# Table of Contents

**Preface**
1

**Selected Papers**

Deregulation of Electric Utilities in California: A Closer Look at Philosophical Inconsistencies  
*Sean Murray*

Illegal Immigration Attitudes in California  
*Debra McEnroe*

Lionel Tate’s Conviction: Justice or Cruel and Unusual Punishment?  
*Lauren Schall*

Arguments for the Democratization of Police Departments  
*Patrick O’Connor*

Public Schools: Does Money Matter?  
*Tammy Strobel*

The Marketplace of Nonprofit Organizations  
*Bob Ray*

The Recruitment and Retention of Federal Employees: Meeting the Challenges  
*Stephanie Brearley*

The Three Strikes Law: California’s Policy Response to an Increase in Violent Crime  
*Nichole McDaniel*

**Film Reviews**

Liberation Theology in *Romero*  
*Daniel J. Pargee*

The World’s Newest Revolution: A Review of the Documentary Film, *A Place Called Chiapas*  
*Adam D. Henig*
Model UN Position Papers

Introduction                                      104

The United Nations Security Council                106
Richard Elsom and Dalal Dweik

The North Atlantic Treaty Organization             112
Daniel J. Pargee and Ayumi Moriguchi

The Inter-American Development Bank                117
Bob Ray and Jeff Friedman

The United Nations Children’s Fund                 123
Ileana Angelo and Jana Beasley

The Commission on the Status of Women              129
Soumaya Errafi and Katherine Hamilton

About the Authors                                  134

About the Editors                                  136

Submission Guidelines                              138
Preface

This third edition of Studium continues the tradition, established by previous editions, of providing a forum for quality written work with political content by student authors here at California State University, Chico.

Previous editions have been composed almost exclusively of contributions by political science students. Nevertheless, politics, in one guise or another, appears somewhere in the subject matter of just about every academic discipline; and it has never been our intention that Studium be limited to the work of one particular department, college, or school. This year we intensified our efforts to recruit contributions from other departments, and are pleased to note that one of the papers that was selected for inclusion—Patrick O’Connor’s “Arguments for the Democratization of Police Departments”—was written for a philosophy class. It is our hope that this marks the beginning of a trend toward greater inclusiveness and variety that will be magnified in future editions of the journal.

In other ways, as well, this edition is more diverse than the two that preceded it. It contains, for instance, a selection of position papers written by members of CSU Chico’s very successful, and well-respected, delegation to the Model United Nations. We have also included reviews of two films that deal with political themes. One of these films is a recent documentary dealing with the Zapatista revolution in Chiapas, Mexico; the other, a dramatization of the events surrounding the assassination of Oscar Romero in El Salvador.

As always, the publication of Studium is made possible in large part by the generous efforts of many individuals. We would like to thank Gregg Berryman of the Communication Design department, whose “Visual Communication” class came up with many outstanding cover designs. The prevailing design was submitted by Ryan Orcutt, whom we also thank. The papers that appear in the journal were edited in part by Julie Leigh’s English 275 class, while the journal was formatted by Davin Skonberg working with Laura Kling, from the Instructional Media Center. We also want to thank Casey Huff for his continuing support and advice, and Dr. Jeanne Thomas, Dean of the College of Behavioral and Social Sciences, who provided the financial support from the BSS Strategic Performance fund that made the publication of the journal possible. Finally, we would like to thank these members of the Political Science Department for their assistance and encouragement: Bob Ross, Cara Nunez, Beth McMillin, and those faculty members, in the political science department and elsewhere, who encouraged their students to be a part of this project.
The concept of regulated industry was introduced in the United States as a means of protecting the consumer from deceit and abuse by profit maximizing business enterprises. Starting with the most fundamental of goods and services, such as food and medicine, and expanding outward into almost every economic sector, government intervention and protection became the norm. Society now expects it as a buffer between economic interests and the well being of the populace. From the business point of view, economies of scale and technology still allow profits while operating under a reasonable level of regulation.

In the late 1800s a new industry arose that had limitless growth potential and was to be increasingly necessary for modern life. This was the electric utility industry. Unregulated by government at first, the industry experienced growth and healthy competition. Soon, at the urging of industry leaders, such as those of the railroads and utility directors themselves, the government began looking at ways to regulate the natural monopolies of public utilities.

Regulation provided us with a system that worked well until the late 1970s. That decade brought external shocks to the industry, such as inflation, fuel shortages, and failing nuclear technology (Trebing 2001). Due to the energy and economic crises of the time, there was an increased emphasis on conservation, energy efficiency, and the power of the free markets (Hirsh 1999). The most widely accepted idea of reform was one that gained much popularity in California in the 1970s, and, later, nationally under Ronald Reagan. This was the deregulation of industry, loosening the reins of government to let the market forces dictate standards of quality and satisfaction. The deregulation philosophy holds that lowering business costs and easing entry into the marketplace is advantageous for both consumers and business. In theory it should expand competition and choice, driving down prices and bringing improved service.

Contrary to the expectations and assumptions of all interested parties, deregulation of the utility industry in California has led to increased prices and decreased quality of service to consumers. It would appear that the condi-
tions necessary for this transition were not all in place. This paper argues that the markets were ill-prepared because the principles of deregulation were not applied in a manner consistent with the philosophy itself, but rather in an attempt to balance competing interests.

**History of Regulation**

In the late 1800s the U.S. government made the decision to eliminate monopolies in its economy. It was realized that their existence was not consistent with the principles of a free market and the socio-economic mobility that is desired for its citizenry. However, there were several industries that defied the typical definition of monopoly. These industries, which include railroads, water suppliers, and other utilities, are referred to as natural monopolies. They typically provide such fundamental services that there is an absolute need to keep costs as low as possible. In order to operate at a profit and have the lowest possible costs, these companies must operate outside of the competitive free-market environment. According to John Stuart Mill, there was an imperative need to avoid the building of duplicate facilities, especially on the scale of railroads and power suppliers (Hirsh 1999).

Two of the earliest utility organizations were the National Electric Light Association (NELA) and the Edison Commonwealth Company (ECC), which was started by Thomas Edison and expanded by his protégé, Samuel Insull. These two groups helped organize the industry and formulate a direction for the growth of electricity. The earliest utility elites saw themselves not just as businessmen but also truly believed that constantly increasing energy consumption was a sign of a higher standard of living, socially and culturally (Hirsh 1999).

The principles of natural monopoly and unadulterated growth had already come into conflict in the railroad industry. This had led to a public outcry for government oversight of that industry. When the same conditions were becoming apparent for utilities, railroad executives urged individuals such as Insull to take the upper hand in initiating the drive for regulation. Ironically, it was thought that they could preserve their autonomy through regulation by having some protection from the involuntary interference of state and local officials. This was because the industry could at least have some say in the form of government oversight. Insull felt that “local men are not capable of fixing rates for public service corporations without prejudice” (Anderson 1981, 35). In 1913 Insull saw “regulation as the only alternative to government ownership, which nobody wanted” (Anderson 1981, 35).

In 1907 the NLEA and its Committee on Public Policy issued a report that
has stood ever since as the most important industry statement on the relationship between government and public utilities. Concluding that regulation was inevitable, they recognized that multiple interests needed to be considered. Regulation “should be welcomed by the parties in interest, put in such form as to benefit the public and companies” (Hirsh 1999, 24). The combination of competition and a natural monopoly industry had already proven to have adverse side effects for all involved. Competition made investments riskier and rents higher. When dealing with the amounts of capital needed to build power plants, low interest rates and safe investments could only be guaranteed through government intervention. This tradeoff of exclusive franchises for government protection was beneficial to both industry and the public interest. In 1909 the president of the Pacific Coast Gas Association made his case for oversight, recognizing that “State regulation would provide a much more settled condition as to competition” (Anderson 1981, 43).

This push for regulation was not unanimous industry-wide. Anderson tells us that electric utilities in every state were not all in support of regulation but neither were they wholeheartedly in opposition, “as the conventional wisdom would have it” (Anderson 1981, 43). In 1905 an unnamed opponent of regulation argued that “the power to regulate contains the germ of the danger of confiscation, in whole or in part” (Anderson 1981, 36). This quote is useful for characterizing the conflict inherent in turning wisdom upside down and asking for regulation. It may have been difficult for some people to see the logic, but industry leaders were trying to neutralize the opposition before they acted.

The system of utility regulation evolved throughout the twentieth century into a tri-lateral system of federal, state, and industry authorities. The Federal Energy Regulatory Commission (FERC) serves as the federal government’s means of standardizing wholesale energy prices. State boards are in charge of retail rates and the many energy generation, distribution, and investment decisions that have been left to the states. At these levels there is extensive consultation and cooperation with the elites of the utility industry. Industry leaders have maintained that the more certain the protection of regulation, the more likely they are to continue to make investments and keep costs down. The continued acceptance of regulation by the utilities has depended on the stability of this system.

The first cracks in the system became apparent in the 1960s. By 1967 all possible economies of scale in power production had been largely achieved. This was a period of “technological stasis” (Hirsh 1999). Utility generators were witnessing the apparent end of long-running improvements in power generating hardware. It was mostly a problem of metallurgy and low costs. In order to
manufacture affordable turbines and boilers, the most expensive metals could not be used. The metals that could be used kept generators from operating at no more than forty-eight percent efficiency, since operating at a higher capacity would cause the metals to reach their meltdown temperatures. This led to an inverse relationship where the less efficient plants operated more reliably since they broke down less frequently. Economically speaking, these natural monopolies were maximizing profits by being less efficient. This does not conform to the goal of serving the public interest or the intent of regulation to guard against abuses by the companies. The effect of inflation in the cost of capital and in construction wages also swamped any savings associated with larger power plants (Anderson 1981). In light of this unproductive situation, new innovations and the regulatory framework to nurture them were needed.

The second event that changed the nature of the utility industries position in the national economy was the Arab (OPEC) oil embargo in 1973. This caused the price of fuel to rise by 400 percent and electric rates to skyrocket by ninety percent between 1970 and 1975. The instability and inflation of the oil and energy markets raised economic concerns. Fuel cost adjustment clauses, which allow utilities to raise rates just enough to cover the increased distribution costs of energy, helped them raise large amounts of working capital, but did nothing to solve long-term production problems. Environmental degradation also became an issue in the search for new domestic sources of energy and the development of nuclear technology in the energy sector. Power in the regulatory realm began to tilt more to the state commissions as utilities began to deluge the regulators with requests to raise rates. Such a shift was obviously not in the long-term interests of the utility elites. This period marked a return to the progressive urgency of the early twentieth century as state regulators renewed their commitment to coalescing the interests of the public and the utilities into a new policy environment.

The effects of this return to a more pure progressive agenda were most clearly seen in California. After the governorship of Ronald Reagan left the California Public Utilities Commission (CPUC) with a bad reputation among the public and utilities, Jerry Brown took office with a new agenda. He was able to appoint several new members to the commission and enjoyed a cooperative relationship with them. The CPUC showed an immediate zeal for proposing lower rates and promoting energy-efficiency issues. As with many other issues, California proved to be a trend-setter in the public utility sector. In September 1975, the CPUC released a statement re-defining their organizational mission. Addressing the utility industry, the CPUC said, “We regard conservation as the most important task facing utilities today. Reducing energy growth in an orderly, intelligent manner is the only long-term solution to the energy crisis.”
This was a complete change from the predominant attitude of the twentieth century, which looked to constantly increasing energy use to improve the quality of life in the United States.

**Deregulation Philosophy**

Conventional wisdom and seventy years of experience vouched for the prudence of regulating the natural monopoly of the electric utility industry. Just as in the early parts of the century when there were dissenters to regulation, the troubled times of the 1970s led to more voices calling for major changes in the system. However, this time there were more interests to be represented, including consumers, environmentalists, utilities, federal executives and congressional members. The idea was the deregulation of the industry on a national basis.

The theory of deregulation stems from mainstream neoclassical economic thought, which is based on the exercise of market power. This school of thought defines market power as the ability of the firm to withhold output and raise prices above a competitive market price. It also says that this abuse will be checked by the growing availability of information, new technology, and access to superior supply options (Trebing 2001). Neoclassical economists believe that competitive markets will allocate resources and constrain market power after regulation is removed and open access to competition is allowed. A subclass of regulatory theory is the economic school of thought. This holds that the nature of the regulatory system gives regulators few incentives to put the general interest of the public before special interests. The dual nature of regulatory commissions as political and bureaucratic organizations is responsible for this (Anderson 1981). This provides a justification for eliminating the regulatory system that has been in place for seventy years.

