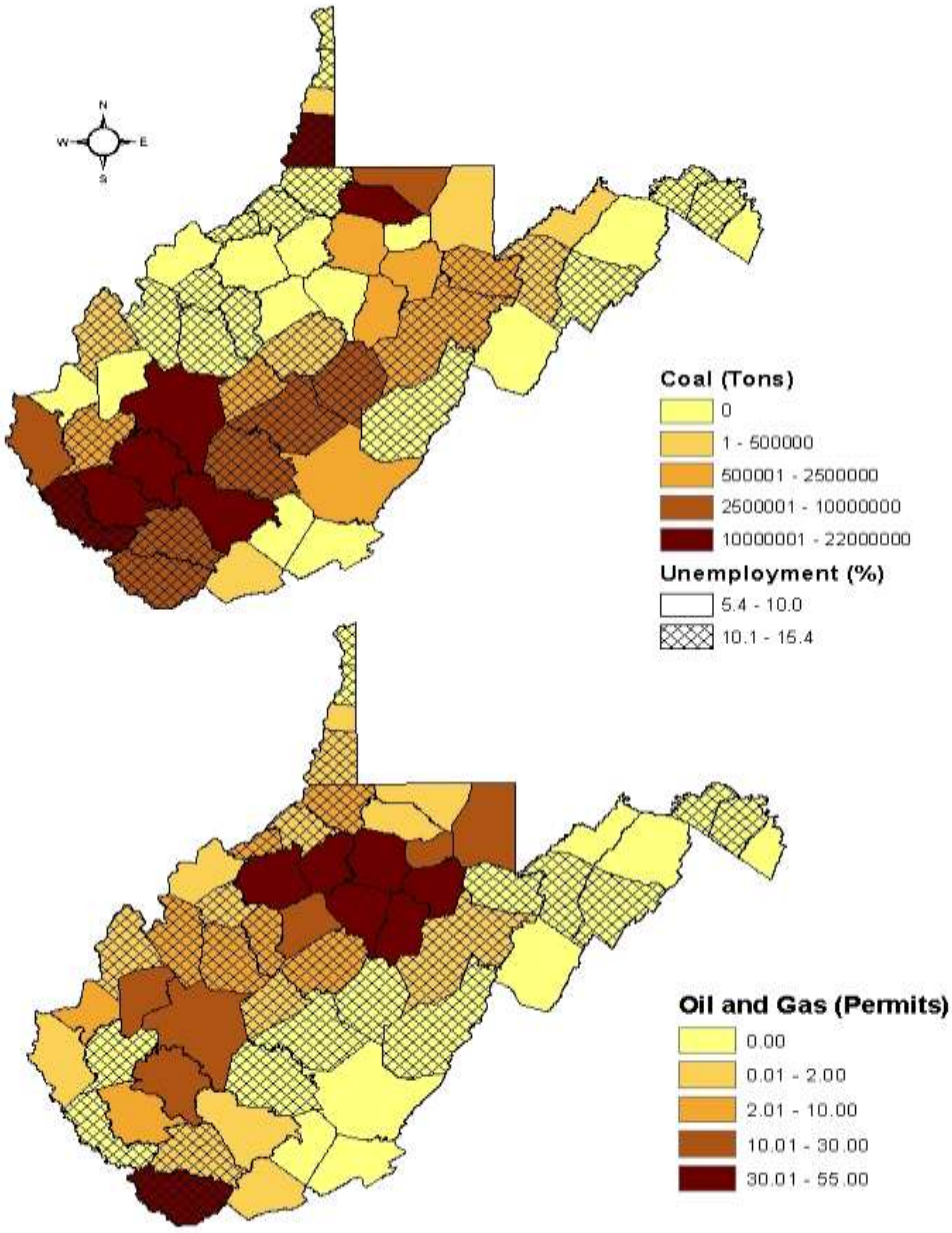


Figure 2. The relationship between coal per ton, number of oil and gas permits and West Virginia's unemployment rates. (Sources: West Virginia Mine Safety, West Virginia Department of Environmental Protection and Bureau of Labor Statistics.)

Conclusion

Unfortunately due to research and time constraints the well permit data obtained cannot be used to distinguish between the traditional vertically and the more recent horizontally drilled wells. Separating these factors would have made it possible to indicate which type of drilling activity has the highest correlations to unemployment rates. While the relationship between unemployment rates and oil, gas, and coal industries is important for West Virginians, it does not explore the entire story. There are still many more factors to be looked at, which could influence West Virginia's unemployment rates. More time for research and more avenues for archival research could make it possible for extending the study and finding more precise answers to whether or not oil and gas as well as coal has a significant correlation to West Virginia's unemployment rates.