A strict belief in the free market has always characterized economics in the United States, except in the case of natural monopolies. This environment provides lower prices, better service, and promotes technological innovation. Hirsh (1999) tries to explore the relationship between technological change and regulation. He concludes that it is very difficult to quantify, but that logic, capitalist theory, and experience do show at least a circumstantial connection. How this might apply to a natural monopoly is uncertain because it has not been attempted in many years. There is a question of how the neoclassical view, which relies on price increases to curb demand, might be acceptable with a product of such necessity. Those calling for deregulation knew that this question had been asked and answered once before, but now wanted to reconsider the answer. After all, if the privileged power companies could not
provide unique benefits to society anymore, then the rationale for natural monopoly and the need to regulate it no longer existed (Trebing 2001).

In the late 1970s economic troubles and an energy crisis led to a serious reconsideration of the need to regulate the utility industry. Those leading the discussion wanted to test the idea of less regulation helping both industry and the public interest by promoting rapid innovation, lower prices, and improved efficiency. With California leading the way, the topic made its way to the halls of Congress where legislation to reconstruct the utility industry would take center stage.

1978 Public Utilities Regulatory Policies Act (PURPA)

The utility industry in the United States had reached a crossroads. Even if one believed that regulation was the one true way to stabilize the system, there were too many factors working against that idea in the middle to late 1970s. These factors were economic troubles, environmental concerns, technological stasis, the development of alternative fuels, and the extreme costs that were associated with each of these factors.

The situation in California had gathered national attention. In 1975 the CPUC ordered the Pacific Gas and Electric Company to implement lifeline rates, where the first several hundred kilowatts are priced below cost. This was to benefit large electric customers who would actually use that much. Residential customers did not see the benefits and were actually discouraged from conserving by this pricing method. This was done in conjunction with the utilities in California requesting rate hikes from the CPUC for residential customers. Between 1973 and 1974, the CPUC authorized $608 million in rate increases through the fuel adjustment clause, which required no public hearings. There were increases passed with public hearings but these totaled only $96 million (Hirsh 1999). The enormity of these increases drew the ire of the media, but much like the current situation in California, earlier procedural and administrative reforms were responsible for the poor circumstances.

Douglas Anderson (1981) reported that the vast majority of recent writings have debunked the "public interest" of regulation. Congress and President Carter had been listening to those voices and to polls that showed that U.S. citizens were extremely concerned with the direction of our energy policy. President Carter had become concerned with efficiency and the ability of the states to produce enough energy supply. While his proposals were split into many separate bills when introduced in Congress, the main concerns were addressed through taxes, encouraging energy efficiency and a major change in the generation of power in the United States. The significance of PURPA in
the overall picture was in establishing the framework by which other parties began subverting the power elite (Hirsh 1999).

PURPA was important both for what it established and in providing a forecast for the future of utility regulation nationwide. First and foremost, PURPA addressed the serious need to produce more power. This was done in a move that definitely hinted at comprehensive deregulation in the future. Congress decided to allow unregulated entrepreneurs to produce low-cost power to sell to the utility companies. FERC placed “fair and reasonable” caps on how much they were allowed to charge.

This change accomplished three things. First, it removed barriers to entry in the generation sector. This is a hallmark of the deregulation philosophy, to encourage new players in the market. Second, these entrepreneurs were motivated to furnish innovations for the marketplace. Efficiency was the second concern behind supply problems. In the previous regulatory framework, innovation was discouraged due to the size of the companies and the large amounts of capital needed to provide for so many customers. Third, PURPA resulted in removing the natural monopoly characteristics from the generation of electricity. As these independent generating companies started producing power more cheaply than the established utilities, support for eliminating regulation altogether increased. It appeared that the validity of utilities as natural monopolies had disappeared (Hirsh 1999).

**Federal Energy Regulatory Commission (FERC) and the 1992 Energy Policy Act**

Though power had shifted toward the regulatory commissions in the 1970s, the methods that they chose to use planted the seeds of the next move that the utilities would take in order to regain control. PURPA had begun the process of deregulation in the generation sector, introduced some measure of competition, and revitalized research and development of alternative sources of energy. These measures had been successful and the utilities wanted to continue pushing in that direction.

To this end, in the early 1990s the utilities enlisted the aid of academics, legislators, and special interest lobbyists who exalted the principles of the free market (Hirsh 1999). Their success in swaying public opinion and publicizing their efforts led to consumer groups, environmentalists, and federal government players getting involved in the debate. The resulting legislation was the Energy Policy Act (EPA) of 1992.

FERC’s implementation of this new law built on the success of PURPA and was the national impetus to utility deregulation. The EPA of 1992 was a series of orders designed to require the functional unbundling of generation and
transmission to create wholesale competition among generators and open access to the transmission grid. This differed from PURPA, in that it required the separate ownership of generation and transmission facilities. This would invite new entrants to the market, opening competition even further. Diverse interests could now invest in power plants and sell to whomever they desired.

The true key to opening the market nationwide was that the EPA of 1992 allowed the import of retail energy from other states. It was thought that this could boost the economies of smaller states and also sidestep the numerous hurdles to financing and constructing new power plants. By promoting retail competition it was thought that the headaches of public financing and bond issues might be avoided. Farther down the road this would have some negative consequences as regulatory commissioners, especially in California, would order power companies to employ conservation techniques rather than build new power plants.

In the intervening years between the EPA of 1992 and deregulation in California, a trend started to develop nationwide that could have foretold of economic disturbances due to deregulation of the utility industry. If the focus of the deregulation world had not been so centered on California, it might have been easier to recognize the impact that this trend would have on entry into the marketplace at the state level. Utilities that seemed to desire competition nonetheless responded in a threatened manner. They began cutting costs, merging with other firms, purchasing power companies in foreign countries, and entering joint ventures. In 1994 mergers totaled $8.9 billion. By 2000 it had climbed to a staggering $312.5 billion. This allowed for an economics of coordination for those with holdings in storage, transmission, and generation (Hirsh 1999). Some companies thus controlled both natural gas and electric generation facilities. Obviously, this advantage of increased market power would not be available to any new entrants. The ramifications for California were that the major utilities could be denied the ability to purchase natural gas and be forced to pay outrageous prices for electricity. These prices were justified by highly inflated natural gas prices. This was definitely not a desired result of deregulation, but probably indicates that natural gas needs to be deregulated concurrently with electricity (Vinson and Elkins 2001).

**California Deregulation—What Went Wrong?**

Seizing the momentum generated by the EPA of 1992, California passed a law in 1996 intended to further build on the social acceptance of the deregulation philosophy. This was the first state to pass such a comprehensive law. The law was to go into effect on January 1, 1998. Software delays put the debut off
until March 31, 1998. Supported by private businesses and other large energy purchasers, potential entrants to the market, utility providers, state legislators, and the public, this law was designed to lower costs, allow new products to emerge, and make California businesses more competitive with other states. Natural gas providers, such as Enron, also pushed for deregulation because the price of natural gas had fallen by seventy-five percent since the middle 1980s due to prolific new gas sources (Cockburn 1997). The advocacy by Enron is particularly ironic considering their collapse into bankruptcy over the last year. Power costs in California are typically ten to fifteen percent higher than in other states due to environmental regulations and related taxes. It was thought that by importing more power and taking advantage of market forces, the costs of power would go down.

Nearing the end of 2001 and having survived the worst of the recent power crisis, or so we hope, it has become apparent that there were several flaws in the way that deregulation was implemented in California. These flaws led to several interrelated problems. These include a conflict between the ideas of deregulation and price caps, significant barriers to entering the market, and a severe lack of generating capacity.

A central characteristic of power generation in the modern age is the very large amounts of capital needed to construct new power plants. Expensive infrastructure is one of the reasons that some industries are labeled natural monopolies. These investments represent large risks that take years, fourteen on average in California, to construct. Often public bonds are used for financing, which makes them the interest of business, government, and the public. When deregulation was initiated in California, there were many plants already in planning and development stages. While the utilities did want to deregulate, they were also concerned about recouping their investments, before they were rendered useless by competition or overproduction. These investments are referred to as stranded costs, since they might become useless investments.

In the cooperative mode that is the basis of regulation, the utilities and the CPUC agreed to freeze retail rates at a reasonable level above market value to allow for cost recovery during the transition period, to last until March 2002 (Vinson and Elkins 2001). This manipulation of prices is not supposed to be a tactic of deregulation, but the utilities were not willing to take the risk of losing these investments. The other problem is that the state commissions are also supposed to have a cooperative relationship with FERC, which sets the wholesale rates. When wholesale rates skyrocketed due to a national energy shortage, the utilities were no longer recovering costs but actually outspending customer revenues just to procure energy every day. Due to the rate freeze,
the utilities could not pass these costs incurred by the incredibly volatile power price fluctuations on to consumers (O’Leary 2000). This was an unforeseen glitch in the transition that maybe might have been avoided by closer consultation with FERC and more accurate forecasting. Part of the problem in the forecasting was the weather in 2000. That year saw the third worst heat wave in a century and a colder than usual winter (Vinson and Elkins 2001).

Stranded costs and the difficulty in recovering them are the product of an inconsistent application of the principles of deregulation. The equation to bring power to a customer is: generation + distribution = customer with power. The deregulation agreement in California only applied to the generation part of the equation. This resulted in PG&E and Edison having to pay more for the power than they could charge a customer. Competition among generators is supposed to drive down prices, but as Vinson and Elkins (2001) point out, the demand for electricity is relatively inelastic, so how are prices going to go down? The law of supply and demand dictates that prices go down only when demand does. When regulated, the utilities were not subject to such swings in prices, no matter the size (Green 2001).

The entrepreneurial spirit that drives deregulation shows itself in the technological innovations and new companies that arise to fill a need in the economy. Michael Peevey, founder of New Energy Ventures and former Edison executive, boldly claims that “The next ten years in electricity will see more new products and services than we can possibly envision today” (Flanigan 1997). This is a very optimistic attitude, but he is ignoring the fact that a truly free market removes any barriers to entry that might exist. The onset of deregulation in California failed to do this in many ways. First, by capping retail prices the market was not promising the profits necessary to induce entry. Vinson and Elkins (2001) argue that it is inconsistent to cap prices and then hope for deregulation to induce new entry. This is related to the concept of stranded costs. New technologies have high capital and operating costs at first, but the capped prices were set at a level that only considered the needs of the existing companies. Any upstart companies had to abide by even lower rates, which sounds good to the consumer but discourages investment. Second, the state has not promoted renewable energy technologies or the fifty-six energy providers that Californians had to choose from on March 31, 1998. In fact, only 1.7 percent of residential and small business customers in California have chosen alternative energy suppliers (Trebing 2001).

Third, a couple of the transition mechanisms provided for in legislation gave big advantages to the already established utility companies. One of these is the state guaranteed loans to the utilities, which reduced the amount of capital that they needed on hand to purchase power. The daily spot-pricing
system of auctioning power meant that new businesses could not accurately predict how much capital they needed or could count on to build long-term strategies and supplies. Eventually, it became clear that not even PG&E or Edison had enough capital to finance themselves in this manner. If companies of that size and wealth, combined with the advantage of guaranteed loans, do not have the capital to compete on a daily basis, then it is unrealistic to think that anyone will. Finally, new energy providers had charges levied against them for access to the power grid. The combination of all these factors proved too much for effective retail competition (Vinson and Elkins 2001). This is yet another illustration of the manner in which California failed to prepare the market environment for deregulation.

The supply and demand equation is an essential part of free-market theory. Having competition in an industry requires that there be enough supply of the product to allow the customer to pick and choose. Even with only a handful of energy providers there was always enough supply. It seems strange that opening the field could result in less supply, but that is what happened in California.

In 1970 the California State Assembly commissioned the Rand Corporation to investigate the consequences of rapidly increasing demand. The results showed that in 1991 energy consumption would be four times that of 1970, requiring installation of about sixty new power plants to meet demand. Even more alarming was that by 2000, California would need 130 new power plants (Hirsh 1999).

The results of the 1970 study came at a time when California was issuing strict new siting standards and establishing a cumbersome regulatory review process of new power plants. This was in large part due to environmental concerns and the “NIMBY” syndrome. By the mid 1970s, a utility needed to obtain more than thirty state, local, and federal permits to open a new plant (Hirsh 1999). An environment like this is not conducive to enthusiastic new investments. As a result, when the early 1990s arrived, we began to see the failure of the market supply to keep up with demand.

Fortunately, the EPA of 1992 allowed California to start importing power so we could put off large shortages. However, state leaders liked the idea of importing too much and ordered the power companies to start employing conservation techniques rather than build any new plants. Then the growth really started. Power consumption in California has grown at almost double the national rate over the last ten years (O’Leary 2000). In addition, demand growth has outstripped supply growth 10:1 in the last five years (Vinson and Elkins 2001). Not only were new plants not built, the older ones were starting to fall apart. The number of out-of-service plants in August 2000 was five times
greater than in August 1999 (Green 2001).

In the deregulated environment, a lack of power supply has several consequences. The previously discussed contradictions in California’s deregulation scheme tie in to the lack of supply. As Lori Woodward, an analyst at Fitch IBCA summarizes, “There is not enough supply for power, and as long as there are caps on prices within California, there is less incentive for these companies to invest in new generating capacity” (O’Leary 2000). In order for potential competitors to enter the market, there needs to be potential for profit and a supply for them to sell. These negative circumstances create further barriers to entry. Also, this very limited supply greatly enhances the market power of the deregulated generators already up and running. Fortunately, since the middle of 2000 Governor Davis has fast-tracked the construction and start-ups of several large plants. This will continue to be necessary for the foreseeable future.

**Conclusion**

The coalition that pushed for deregulation in California was made up of diverse interests that are realizing that competing against each other may only have advantages for some. Right now the deregulated generators are the only interest profiting greatly from deregulation. They were already marginally profitable due to PURPA and EPA of 1992. Under those conditions the public utilities also were very successful but were starting to run into some problems. Consumers, especially large energy purchasers, thought they could save a lot of money with deregulation. They may enjoy some benefits that residential customers do not, but they also have more to lose with the decreased quality and reliability of service.

The situation in California is cause for concern for these local interests. They are not the only people looking closely at the situation, however. Even before 2000, over half of the states appeared to be moving toward retail competition in their utility markets. California’s energy crisis dramatically changed the public perception of the alleged gains from deregulating (Trebing 2001). We did not see the promised thirty percent reduction in electric rates, nor the improved reliability. In fact, we got quite the opposite. Rolling blackouts and several price escalations of fifteen to twenty percent became the norm between 1999 and the summer of 2001.

It seems logical to say that the neoclassical economics concept of deregulation needs to be reassessed. The concepts of institutional economics would be a practical place to start. Economists of this school focus on market failure and power since these indicate the need for government intervention and regulation. For a solution to the current problem they would make a priority
of separating those who desire access to the power grid from the experts who specialize in planning, finance, and management. Their solution would probably look a lot like traditional regulation.

On the other hand, as this paper has argued, deregulation has been thoroughly botched in California. One reason for allowing states to make policy innovations is so that we can have a process of trial and error in the solution of social and economic problems. It is quite possible that another state, most likely with fewer people and possibly a more stable economy, will design a system that works. What they will need is to work cooperatively with FERC and other interests in the federal government. While the experience in California is discouraging, it reflects most poorly on the interests that forged it. Had they implemented deregulation properly by building logically upon the foundation of PURPA and the Energy Policy Act of 1992, instead of distorting the underlying logic, we might have seen a quite different situation develop here.

That being said, I believe that our former system of providing power in California was far preferable. The original justification for natural monopolies is that they provide services fundamental to the normal routines of our everyday lives. Even more basic than that, our society cannot function without electricity. The rolling blackouts and devastating rate increases take a toll on the stability of our state in many ways.

References


Illegal Immigration Attitudes In California

By Debra McEnroe

Immigration is an integral part of the history of America. When researching the topic of immigration, one will read again and again that the United States is inherently a nation of immigrants and that the resulting melting pot of cultures, languages, customs, and beliefs is the key to its global strength. Yet issues surrounding immigration are complex and often highly contentious.

Much of the immigration debate in the United States today is focused on the border states between the U.S. and Mexico and the illegal immigration that frequently occurs. Of all the entry points along the common borders of the two countries, it is the border between California and Mexico that receives the most traffic.

California, and its specific attitudes about illegal immigration, will be the focus of this paper. In California, when one refers to problems with immigration, more often than not the reference is to Hispanic (Latino) immigration, both legal and illegal. While Asian immigration has been a factor in the state’s history, it is the influx of people from Mexico and other South American countries that has had the greatest affect on state policy. California has enacted some of the most stringent legislation on illegal immigration in the nation, the vast majority of which has been a result of the voter initiative process. Who those voters are and the characteristics they hold in common is of critical value to the development of further policy or the correction of hastily written policy that has subsequently become law.

The reason for this research is to determine patterns of relationships among background characteristics and attitudes of respondents from two California Field Poll studies, conducted approximately twelve years apart to determine who in the state views, or does not view, illegal immigration as a serious problem. The research will also determine if a shift in attitudes regarding illegal immigration has occurred among respondents over the twelve-year period.

This paper will begin with a literature review of the issues concerning current immigration policy, with particular emphasis on issues affecting the state
of California. Because of the vastness of the topic, “current” will be defined as those issues occurring in the late 1980s through the end of the 1990s.

**Literature Review**

To understand the impact fully, it is helpful to review some of the history behind California’s immigration policy development. Prior to the mid-1960s, there was a regular influx of seasonal workers from Mexico who came to California to work, primarily in the agricultural industry. The Rand Corporation, in a joint publication with the Urban Institute (1990), concludes that much of the contention between Mexico and California with regards to illegal immigration stems from the termination of “bracero agreements,” which allowed for the hiring of illegal aliens who, in all other regards, were not supposed to reside or work in the United States (Ronfeldt and Ortiz 1990, 9).

In an overview of immigration policies, Cafferty, et al. (1984) state that one of the most durable objections to immigration has been the potential effect on the economy. Americans fear cheap labor and perceive that immigrants will take American jobs, thus contributing to lower earnings and higher unemployment. They also fear the potential that immigrants will not get jobs, thus creating a significant demand on social support systems at the public’s expense. In times of concern for the value of the dollar on the foreign exchange markets, Americans also fear immigrants will “plunder” the U.S. by sending earnings home, and then retiring to their home nations with their U.S. Social Security (Cafferty et al. 1984, 12-13). Another distinct fear is that immigrants cannot, or will not, “fit in” to American culture, creating an economic underclass that will grow with the expansion of continued immigration. Those holding the most negative attitudes towards immigration tend to be middle-aged, less educated, and predominantly white (Hovey et al. 2000, 159).

Although people continued to view illegal immigration as a serious problem, policy from the mid-1960s through the early 1980s was fairly static. Then, three policy changes at the national level had a profound impact on California. In 1982, the United States Supreme Court upheld a ruling in Plyer v. Doe, granting all children a free education, regardless of legal or illegal status. A few years later Congress passed the Immigration Reform and Control Act of 1986 (IRCA), which granted amnesty to approximately 3.1 million illegal aliens, half of whom resided in California.

The Immigration Act of 1990 boosted legal immigration levels by another forty percent; estimates at that time indicated California would receive 200,000 new foreign residents each year, and another 150,000 illegal immigrants. Dan Stein, Executive Director of the Federation for American Immigration Reform
(FAIR) wrote that California had been the recipient of an “unprecedented wave” of legal and illegal immigration and approximately twenty-five percent of all illegal immigrants would settle in California (Fair 1991, 8).

Shortly after Pete Wilson was elected governor of California, the U.S. domestic economy worsened. Particularly hard hit was the aerospace industry, which had a significant impact on the California economy. As pointed out by Cafferty, et al., and echoed in much of the literature from this period, U.S. citizens have less tolerance for immigration during periods of recession. Hovey (2000) reported that anti-immigration campaigns have occurred most frequently during times of economic downturns, when American workers worry about competition for jobs. Rapidly changing demographics in which the minorities become more and more of the majority and perceptions of broken social systems such as schools and law enforcement also contribute to anti-immigrant sentiments (Hovey 2000).

As the recession of the early 1990s worsened, it appeared that many social systems were, if not broken, broke; local governments were faced with severe budget shortfalls. Financial analyses conducted by the County of Los Angeles in 1990 and 1991 fixed the cost of providing social services to illegal immigrants at $276.2 million. Over half of the federal Aid to Families with Dependent Children (AFDC) funds went to children of illegal aliens, and two-thirds of all the babies born in Los Angeles County public hospitals were born to illegal immigrant mothers, whose babies became U.S. citizens as a result (Stein 1991).

Americans also have less tolerance for politicians during periods of recession, which can spur a flurry of grassroots action. An interesting example of the impact this can have on policy is the FAIR organization, whose executive director is quoted earlier in this review. With no team of lawyers on staff, FAIR raised slightly more than $7.5 million in the five years prior to 1993 (Albert 1993). The impact of illegal immigration on Southern California and other border states prompted FAIR to demand an immediate nation-wide moratorium on all immigration, both legal and illegal, until such a time that national policy could exhibit effective prevention of illegal immigration. The success of FAIR was significant for two reasons: one, that prior to the formation of the organization, there had been no lobbying effort aimed at immigration enforcement, and two, the organization claimed it had not made political contributions to legislators. While its supported legislation was not enacted, FAIR’s ability to rally public opinion on immigration issues had a significant impact, even on immigration proponents, causing them to take tougher stances as well.

No review of immigration policies would be complete without mention of Proposition 187, for which FAIR and then-governor Wilson strongly advo-
cated. Highly contentious, the proposition attempted to block undocumented immigrants from receiving non-emergency health care, public education, and other social services. The language of the new law required law enforcement, social, and educational programs to report suspected illegal immigrants to the INS, but did not define the basis for such suspicion. Passed by the voters in the election of 1994 by a margin of fifty-nine percent to forty percent, legal analysts stated from the beginning that most provisions of the proposition were illegal, as they conflicted with existing federal law. Proposition 187 went to the courts immediately following enactment, where it has remained.

The effects of Proposition 187 have been long lasting, and literature can be found to support both the proponents and the opponents of the initiative. Martin Anderson (1995), writing for the California Journal, believed the passage of the proposition began to melt away the “corrosive” problem of illegal immigration (3). Anderson did not believe the popularity of Proposition 187 had anything to do with widespread hostility towards immigrants, race, or country of origin. Instead, it had a lot to do with “breaking the law, and then rewarding those who break the laws” (8). Californians, he argued, do not accept the idea of being forced to pay for the welfare support, health care and education of people who have entered the country illegally.

Several concurrent articles explore the effects that the passage of Proposition 187 had on Latinos. “FAIR and similar groups promote fear and disension,” said Robert Rubin, assistant director of the Lawyers’ Committee for Civil Rights in San Francisco (Albert 1993, 3). Rubin believes that once someone has been called illegal, they have been dehumanized, leaving society free to do anything it pleases to them. Others concur. “A historic dark side of the California dream has been the scapegoating of minorities during economic crises,” writes Lou Cannon (1995, 4), who referenced the treatment of the Chinese during the recession following the Gold Rush, and the internment of the Japanese in World War II. Hovey (2000) offers the retrospective view that because the language of the law was so vague, how one spoke, how one’s last name was pronounced, or how one’s skin was colored, was sufficient to arouse suspicion. Thus, citizens and legal immigrants could as easily be exposed to discrimination as those the law was intended to catch (Hovey 2000).

When Proposition 187 was passed, Latinos represented twenty-six percent of the population, but only fourteen percent of registered voters. Of the Latinos registered to vote, only eight percent actually did so. In an interesting article published by the California Journal, author Leo Estrada (1995) wrote that the 1994 election was a shock to many Latinos, who thought they had attained a higher level of acceptance in California’s racially diverse society. Estrada believes Latinos wrongly assumed that voters would recognize the
potentially detrimental effects Proposition 187 would have on legal residents and Latino citizens. Proposition 187, he writes, was just the opening shot in “the long battle to come” on anti-immigration legislation (1). He was prophetic; ballot initiatives banning government-based affirmative action programs (Proposition 209) and eliminating bilingual education (Proposition 227), were approved by voters and passed into law while the court battle over Proposition 187 was still being waged. In his conclusion, Estrada writes, “in retrospect, Proposition 187 may well be exactly what is needed to mobilize this large and growing (Latino) population, to demystify their views of how they are viewed by others and to allow a more aggressive and forceful leadership to emerge” (4).