References

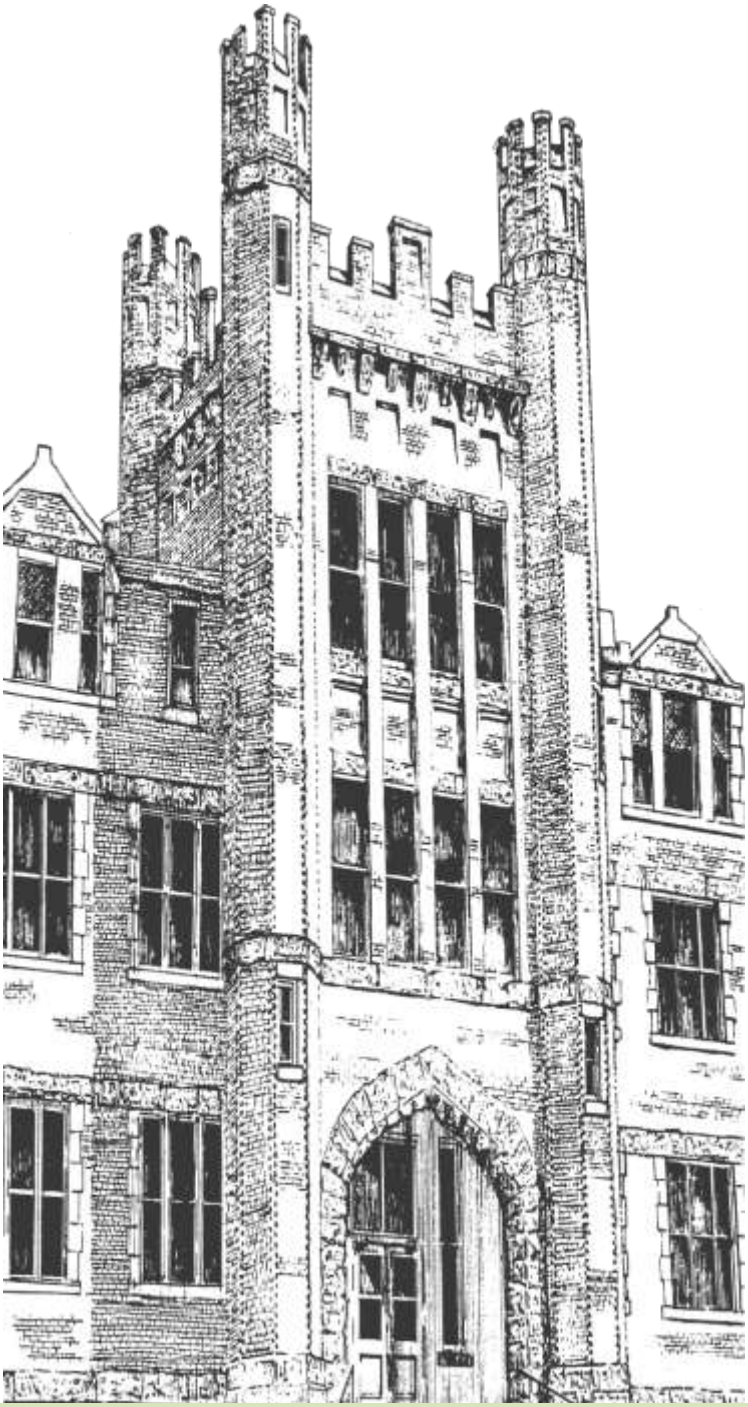
House J. (2003). Myths and realities about Petroleum-Related Development: Lessons for British Columbia from Atlantic Canada and the North Sea, Journal of Canadian Studies (Vol. 37, pp. 9-32). N.p.: Ebsco Publishing. Retrieved September 14, 2011

Lewis R. L. (1991). Appalachian Restructuring in Historical Perspective: Coal, Culture, and Social Change in West Virginia (pp. 1-20). Morgantown, WV: West Virginia University. Retrieved November 7, 2011.

U.S. Bureau of Labor Statistics, Unemployment by county in West Virginia. Retrieved October 1, 2012. <http://www.bls.gov/ro3/wvlaus

West Virginia Office of Miners' Health Safety and Training, Coal production per ton by county. *Homepage*. Retrieved October 1, 2012. http://www.wvminesafety.org

WV Department of Environmental Protection, Oil and gas well permit database... Retrieved October 1, 2012. <http://www.dep.wv.gov/OIL-AND-GAS/DATABASEINFO/Pages/OGD, web search page found under www.dep.wv.gov in oil and gas section.



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