There are interesting contradictions to Estrada’s conclusion in other literature. The California Cauldron (Clark 1998) provides a retrospective analysis of the voting patterns for Proposition 187 in the Los Angeles area. Nearly half of inner-city voters supported the legislation. Suburban Latinos were even stronger in their support than the Latinos from the inner city areas. The assumption by Clark and others is that as ethnic groups assimilate, their support for controlling additional immigration will increase.

While the concept of assimilation will not be aggressively explored in this review, Peter Brimelow’s Alien Nation (1995) is worth reviewing for an interesting perspective on both immigration and assimilation. Brimelow, a journalist by trade and himself a British immigrant, refutes the idea that assimilation is possible. He, and other “nativists” like Pat Buchanan, believe that the sheer numbers of immigrants in the 1980s and 1990s allowed seclusion into racial and cultural enclaves, rather than emergence with the more mainstream society (Economist 1999).

The period from 1995 to 1998 ushered in another level of complexity to immigration debates. In what appeared to be a huge contradiction to the claims of many unemployed immigrants, the high-tech industry claimed a shortage of qualified workers, thus encouraging federal legislators to push through bills that authorized increases in the number of H-1B visas for a five-year period. Theoretically, a vehicle for temporary employment, the program did not seem to provide opportunities for the under-educated. Tata Consultancy, the second largest user of the H-1B program in 1997, recruited only educated, skilled workers from India and made no attempts to hire unemployed Americans (California Journal 1998).

At the close of the 1990s, the controversy over illegal immigration hinged upon an economic and class stratification debate. The literature concurs that by 2005, Latinos will be the largest minority group in the United States. By the year 2010, they will represent a quarter of the nation’s population. The four
largest states (California, New York, Texas, and Florida) have 16 million voting age Hispanics in residence, representing approximately one-half of the electoral votes needed to elect the next president (Sandalow 2000). However, the literature also shows that Hispanics are among those minority populations most likely to be living in poverty.

The United States has a huge demand for unskilled labor, and in California this can take many forms. In a special section on immigration in The Economist, John Micklethwait (2000) writes that “the embarrassing secret is the importance to daily life of illegal aliens. Every American politician claims to condemn their presence, but without them the domestic life of many middle-class Americans would fall apart; food prices would climb steeply as produce rotted in the fields; hotel rooms would stand uncleaned; swimming pools would become septic tanks; and taxis would disappear from the streets” (3). An estimated thirty percent to sixty percent of the agricultural work force in the state is undocumented immigrants. Within this group, the median family income is estimated to be under $10,000; over sixty percent will fall below government poverty levels (Ladik 2000).

Much of the literature reviewed for this study contained demographic information derived from various sources, which used U.S. Census Bureau or other government statistics, as well as data from in-house or academic research-based surveys. It is difficult to derive hard numbers for illegal immigration, and this complicates policy development. Two of the better resources for hard numbers are the Rand publications, “Mexican Immigration, U.S. Investment, and U.S.-Mexican Relations” (1990), and “Immigration in a Changing Economy” (1998). Public policy affects people, however, so it is applicable that the fields of anthropology and contemporary literature provide the final entries for this review. Shadowed Lives by Leo Chavez (1992) is a collection of case studies based on the experiences of illegal immigrants as they struggle with the cycle of entry, capture, return, and re-entry. Author T.C. Boyle, in his book The Tortilla Curtain (1996), provides a painful glimpse into the chasm between the white society and the illegal workers who keep the society functioning in a fictitious Southern California community. Both serve to remind students of public policy that policy issues have names and faces behind the numbers.

**Theory**

The literature review reveals several opportunities for examination of background characteristics and attitudes on illegal immigration in California. First, it has been stated that many Americans fear illegal immigration for the poten-
tial affects it may have on social services, jobs, or other quality of life issues. Americans also have less favorable attitudes with regards to illegal immigration when the economic condition of the state or nation is weak. Therefore, it can be predicted that poorer socio-economic respondents view illegal immigration as a more serious problem than their higher socio-economic counterparts. The null hypotheses that will be tested for these conditions are:

There is no relationship between attitudes about illegal immigration and the income levels of the respondents.

There is no relationship between attitudes about illegal immigration and the educational levels of the respondents.

Age may also be a factor affecting attitudes on illegal immigration. Age can be an indicator of longevity in a certain location, achievement of income, or the types of employment one is likely to have. The null hypothesis that will be tested for this condition is:

There is no relationship between attitudes about illegal immigration and the age of the respondent.

Other demographics that may be an indicator for those who view illegal immigration as a serious problem are gender and political party affiliation. Conservatives, for example, are more likely to be registered as members of the Republican Party. Women may be more sympathetic to immigrant mothers desiring the best for their children and be less likely to hold negative opinions. Conversely, women may view illegal immigration as the culprit of declining schools and social services. The null hypotheses for these conditions are:

There is no relationship between attitudes about illegal immigration and the political party affiliation of the respondents.

There is no relationship between attitudes about illegal immigration and the gender of the respondents.

Last, in light of the fact that many minority groups with long tenure in the United States may fear the backlash that illegal immigration creates, there exists the possibility that race is an indicator of attitudes regarding illegal immigration. The null is:

There is no relationship between attitudes about illegal immigration and the race of the respondents.

Characteristics

Two California Field Poll studies’ databases were used for data analysis. The first study was conducted in the early part of 1986, coinciding with the terms of Republican President Ronald Reagan, and Republican Governor George Deukmejian. The study was conducted among 1,013 California state residents,
and included topics ranging from ranking of current political office holders to opinions on the state lottery, speed limit and seat belt use, illegal immigration, and health care issues. Fifty-three percent of the respondents were male versus forty-seven percent female.

The second study was conducted in the latter part of 1998, coinciding with the terms of Democratic President Bill Clinton, and Republican Governor Pete Wilson. This study was conducted among 1,204 state residents, and included topics such as health care issues, tobacco use, government officials, and immigration. Forty-nine percent of the respondents were male, and fifty-one percent were female.

Methodology
The variable “race” in the 1998 study was collapsed into the categories of white, black, Asian and other, for direct comparison to the 1986 study. Each study categorized the variable Hispanic independently from the other ethnic groups. Respondents were asked if they were of Hispanic, Spanish or Mexican origin, and allowed to answer “yes” or “no.” In the 1986 study, ninety percent of the respondents for all ethnicities except Hispanic were white. Hispanics represented approximately eleven percent of the study population. In the 1998 study, 81 percent of the respondents for all ethnicities except Hispanic were white, and approximately twenty percent were Hispanic.

The variable Party Registration was collapsed in both studies to include all third parties as “other”. In both studies, the variable “age” was collapsed to make five broad categories for easier analysis. Finally, “income” was collapsed in the 1986 study to correspond as closely as possible to the income categories used in the 1998 study. However, the two variables are not identical.

Each study had three questions about illegal immigration. One question was identical in both the 1986 study and the 1998 study, and will be used as the dependent variable for data analysis:

How serious a problem do you believe the illegal immigration situation is in California at the present time? Do you see it as a very serious problem, a somewhat serious problem, not too serious a problem or not at all a serious problem?

The following background characteristics were selected as independent variables: political party affiliation, income and education levels, gender, race (non-Hispanic), race (Hispanic), and age. Analysis of variance tests (ANOVA) were conducted using the independent variables of age, gender, and race.
against the dependent variable of illegal immigration to assess differences among or between respondents of a particular group. Three-way cross tabulation tests were conducted on the dependent variable comparing the following:

1. The age of the respondents within the race (non-Hispanic and Hispanic), gender, and income categories;

2. The gender of the respondents within the race (non-Hispanic and Hispanic), income, and education categories;

3. The income levels within the party affiliation and gender categories.

Significant results were those having a probability level of .05 or less. The responses of “declined to answer” or “no opinion” were omitted.

Results

Socio-economic variables were the first to be tested. Three-way cross tabulation was conducted using the 1986 data and the independent variable “income.” Chi-square analysis indicated a significant relationship \( \chi^2=30.00, \ p=.01 \). Respondents with incomes less than $20,000 had less favorable attitudes than those with higher incomes. The relationship between immigration attitudes and income remained significant even when the control variables of age and gender were added. The null hypothesis can be rejected; in 1986, there was a relationship between income levels and those who viewed illegal immigration as a serious problem.

When similar tests were conducted on the 1998 data, chi-square analysis did not indicate any significant relationship, nor did the relationship change when the control variables of age and gender were added. The null hypothesis cannot be rejected; there was no relationship in 1998 between those viewing illegal immigration as a very serious problem and their respective income levels.

The next socio-economic variable to be tested was “education.” Chi-square analysis on the 1986 data indicated a significant relationship \( \chi^2=66.28, \ p=.01 \). Respondents with trade school and high school educations, respectively, had less favorable attitudes. When the control variable of gender was added, the relationship between the dependent and independent variables remained significant. Male respondents with lower education levels considered illegal immigration a very serious problem more so than women. The null
hypothesis can be rejected; in 1986, there was a relationship between education levels and those who viewed illegal immigration as a very serious problem.

When similar tests were conducted on the 1998 data, chi-square analysis did not indicate any significant relationship, nor did the insignificant relationship change when the control variable of gender was added. The null hypothesis cannot be rejected; there was no relationship in 1998 between those viewing illegal immigration as a very serious problem and their respective educational levels.

Tests using the independent variable “age” in both the 1986 and the 1998 data indicated differences. The Analysis of Variance/Scheffe test comparing age against illegal immigration in the 1986 study indicated there was a significant
difference between age groups, with the largest difference occurring between
the age group under thirty years of age, and the age group over sixty years of
age. Data from the ANOVA/Scheffe test in 1998 also show a significant differ-
ence between groups. The largest difference is still between the age groups
under thirty years and over sixty years. However, there is also a difference
between the age group under thirty years of age, and the age groups of forty-
to-forty-nine years and fifty-to-fifty-nine years.

Chi-square analysis from both studies indicated that the older one is, the
more the tendency to view illegal immigration as a very serious problem. The
null hypothesis can be rejected; there were significant relationships both in
1986 and in 1998 between those viewing illegal immigration as a serious prob-
lem and their age.

Tests using the independent variable “political party affiliation” had
mixed results. In 1986, chi-square analysis did not indicate any significant
relationship. When the control variable of income was added, the relationship
between the dependent and independent variable did not change. The null
hypothesis cannot be rejected as the probability was greater than the .05 level.
Therefore, there was not a significant relationship in 1986 between those view-
ing illegal immigration as a very serious problem and their respective party
affiliation. However, at the highest income levels, there was an interesting but
non-statistically significant relationship between Republicans and less favor-
able attitudes.

Data from 1998 do indicate a significant relationship between party affili-
ation and attitudes regarding illegal immigration. Republicans tend to hold
less favorable attitudes than Democrats. The relationship between the dependent and independent variables remained significant even when the control variable of income was added, particularly in the income brackets of $40,000-$60,000, and greater than $80,000. Again, Republicans appear to have less favorable attitudes than Democrats. The null hypothesis can be rejected; in 1998, there was a relationship between those who viewed illegal immigration as a serious problem and their political party affiliation.

In 1986, ANOVA did not yield any significant differences either among or between men and women’s attitudes on illegal immigration. Similarly, chi-square analysis did not indicate a significant relationship, nor did the addition of the independent third variables age and income; therefore, the null cannot be rejected. In 1986, there was no relationship between those who viewed illegal immigration as a very serious problem and the gender of the respondents.

By 1998, the attitudes between men and women had changed. ANOVA tests revealed a significant difference between men and women, with women having less favorable attitudes. Chi-square analysis indicated the biggest difference occurred in the category of those viewing illegal immigration as a very serious problem. The percentage of women responding was fifty-five percent, versus forty-seven percent of the men. Adding the independent variable of age did not change the relationship. Adding the independent variable of income also did not change the relationship. However, there was an interesting shift in the highest income bracket. While not statistically significant, women in this income bracket held less favorable attitudes than men.

The final tests were conducted using the independent variable “race” (non-Hispanic and Hispanic) against the dependent variable. ANOVA testing with the 1986 data did not indicate any difference among or between ethnic groups. The ANOVA test, comparing race (non-Hispanic) against illegal immigration attitudes in the 1998 study, did indicate differences between ethnic groups and attitudes regarding illegal immigration, with the largest difference occurring between whites and Asians.

Chi-square analysis using 1986 data indicated a significant relationship between race (non-Hispanic) and less favorable attitudes ($X^2=27.69, p=.03$). African-Americans viewed illegal immigration as a very serious problem more frequently than the other ethnic groups. There was not a significant relationship between Hispanics and less favorable attitudes. When the independent variable of age was added, the relationship between immigration and race changed in the age category thirty to thirty-nine years. In this category, African-Americans and Asians viewed illegal immigration as a very serious problem more frequently than whites. Hispanics over the age of sixty years viewed illegal immigration as a very serious problem more frequently than
those who did not claim to be of Hispanic origin; however, the number of respondents was very small (n = 6), and cannot be considered representative.

Adding the independent variable of gender also indicated a possible relationship between African-American women and less favorable attitudes. There was no change to the relationship of the dependent and independent variable for those of Hispanic origin. The null hypothesis can be rejected; in 1986, there was a relationship between respondents who indicated illegal immigration to be a very serious problem and ethnicity.

Chi-square analysis using 1998 data indicated a shift in attitudes. There was a significant relationship between race and immigration attitudes ($X^2=21.22, p=.01$). Adding the control variable of age indicated whites over the age of sixty years viewed illegal immigration as a very serious problem more frequently than other ethnicities, except Asian. However, the number of respondents in this category was so small it was not considered a factor. Hispanics over the age of sixty years viewed illegal immigration as a very serious problem more frequently than those who did not claim to be of Hispanic origin. Adding the control variable of gender indicated white women viewed illegal immigration as a very serious problem more frequently than men. With the independent variable Hispanic, adding the control variable of gender indicated both men and women who did not claim to be of Hispanic origin had less favorable attitudes. The null can be rejected; in 1998, there was a significant relationship between respondents who indicated illegal immigration to be a very serious problem and ethnicity.

**Conclusions**

The reason for this research was to determine patterns of relationships among background characteristics and attitudes towards illegal immigration. While respondents in both 1986 and 1998 overwhelmingly rated illegal immigration as a very serious problem when compared to the other response choices, there were some interesting patterns that developed, as well as some interesting shifts in attitudes, over the twelve-year period.

In 1986, there was a relationship between lower income levels and respondents who viewed illegal immigration as a very serious problem. This relationship did not seem to be affected by one’s age or gender. As the literature review revealed, one of the fears regarding illegal immigration is the loss of jobs. In 1986, people in the lower income brackets may have felt more vulnerable than those with higher incomes. There was also a relationship
between lower education levels and those respondents who viewed illegal immigration as a very serious problem. Generally speaking, lower education levels result in lower income levels. Therefore, people who shared the characteristics of both low incomes and low education levels may have been predictors of less favorable attitudes.

By 1998, however, these relationships were not significant. During the twelve-year period, the state of California had weathered a severe economic recession, passed immigration laws that clearly indicated voters wanted a hard line stance on illegal immigration, and benefited from an economic recovery that brought greater levels of prosperity than in any previous years. It is possible that the indicators of low income and low education levels do not apply under these conditions.

The literature review also indicated that those with more conservative political attitudes tend to have less favorable attitudes. In 1986, however, this would not have been an accurate predictor, as political party affiliation did not indicate any relationship. However, when income levels were analyzed in addition to party affiliation, there appeared to be a trend developing among members of the Republican Party with high income levels. This is interesting in light of the development of groups like FAIR in the late 1980s and early 1990s, which tended to be conservative, financially well-supported, and effective in policy development. By 1998, one’s party affiliation did indicate a relationship to less favorable attitudes; there was a clear relationship between members of the Republican Party and those who felt illegal immigration was a very serious problem, and this finding was not significantly affected by income levels.

While this relationship could have developed partly in response to the fact that California was under Republican governorship from the time of the 1986 study to the 1998 study, it would be much more interesting to see exactly when it became statistically significant, and compare it to when the relationship of income and education became statistically insignificant. In the early 1990s, conservative, grassroots groups were organizing to combat illegal immigration through the voter initiative process and the economy was also in a recession. Assuming for the moment that the three characteristics of income, education, and party affiliation indicated a relationship to less favorable illegal immigration attitudes at that time, only one relationship continued to be significant once the recession was over and initial immigration laws were passed—that of party affiliation.

Age appears to be a common characteristic of attitudes, in that older people tend to view illegal immigration as a very serious problem more frequently than those who are younger. There was no change in attitudes among the
age group of sixty and older over the twelve-year period. However, there was an interesting shift in the age groups of forty-to-forty-nine years and fifty-to-fifty-nine years. By 1998, those age groups also exhibited a relationship to less favorable attitudes. The relationship of gender to less favorable attitudes also appears to have shifted; in 1986, there was no statistical difference between men and women. By 1998, however, there was a difference in how men and women viewed illegal immigration problems, which was not affected by age or income levels. Surprisingly, it was the women who exhibited the stronger relationship to less favorable attitudes. Once again, it would be interesting to determine exactly when this shift occurred. Three Southern California grassroots organizations in the early 1990s, who participated in FAIR’s network happened to be headed up by women (Albert 1993, 2).

One’s ethnicity may be a predictor, although it appears to shift over time. In 1986, there was a weak relationship between African-Americans and less favorable attitudes, particularly in the age group of thirty to thirty-nine years. Wu (1996) offers the premise that African-Americans at this time may have felt compelled to compete with Latinos, who traditionally benefit from liberal immigration laws, in order to protect affirmative action laws, which traditionally benefit African Americans.

By 1998, the relationship between ethnicity and less favorable attitudes had shifted to those who were white, with the same differences in attitude as gender; white women held less favorable attitudes. The literature review indicated the potential for a relationship between those who considered themselves Hispanic and who were older. This was confirmed in both the 1986 and the 1998 studies, although the relationships are relatively weak. This could be due to the fact that the number of Hispanic respondents, when compared to the number of respondents of other ethnicities, especially white, may not have been a representative sample.

By 1998, whites by far showed a stronger relationship to less favorable attitudes than African-Americans. While this paper will not explore the reasons behind that shift, it would be interesting to see when the shift occurred and if it coincided with the initiative process of Proposition 209, which banned affirmative action programs in California.

In conclusion, it appears that the characteristics most closely associated with those who tend to view illegal immigration as a serious problem are older individuals who are mostly white, mostly women, and frequently members of the Republican Party. However, further research is required to determine if these characteristics are actual predictors of less favorable attitudes over a period of time, or if they will also shift in the future.
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Lionel Tate's Conviction: Justice Or “Cruel And Unusual Punishment”?

By Lauren Schall

Editor’s Note: This paper was written in Spring 2001, and has not been updated to reflect events that have transpired since then.

The Case
Recently a Florida boy, who was twelve at the time of the crime, was convicted of first-degree murder and sentenced to life in prison without parole for killing six year-old Tiffany Eunick, whom his mother was baby-sitting. Eunick was killed when Lionel Tate “practiced” backyard-wrestling moves on the girl (CNN, 2 March 2001). She ultimately suffered a severed kidney, fractured skull, and many broken bones. Experts testified that the attack was brutal and more severe than “being hit by a car” (CNN, 2 March 2001).

In the ensuing case against Tate, Dr. Wiley Mittenberg, a neurological psychologist, took the stand to discuss his findings. According to Dr. Mittenberg, Tate had a lower than normal mental capacity. Dr. Mittenberg stated during the trial that Tate had a mental capacity of a nine or ten-year-old, not fourteen, which was his age at the time of the trial (CNN, 2 March 2001). Tate’s defense team turned down a plea bargain that was offered before the trial. The deal was that Tate would plead guilty and serve three years in juvenile hall, one year of house arrest, and ten years of probation and counseling (CNN, 2 April 2001). Because he turned down the plea bargain, a trial date was set.

A recent Florida law stated that children could be tried as adults depending on their age, past criminal record, and the nature of their crime, as determined by a state attorney (Florida Department of Justice 2001). Broward County declared that Tate be tried as an adult, and then “The State Attorney’s Office stretched the state’s felony murder statute to fit a first-degree murder indictment on the theory that Lionel killed Tiffany by beating her to death” (Miami Herald 2001). If Tate were to be convicted he would fall under a mandatory sentencing law in Florida that requires a life sentence without parole for adults convicted of first-degree murder (CNN, 2 March 2001). Since Tate was
tried as an adult and found guilty by a jury of first-degree murder, the judge had no other choice but to deliver the mandatory sentence (CNN, 2 April 2001). All parties involved felt that the sentence for Tate was harsh. The judge, Joel Lazarus of Broward County, even expressed his regret that things had happened in the manner they did, and that he was forced to deliver a sentence he did not agree with. The prosecution joined the defense in requesting clemency from Governor Jeb Bush (CNN, 6 March 2001).

In March, the governor requested that Tate be transferred to a juvenile facility. He currently remains in custody at maximum security Okeechobee Juvenile Offender Center (Click 10 News 2001). He is staying with forty-seven other boys convicted of violent crimes. He will be kept at this facility until the governor decides what to do or grants clemency (Click 10 News 2001). Jim Lewis, a member of Tate’s defense team, will file an appeal in addition to the clemency request (Click 10 News 2001). At the Juvenile Center, Tate was assigned to an education program, a counselor, and mental health treatment (Click 10 News 2001).

The Problems and the Purpose

Several factors made this a problematic case. First, the defense did not take the plea bargain because the defendant and his mother were not fully aware of the consequences if they chose to go to trial pleading not guilty. Second, the jury at Tate’s trial failed to recognize that he was not a fully competent adult. Third, the law in Florida allows minors to be tried as adults depending on the nature of the crime, age of the defendant, and past criminal record if so decided by a state attorney. Finally, the law also requires that adults convicted of first-degree murder get a mandatory sentence of life in prison without parole.

The seriousness of these problems give rise to questions about the fairness of Tate’s sentence. The purpose of this paper is to analyze whether the sentencing of Tate was “cruel and unusual punishment” under the Eighth Amendment, or whether it was just. With reference to case law pertaining to the Eighth Amendment, the punishment received by Tate can be considered cruel and unusual if any of the following criteria are met: (1) if mental defendants ought not to be held to the same standards as rational adults; (2) if the Florida law allowing children to be tried as adults is itself unfair or unjust; (3) if Tate’s sentence was of excessive length or severity, in proportion to the offenses charged, because of the mandatory sentencing requirement in Florida. The last part of this analysis is largely up to interpretation, ultimately by the Supreme Court.
Definitions

The Eighth Amendment states: “Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted” (Caselaw 2001). Here, “cruel and unusual punishment” is defined by Findlaw through Supreme Court interpretations as: (1) “punishments of torture”; (2) the “total destruction of the individual’s status in organized society”; (3) the failure to treat a prisoner in a civilized manner; (4) the failure to preserve “the basic concept …[of] the dignity of man’ by assuring that the power to impose punishment is ‘exercised within the limits of civilized standards’” (Findlaw 2001).

Furthermore, Black’s Law Dictionary defines “cruel and unusual punishment” as: “Punishment that is torturous, disproportionate to the crime in question, degrading, inhuman, or otherwise shocking to the moral sense of the community” (Garner 1996, 514). Proportionality is further defined by “objective criteria” as: “(i) the gravity of the offense and the harshness of the penalty; (ii) the sentences imposed on other criminals in the same jurisdiction; and (iii) the sentences imposed for commission of the same crime in other jurisdictions” (Solem v. Helm, 463 U.S. 277, 1983).

Tate’s Mental Capacity and the Convicting of Insane Persons

Addressing the first issue of whether mental defendants are to be held to the same standard as rational adults, it is important to first examine the Florida Statute that defines the relevant notion of insanity.¹

Statue number 775.027 of Florida, Insanity Defense: (1) Affirmative Defense. —All persons are presumed to be sane. It is an affirmative defense to a criminal prosecution that, at the time of the commission of the acts constituting the offense, the defendant was insane. Insanity is established when: (a) The defendant had a mental infirmity, disease, or defect; and (b) Because of this condition, the defendant: 1. Did not know what he or she was doing or its consequences; or 2. Although the defendant knew what he or she was doing and its consequences, the defendant did not know that what he or she was doing was wrong… (2) Burden of Proof. —The defendant has the burden of proving the defense of insanity by clear and convincing evidence (Florida Online Sunshine Statutes, 2001).

It is questionable whether a twelve-year-old child who commits a crime can be genuinely aware of what he is doing, of the consequences of his action,
or of the wrongness of the action. Furthermore, we must recall that a neurological psychologist testified at the trial that Tate had a mental age of about four years less than his actual age, which would put Tate at a mindset of an eight-year-old at the time of the incident. An eight-year-old is equivalent to a third grader and common knowledge of third graders would indicate a serious lack of understanding of many aspects of the world. Third graders can barely read and write and are just learning right from wrong on a level that they can begin to decipher for themselves. It seems far-fetched that any third grader, who claimed he was practicing backyard wrestling in imitation of something he saw on television, would be aware of the possible consequences of his actions. After all, the WWF never shows anyone getting seriously hurt or killed and fails to warn its viewers that the show is pretend. So how would Tate know what he was doing could kill his friend? Even if the court did not believe that Tate had a lesser mental capacity than his age, surely a twelve-year-old would not know that much more about reality and consequences. A twelve-year-old typically would be in the seventh grade; and although children in the seventh grade can make some of their own decisions at this time, the distinction between right and wrong, and that between pretend and reality, are still distinctions they struggle to understand.

It would appear that Tate, under the Florida Statute guidelines for determining if a defendant can or should use the insanity defense, clearly falls within the criteria of the description. Since a child cannot know what the consequences of his actions are at such a young age, or that he was even doing something wrong and harmful, it seems that this child was legally insane at the time of the murder and perhaps also during his trial.

There is relatively little Supreme Court case law on whether mentally compromised adults are to be held to the same standards as rational adults, but in the few cases found, there seems to be a different level of accountability for mentally compromised persons, than for rational adults who are able to think through their consequences and actions. The first case that renders some opinions on the mentally compromised is *Lockett v. Ohio*, in which the Court stated that “the principle punishment should be directly related to the personal culpability of the criminal defendant” and “defendants who commit criminal acts that are attributable to a disadvantaged background, or to emotional and mental problems, may be less culpable than defendants who have no such excuse” (*Lockett v. Ohio*, 438 U.S. 586, 1978).\textsuperscript{ii}

Furthermore, in *California v. Brown*, the Court determined that “the sentence imposed at the penalty stage should reflect a reasoned moral response to the defendant’s background, character, and crime” (476 U.S. 538, 1987). In *Penry v. Lynaugh*, the Court decided that there were two separate issues that
must be considered in determining if a mental adult could be held to the same standard as a rational adult:

Penry’s mental retardation was relevant to the question whether he was capable of acting ‘deliberately’, but it also ‘had relevance to [his] moral culpability beyond the scope of the special verdict question[s].’\textsuperscript{iii} Personal culpability is not solely a function of a defendant’s capacity to act ‘deliberately’… [Thus, the Court concluded] that Penry was less morally ‘culpable than defendants who have no such excuse’, but who acted ‘deliberately’ as that term is commonly understood… (492 U.S. 302, 1989).\textsuperscript{iv}

Thus, the Court separated “acting deliberately” from “having a level of moral culpability,” and viewed them as two parts that ultimately rendered an outcome of the crime. In applying this to Tate’s case, the boy did have a lesser moral culpability than most children his age, as verified by the testimony of Dr. Mittenberg, but also arguably had a lesser moral culpability than an adult because of his young age, regardless of whether or not he was mentally underdeveloped. If children are in fact still learning to differentiate right from wrong and realities from pretend in the seventh grade, then surely they are less culpable than adults who would stand trial for such an offense.

Similarly, in \textit{McClesky v. Kemp}, the Court said, “the punishment should be directly related to the personal culpability of the defendant” (481 U.S. 279, 1987). \textit{Ford v. Wainwright} further stated that, “someone who is unaware of the punishment they are about to suffer and why they are to suffer it cannot be executed” (477 U.S. 399, 1986).\textsuperscript{v} It seems that in most cases mental defendants are not held to the same standard as rational adults. Tate’s mother stated in an interview with \textit{CNN} that Tate did not know that he could kill Eunick while practicing backyard-wrestling moves that he had seen on television. The wrestlers on television never got killed, so why should he suspect (at his mental age) that trying out these moves could kill a person (\textit{CNN}, 2 March 2001)? Furthermore, in a later interview on \textit{CNN}, Tate’s mother said that neither she nor Lionel knew of the consequences that Tate would face should he chose to not accept the plea bargain (\textit{CNN}, 2 March 2001). Whether that was the attorney’s fault for not making the boy aware of the possible consequences, or his mother’s fault for not agreeing to the plea bargain, the fact remains that Tate was unaware of the punishment he was about to suffer and possibly even why he was to suffer such a punishment.\textsuperscript{vi} All of these considerations point to the conclusion that the sentence ultimately inflicted on Tate was indeed cruel and unusual, as set forth by the criteria of the Eighth Amendment.
Trying Young Children as Adults

Previously cited is the case of Ford v. Wainwright, which states that “someone who is unaware of the punishment they are about to suffer and why they are to suffer it cannot be executed.” This statement has significant implications for legal cases involving children. If children do not have the same level of mental capacity as adults, then how can they be convicted as such? In researching this topic, the youngest child that I found tried as an adult (not including the past few years, when politicians have been pushing for younger children to be tried as adults), was fifteen years old. Granted, by the age of fifteen, a child has most of the same knowledge as most adults, but never has a child younger than this been granted freedoms by the government to act as a separate entity from their guardians. So it seems odd that these children should be accountable as a separate entity (in other words, as an adult), when the government in all its restrictions thinks otherwise. In Cf. Bellotti v. Baird, the Court agreed that children are less intelligent and experienced than adults, who in criminal cases would be held to the same level of accountability. Here the Court gives its reasons as to accountability of children:

This Court has already endorsed the proposition that less culpability should attach to a crime committed by a juvenile than to a comparable crime committed by an adult, since inexperience, less education, and less intelligence make the teenager less able to evaluate the consequences of his or her conduct while at the same time he or she is much more apt to be motivated by mere emotion or peer pressure than is an adult (443 U.S. 622, 1979).

Furthermore in Trop v. Dulles, the Court made note that as society evolved and changed, so too would the standards and confines of the Eighth Amendment:

The authors of the Eighth Amendment drafted a categorical prohibition against the infliction of cruel and unusual punishments, but they made no attempt to define the contours of that category. They delegated that task to future generations of judges who have been guided by the ‘evolving standards of decency that mark the progress of a maturing society (356 U.S. 86, 101, 1958)."

In Thompson v. Oklahama, the Court again recognized that young adults were not as mentally advanced as adults and should not be held to the same standards as adults:
All of this legislation is consistent with the experience of mankind, as well as the long history of our law, that the normal 15-year-old is not prepared to assume the full responsibilities of an adult. Inexperience, less education, and less intelligence make the teenager less able to evaluate the consequences of his or her conduct while at the same time he or she is much more apt to be motivated by mere emotion or peer pressure than is an adult. The reasons why juveniles are not trusted with the privileges and responsibilities of an adult also explain why their irresponsible conduct is not as morally reprehensible as that of an adult (487 U.S. 815, 1988).

Despite all this evidence provided by the Supreme Court in support of the conclusion that young children ought not to be held to the same standards as adults, there are laws on the books that disagree. Florida is just one example of a state that disagrees. Here, a state attorney may decide to try children as adults, without regard to age. How can this be? Why are there laws that allow children to be tried as adults, even though it is common knowledge that they are not as morally culpable as adults? The *Chicago Tribune* recently published a story on this question where they interviewed several credible people. Deborah Vargas, a policy analyst with the Center on Juvenile and Criminal Justice said, “I think many people think that violent youth crime is on the rise,” while noting that in fact juvenile crime “is on the decline in double digits” (Schodolski, 2001). Vargas also claimed that “kids rarely know the law” and that “they don’t think about the consequences of their actions” (Schodolski 2001). Also included in the article was a statistic provided by the Justice Department, which stated that “violent juvenile crime fell 30 percent between 1994 and 1998” (Schodolski 2001). Professor Douglas Abrams of the University of Missouri-Columbia School of Law stated, “politicians like to appear tough on juvenile crime” (Schodolski 2001). Another point made by the author of this article, Vincent Schodolski, is that “the decision to transfer juveniles to adult court is made more often in Florida than in any other state” (Schodolski 2001).

Despite all the opposition that young children (fifteen and under) should not be tried as adults, there is disturbing evidence that the courts might be okay with this. An article by *Yahoo! Daily News* stated, “In 20 states there is now no minimum age for charging juveniles as adults. Lionel Tate’s conviction and sentencing is just one of the many such court decisions over the past few years” (*Yahoo! Daily News*, 19 March 2001).

Ultimately, the decision rests in the Supreme Court’s hands as to whether having no minimum age for charging juveniles as adults should be legal or if it constitutes cruel and unusual punishment. There is a growing amount of
opposition to such laws, and to the convictions (such as Tate’s) made under these laws, but there is little evidence that this trend will end soon. At this point, when school shootings are perceived as commonplace and children shooting children with guns are in headlines across America, there is little hope that the trend will reverse itself. It seems citizens and government officials alike feel they have to hold young children accountable as adults. As the number of laws that are tough on juvenile crime increase, the question of why must be addressed. If we are intent on treating children as adults, then why are there so many laws preventing children from engaging in activities reserved for adults, such as voting, driving, marrying, etc? The answer is that lawmakers (and for the most part, society) do not view juveniles as a separate entity from their guardians. Tate may need to be punished for his actions, but to deny the fact that he is a child and should consistently be treated as such, is to deprive him of his constitutional right under the Eighth Amendment. It is cruel and unusual punishment to hold a child to the same level of accountability as an adult, no matter what the child did. It cannot be said with any certainty how the Supreme Court feels about this, but perhaps it is time to let “evolving standards of decency that mark the progress of a maturing society” rule on this issue (Furman v. Georgia, 408 U.S. 238, 1972).

Severity of Sentencing

Is Tate’s sentence excessive in length or severity in proportion to the offense charged because of the mandatory sentencing requirement? Proportionality is defined by such “objective criteria” as: “(i) the gravity of the offense and the harshness of the penalty; (ii) the sentences imposed on other criminals in the same jurisdiction; and (iii) the sentences imposed for commission of the same crime in other jurisdictions” (Solem v. Helm, 463 U.S. 277, 1983). Several public figures and organizations such as Amnesty International have stated that they view the sentence that Tate was given as harsh and excessive. These types of groups are strong public opinion groups that have a large following in society, which in turn may or may not influence the Court’s thinking. Although Florida leads the way in trying juvenile defendants as adults, other states are also allowing juveniles to be tried as adults with no minimum age requirement. In respect to mandatory sentencing requirements, I have found through research for this paper that if they serve a legitimate state’s interest they are constitutional. However, in this case, because the juvenile was tried as an adult, there was a mandatory sentencing requirement imposed in accordance to Florida State law, which proved problematic. This resulted in the sentencing of a young boy to life in prison without the possibility of parole. Amnesty
International “condemned the sentence handed down to Tate,” stating that “such sentences was a violation of international law” (Yahoo Daily News, 25 March 2001). The organization also stated “the main purpose of any sentence in this case should be rehabilitation” (Yahoo Daily News, 25 March 2001). The seven Anglican bishops of the Episcopal Church of Florida “agreed to draft a letter to the governor because they shared similar views on the sentence – they see it as ‘cruel and unusual punishment’” (Miami Herald, 2001). Tate’s attorney pointed out that “Lionel Tate was given a sentence that Charles Manson was not given” and stated, “if this sentence stands, he will never go before a parole board. Serial killers go before parole boards” (Yahoo Daily News, 25 March 2001). In light of all this, public opinion would suggest that this sentence was cruel and unusual, and not in proportion with the crime committed or the circumstances presented at trial. Lionel Tate received a sentence of excessive length because of a mandatory sentencing law that was imposed by the state attorney when he decided Tate would be tried as an adult.

It appears that Tate’s sentence was too harsh, and thus constitutes cruel and unusual punishment under the Eighth Amendment. First, the court failed to realize that Tate was less morally culpable than a normal adult, for two reasons: (1) because he was a child; and (2) because he was mentally less developed than other children of his age. Second, Florida’s law, which allows children to be tried as adults with no minimum age requirement, might also be in dispute with the cruel and unusual punishment clause. The Supreme Court has found in the past that children fifteen and under should never be sentenced to death, which in turn might prompt them to render a similar decision which establishes a minimum age in which a child may be tried as an adult. In this case, that could have ensured that Tate be tried as a child, in order to ensure that his sentence would not be out of proportion to the crime and facts of the case. Lastly, the mandatory sentence requirement, which requires that all adults convicted of first-degree murder will go to jail for life without parole, is legal and appears constitutional. But in the context of this case, it does not seem constitutional because of the sentence it imposed on Tate. Again, if Tate had never been tried as an adult, then the sentence of life without parole would have never been imposed. Overall, the biggest problem with this case is the law on the books in Florida that allows children of all ages to be tried as adults. Perhaps it is time for the Court to use its “evolving standards of decency that mark the progress of a maturing society” (Furman v. Georgia, 408 U.S. 238, 1972) and realize that children are not allowed the same privileges as adults because they are children.
Notes

i “Mental defendants” are defendants who would be considered to be less rational than a normal human being. Because of this, they would be insane to a degree, and therefore would use the insanity defense, if they qualified, under Florida Law.

ii “Culpability” as defined by Black’s Law Dictionary means, “involving the breach of a duty” and culpable means “guilty, blame worthy” (Garner, 1996, 160).

iii Special verdict questions were: (1) whether Penry’s conduct was committed deliberately and with the reasonable expectation that death would result, (2) whether there was a probability that Penry would be a continuing threat to society, and (3) whether the killing was unreasonable in response to any provocation by the victim (Penry v. Lynaugh 492 U.S. 302, 1989).

iv “Deliberate” as defined by Black’s Law Dictionary is: (1) “intentional; premeditated; fully considered, (2) unimpulsive; slow in deciding” (Garner, 1996, 178).

v Though this case also dealt with the death penalty, it seems no less reasonable that one should not suffer any punishment in which they are unaware of why they are being punished, or the type of punishment they will receive.

vi As stated by Tate’s mother on CNN and various reporting networks in March 2001.

vii This standard came out of Furman v. Georgia in 1972.

References


Arguments For The Democratization Of Police Departments

By Patrick O'Connor

Editor's note: Those students familiar with standard political science methods will find that this paper, written for a philosophy course, is quite different. A large portion of the paper is devoted not to defending the proposed solution, but simply establishing that some solution is needed. This paper illustrates that the process of writing (or reading) a paper in which a very radical idea is defended can be very educational, and a good intellectual workout, even if, ultimately, the case is not convincingly made. Similarly, it is better to get a discussion going, even if certain questions are left unanswered, rather than not bother to bring up the issue at all.

To protect and serve.” These words have been thoroughly ingrained into the consciousness of almost every American citizen. But in light of the revelation of instances of abuses of power and corruption in major police departments, which seem to be occurring with ever-increasing frequency, the opening statement of this essay may, for some, beg the question: protect and serve whom? The cynical answer is to say that police officers protect and serve themselves, and such an answer is not without justification. Police officers are endowed with a significant degree of power and influence over the everyday lives of citizens, but are not held accountable to the citizens themselves. Such a paradox would seem to fly in the face of the democratic principles of government upon which this country was founded. The purpose of this essay is to attempt to establish the existence of problems within the current structure of police departments and show how they are not in accordance with democratic principles of government, the implication being that current institutions of law enforcement need to become more democratized. I then intend to suggest a possibility for the introduction of democratic principles into the currently existing structure of American police departments. Finally, I will attempt to anticipate and refute some of the stronger arguments against the democratization of police departments.

One of the main complaints with the existence of a police force is that the primary tool by which they discharge their duties is force itself. In this respect they are very similar to some of the criminals that police officers often
come into contact with. The significant difference between the two is that the police officer has the sanction and authority of government, while the criminal does not. That the police officer has the sanction of government, however, does nothing to insure that any particular officer will handle their authority in a responsible manner. In this context, the police officer and the criminal could be said not to exist as polar opposites on either side of a clearly defined line representing law, order, and democracy, but rather as points on a spectrum measuring a particular individual’s respect for the aforementioned principles. From this perspective, I feel very unsafe as a citizen when in the presence of police officers, as I am only as safe as the degree to which a particular officer has internalized the ethic of public service and respect for the laws which they are charged with not only enforcing, but also obeying. The figure of the rogue cop, while a familiar character in books and movies, is no mere fiction.

I am not going to cite specific cases of police corruption that have come to light in recent years, but I think that it is interesting to note that, whenever a scandal becomes public knowledge, it is not uncommon for police chiefs and department spokesmen to characterize such events as isolated incidents and the work of a few “bad apples” who have apostatized. I would argue here that those cases of police corruption, which have come to light, constitute the vast minority of incidents of malfeasance on the part of police officers, the majority never being revealed. The reason I argue this is that police officers, being charged with the enforcement of laws and the apprehension of criminals, are in the unique position of being able to conceal any wrongdoing they may participate in. This situation is further exacerbated by the “blue wall of silence.” Though never explicitly acknowledged, it definitely exists, with the effect that police officers who are abusing their authority do so in an environment that insulates them from scrutiny and, thereby, implicitly encourages illegal behavior. Given this, it could be argued that the police officer is potentially a greater threat to public safety than the criminal. Steps taken to curb such practices and hold up bad cops to the light of justice, such as internal investigation units and civilian review boards, have met with limited success.

This introduces another aspect of the police that conflicts with democratic principles: that of equality. Whereas behavior exhibited by an ordinary citizen might result in arrest and incarceration, police officers are, for the most part, free to exhibit identical behavior with impunity. In my opinion, this situation would seem to conflict with the Fourteenth Amendment of the Constitution, which requires equal protection of the laws for all citizens, insofar as police officers enjoy a degree of informal immunity from the laws they are charged with enforcing. A degree of inequality is also inherent in the fact that police officers are armed and have authority to use their weapons at their own discretion, unlike the average citizen.

Another problem with the current state of law enforcement agencies in
the United States is that they tend to enforce laws on a selective basis. Often an infraction committed by a particular individual will go unreprimanded when observed by an officer, but that same officer may cite another individual for committing the same infraction under nearly identical circumstances. Furthermore, certain segments of society seem to receive a greater or lesser degree of service than the “average” citizen. These effects seem to function along two axes: economic and racial/ethnic. Police tend to maintain a greater presence, and respond more quickly to calls for assistance, in wealthy neighborhoods and business districts, while members of racial minorities and those living in economically depressed districts generally enjoy a significantly lower level of public service. Also noteworthy is the practice of racial profiling that many police officers engage in. They act under the assumption that members of certain races are more inclined to criminal activities than others.

Another problem that I see with current law enforcement institutions is their “semimilitary” quality of organization (Berkeley 1969). Police departments in the United States are invariably organized in the form of a hierarchy, defined by ranks, which have names analogous to those encountered in military nomenclature. Also similar is the uniform which, while not bearing any strong resemblance to those worn by military personnel, has, over the years, assumed connotations of authority predicated on use of force as well as, for some, fear and brutality. Lastly, as previously mentioned, police are fairly well armed as a group. In this context, it is interesting to note that the sociopolitical climate known as the “police state” is the antithesis of a democratic society, and that the existence of an armed force within a society, operating without free consent of that society, can be said to be analogous to an occupying force. I would propose that the practice of assigning a military rank to police officers be abolished.

One final problem that I feel can be alleviated to some degree by democratizing police departments and allowing greater public participation in their operations is the often adversarial relationship that exists between police officers and society as a whole. Many police officers discharge their duties with an “us versus them” mentality that is often reciprocated by the public at large. As each element becomes more isolated and insulated from each other, the result is often a self-perpetuating cycle of mistrust, which, sooner or later, will justify itself in the form of criminal behavior, either on the part of citizens or police, thus, perpetuating the cycle. It is my belief that by introducing democratic processes and raising the level of public accountability and participation in police departments, this process will reverse itself.

Clearly something must be done here. We cannot simply abolish the institution of the police force entirely, as people in general are simply not responsible enough to police themselves. That we have so many police officers...
today, and, yet, crimes still occur with alarming frequency, serves as adequate proof that some sort of law enforcement is needed. But police officers are not “a breed apart” as it were, and are subject to the same moral weaknesses as any other person. In effect, the badge of a policeman could be said to be analogous to the Ring of Gyges, the myth that illustrates that people tend to be self-serving immoralists whose bad behavior is held in check only by means of the threat of punishment (Plato 2000). Police officers are individual human beings, and each has her own motivation for becoming a police officer. While I acknowledge that some persons are attracted to the job out of a desire to serve their communities by helping to make them safe, the authority and sheer power granted to police officers can, and does, attract persons who seek to gratify their own egos and break the law with impunity. A method is required by which those police officers who are clearly abusing their authority can be removed from their privileged positions in society and returned to the pool of common citizens. If we accept the premise that a system of justice should protect the innocent, then I believe that such a method would serve the interests of justice by minimizing the threat posed by such individuals to society. The method that I propose would allow for the election of police officers in much the same manner that we elect other government representatives.

One of the more fundamental aspects of the democratic process is the concept of the social contract, perhaps, most skillfully propounded by John Locke. This idea seemed to have much currency among the founding fathers, and is incorporated into both the Declaration of Independence and the U.S. Constitution. According to Locke, the most crucial aspect of the social contract was that of consent as the origin of the state (Locke 2000). This contract was entered into by free and equal individuals for the purpose of gaining greater safety. Thus, social contract theory implies equality, consent, consensus, and a degree of participation in the political process. None of these adjectives adequately describes the public’s relationship with those agencies granted the responsibility of enforcing the laws. On this point, one could argue that police do not serve or represent the common citizenry, but are beholden to the government and/or the laws enacted by that government. My response to this line of reasoning is to make a counterargument by extension: the police are merely the “tail end” of a process that begins with a popular vote. Citizens elect representatives, who are charged with representing the interests of their constituents. To this end legislation, is proposed and sometimes implemented in the form of a law. Thus, police officers are serving the public by enforcing the law implemented by a legislature that was voted into power by the public. Despite what seems to be attempts on the part of some police officers to place themselves on a level of superiority to the common citizen, they are, in
theory, subservient to the public, whose willingness to obey the law allows police officers to do their jobs. When the majority break the law en masse, the result is something akin to a riot or a rebellion. In such situations, police are hard pressed to protect themselves, much less other citizens. Unfortunately, it seems that many police officers have an overly developed sense of entitlement that stems from the lack of accountability currently inherent in the structure and organization of our police departments. My hope is, that by instituting a system whereby the public votes for those persons they would like to see wearing a badge, individual police officers would have an incentive to be more sensitive to the concerns of the public, and they would discharge their duties in a manner more consistent with that famous motto quoted at the beginning of this essay.

I feel that my proposal is also in accordance with Rawlsian principles of justice (Rawls 2000). If we take Rawls' premise of the original position, from which a system of justice is theoretically drawn up from behind a “veil of ignorance,” it would seem consistent with the tenets of the original position that citizens should have the greatest possible degree of input in regard to who shall be granted authority to use force to gain compliance with the laws of society.

I also believe that my proposal concurs with utilitarian notions of what constitutes good public policy. By electing law enforcement officers, citizens can weed out the rogue cops and abusers of authority, resulting in citizens who are less fearful and more supportive of their police departments. Having elected those officers who are currently serving in the department, the public will enjoy a certain degree of empowerment and responsibility. I see all of these predicted effects as having a greater degree of social utility.

It would also seem that democratizing police departments makes good sense when viewed from a libertarian perspective, which emphasizes the most minimal degree of government necessary. It is obvious that some domestic peacekeeping force should exist, as people are simply not responsible enough to observe the laws on their own. So, from a libertarian viewpoint, police departments are a necessary evil. (I am, for purposes of this essay, disregarding libertarian notions of privately-contracted security firms.) Given that police departments constitute a necessary evil, the degree of “evil” can be reduced by making police officers accountable to the public by means of the electoral process.

Regarding the mechanics of an electoral system by which police officers would be elected to their jobs, a few qualifying comments should be made. When discussing my proposal with others, one of the major problems raised was the logistics involved in such an endeavor. Some large cities employ thousands of police officers, and even small cities might have a hundred or more
police officers on the payroll. This suggests that police elections would need to be held on a local level; citizens, that is, would only be selecting police officers for their own immediate geographical area. (Similarly, residents of Butte County do not now vote for the future Sheriff of Plumas County.) Restricting the elections in this way should streamline the process somewhat.

There is also the issue of politicizing what seems to be a civil service position, and the possibility of increasing corruption through manipulation of public opinion. On the first point, I would argue that police are not civil servants in perhaps the same vein as a teacher or building inspector. This argument rests on the premise that police have a much greater degree of power, authority, and responsibility bestowed upon them than other types of municipal employees; they potentially have a much greater impact on the lives of citizens. To address the possibility of introducing all of the potential problems associated with the electoral process, my conception of such a process would forbid campaigning in the traditional sense. No potential officer would be allowed to promote herself through media outlets, nor would any private citizen or business enterprise be allowed to promote or facilitate the promotion of any potential officer for election. Officers would “campaign” solely on their job performance during the previous term, a summary of which would be made available to the public. This summary would enumerate such things as the number of arrests, the number of arrests resulting in convictions, the number of citizen complaints against a particular officer, and the number of compliments lodged with the department by citizens on that officer’s behalf. In effect, voters would make their decisions based on neutral information derived from facts regarding that particular officer’s job performance. Obviously, if a citizen has had personal contact with the officer in question, such an experience would also factor into that citizen’s vote. The intended purpose of these qualifications is to nullify the potential for citizens to be persuaded by nonfactual information.

Another problem that could potentially arise if such an electoral system were to be implemented, is that it might facilitate “vengeance voting,” whereby a citizen might decide to vote against a particular candidate based solely on a (presumably unpleasant) experience with the officer in question. Thus, citizen A might be tempted to vote against officer X because officer X issued a speeding ticket to citizen A at some point in the recent past, disregarding the fact that citizen A was speeding at the time and knew it. The danger here is that officers may be voted out because they have done their job well. On this point, my only defense is to appeal to my understanding of human nature which posits that, in general, the sort of person who harbors such negative emotions and tends to thrive on negativity, is not the same sort of person who makes it out to the polls very often. Of course, if an individual truly feels her rights were
abridged under color of authority, then that person may in fact have just cause to vote against a particular candidate, and should make an effort to do so. Also, if a particular officer is doing her job in a lawful and upright manner, then even quite a few “grudge votes” shouldn’t injure her chances for re-election.

In closing, I believe the democratization of police departments will: (1) foster greater sensitivity and respect on the part of police officers toward the public by introducing a significant degree of accountability; (2) explode the “good old boy” mentality held by many police officers who feel that they are above the laws they have been charged to enforce; (3) allow citizens to take meaningful action in order to rectify perceived problems and inadequacies in their police departments; and (4) foster a greater degree of interaction and communication between police departments and the public they serve, resulting in a decrease of mutual mistrust and suspicion. I acknowledge the roughness of my proposal and admit it needs quite a bit of polishing up before it can be considered a workable model of democratic principles, but I feel that, at least in theory if not in practice, my proposal is a sound one and deserves consideration.

References


Public Schools: Does Money Matter

By Tammy Strobel

In the United States, public education is made free and available to all students, regardless of their economic background, because it is assumed that in order to sustain a democracy, individuals must attain the skills necessary to communicate their political positions and participate in the concerns of their communities and nation. It is also assumed that education enables individuals to develop qualifications that are necessary to succeed in a competitive job market. Additionally, it is assumed that our diverse public schools—which are attended by children of different racial, religious, cultural, and class backgrounds—provide much more than the basic educational training; they also blur the lines of social prejudice.

Given the importance placed on schooling, it is little wonder that most of us agree that the responsibility for it should be under the auspices of our government. We are not comfortable leaving the task of socializing future generations of citizens to the sole discretion of individual families or private enterprises. Under those conditions, we suspect that the results would be inadequate educational opportunities for poor children. But even those who are in agreement that education should be free and public, disagree on whether the government funding supplied to schools should be allocated equally. On one side of the debate are those who argue that money does not significantly affect educational outcomes, and, therefore, attempting to equalize funding among schools is unnecessary. On the other side are those who argue that there is a clear connection between educational outcomes and monetary contributions. This position holds that unequal and inadequate school funding insures that economically disadvantaged children will generally receive an inferior education.

In this paper, I take the side of the proponents of increased and equalized school spending. I argue that only when funding for schools is allocated equally to all students, will they be able to produce citizens who are prepared to participate fully in our system, and prevent this democratic society from turning into a caste system based on race, ethnicity, or religion. I go about supporting this argument by first examining why critics of equalized school spending contend that money does not matter to providing quality educa-
tional opportunities. I will then examine the current condition of some of our poorer schools. I attempt to demonstrate that to fully understand education deprivation, it is important to understand what is happening in the education system to many economically disadvantaged children. It is here that I attempt to illustrate the importance of equalized school spending. Finally, I conclude with a discussion of the future of education.

The Money Debate

It has been almost fifty years since the Supreme Court decision in *Brown v. Board of Education* (1954), but equity still remains a central issue in the current debate concerning education. In that decision, the Supreme Court declared that education should be one of the “most important functions of state and local government.” Ironically, less than twenty years later, the Court held in *San Antonio Independent School District v. Rodriguez* (1973) that poor students did not have a “fundamental right” to receive the same equal educational opportunities as their wealthier counterparts.

That an inequality of educational opportunity exists is primarily the result of the way in which U.S. public schools are typically funded. The majority of states in the U.S. fund their educational system through local property taxes. Since the early 1970s, “local funding has fluctuated between 47.7 and 48.8 percent of total revenues with most other educational funds derived from state governments, whose average contribution is now 45 percent” (Anyon 2000, 129). This system creates considerable inconsistencies in the amount of available school funding from community to community because taxable property wealth varies greatly. School districts located in neighborhoods that have higher property values can generate higher revenues to finance education, while taxing at a lower rate. Poor communities, on the other hand, have low property values and must tax at a higher rate in order to generate enough revenue for their schools. As Kozol (1991) explains, “Property tax depends upon the taxable value of one’s home and that of local industries. A wealthy suburb in which homes are often worth more than $400,000 draws upon a larger tax base in proportion to its student population than a city occupied by thousands of poor people” (45). Even if the poor tax themselves at several times the rate of an extremely wealthy district, they are likely to end up with less money for each child in their schools.

Supporters of this form of school financing are not particularly concerned about the disparities created by such a system. According to Morgan (1998), “Critics of providing equal educational opportunity for economically disadvantaged students often contend that there is nothing wrong with the present
way schools are funded because it gives parents the freedom to spend more money toward education of their children if they choose to do so” (5). Their conclusion seems to be that children who reside in more affluent school districts receive a higher quality of education because their parents simply want “to do more” for them. These parents argue that any measures designed to redistribute their taxes to poorer areas would violate their right to local autonomy.

As long as such attitudes prevail, there will exist significant inequalities in funding between richer and poorer schools districts. Poor districts cannot tax themselves at levels necessary to obtain quality education because their tax bases cannot support it. Residents of such communities cannot compensate for resources they do not have. “For example, poor areas of the Roosevelt community have ‘struggled to maintain its schools with a tax base of mostly modest one-family homes, little industry and a strip of small businesses’” (Lynch 1998, 5).

Furthermore, poorer neighborhoods, particularly in urban areas, contend with what is called a “municipal overburden.” Municipal overburden occurs “when districts with lower property values are reluctant or unwilling to raise taxes for any purpose, even education, due to the already high costs associated with maintaining their police forces, firefighters, garbage collection, and other municipal employees” (Ayon 2000, 168). For example, cities like Chicago must divert a large portion of their limited tax revenues to non-school costs that wealthy suburbs do not face, or face only on a far more modest scale.

These differences are further intensified in larger cities because there are a disproportionate number of entirely tax free institutions such as colleges and museums. “In some cities…30 percent or more of the potential tax base is exempt from taxes, compared to as little as 3 percent in the suburbs” (Duncombe 1998, 240). Suburbanites enjoy the use of these non-profit, tax-free institutions, and in the case of private colleges and universities, they are far more likely to enjoy their use than are the residents of inner cities.

Again, such disparities do not bother those who believe that there exists little connection between level of spending and quality of education. For example, after reviewing the influential 1966 report Equality of Educational Opportunity, Christopher Jencks argued that “there is no evidence that school reform can substantially reduce the extent of cognitive inequality, as measured by tests of verbal fluency, reading comprehension, of mathematical skill” (1972, 205). Jencks goes on to suggest that such results obtain because genetics play a role in determining educational success. It is his suggestion that money does not matter because the impact of academic achievement is hindered by communities and families, and, thus, money does not matter because some chil-
David Armor (1995) and Eric Hanushek (1989) also contend that money matters little to the quality of education. Armor contends that desegregation is ineffective as a strategy for improving educational outcomes, while Hanushek draws a similar conclusion with respect to school finance reform. According to Armor and Hanushek, desegregation and school finance reform cannot be legally justified, for there is no educational harm in racial segregation or in the inequitable distribution of resources. They contend that increased funding would not make a difference in educational outcomes because public schools cannot be made to work any better than they already do for poor and minority children. They both suggest that if we are dissatisfied with the current educational outcomes, increased privatization of education may be a useful answer.

Former Secretary of Education, William Bennett, concurs with the conclusions of Armor and Hanushek. In his analysis relating state spending on schools to state-level SAT scores, Bennett concluded that there was no relationship between money and achievement levels. According to Bracey (1997), “Bennett noted that many of the low-spending states have high SAT scores and some of the high-spending ones do not. Pundit and fellow ideologue George Will pounced on Bennett’s finds and trumpeted it in one of his Washington Post columns” (21). Will observed that the top five states in terms of SAT scores—Iowa, North Dakota, South Dakota, Utah, and Minnesota—were all low spenders. On the other hand, New Jersey—which finished 39th in the “great SAT race”—spends more money per student per year than did any other state in the nation (Bracey 1997).

Advocates of equalizing school spending criticize the conclusions of studies such as these. For instance, Bracey contends that Hanushek’s methodologies are flawed: “Two analyses of the same data have showed that Hanushek’s data contradict his conclusions. Independent researcher Keith Baker pointed out that although Hanushek claimed to have reviewed 187 studies, only 65 actually dealt with the money achievement relationship” (1997, 22). Hanushek claimed that there is no relationship between money and achievement; however, he did not explain the “decision rule” he used to reach this conclusion. He merely presented the numbers and then stated his conclusion that no relationship could be found.

In contrast, Baker found that many of the studies in Hanushek’s analysis indicated a positive relationship between education funding and achievement. Out of the 65 studies, 38 indicated a positive relationship (the rest either showed no relationship or did not have enough information to allow a conclusion one way or the other). Furthermore, Baker observed a significant defect in Hanushek’s logic: “Hanushek’s analysis dealt with the level of achievement that
student’s attained, but his recommendation not to throw money at the schools dealt with changes in achievement” (Bracey 1997, 23). But as Baker points out, level of achievement and change in achievement are two significantly different variables, and tend to be determined by different circumstances. Level of achievement, unlike change in achievement, tends to be dramatically affected by non-school variables such as family. Baker used a study by the Educational Research Service to demonstrate that most of the differences among states in level of achievement were attributable to four non-school variables: “parental education level, number of parents in the home, type of community, and state level poverty rates for ages 5 through 17” (Baker 1991, 630). Changes in achievement, however, appear to be much less affected by non-school variables, and much more affected by what is going on in the schools. Thus, by putting more money into an impoverished inner-city school, we could expect to bring about significant positive changes in achievement; we would not be guaranteeing, however, that the level of achievement in the school would rise to match those we find in more affluent schools (Bracey 1997).

William Bennett’s conclusions are subject to similar criticisms. Bracey noted that neither Bennett nor Will seemed to notice that in those states in which students score high on the SAT, few students actually take the SAT. “In the year of the study, the percentage of high school seniors taking the SAT was 5 percent in Iowa, 6 percent in North Dakota, 5 percent in South Dakota, 4 percent in Utah, and 10 percent in Minnesota” (Bracey 1997, 21). These percentages are significantly lower than that of states like New Jersey. This is significant because, as one study found, the difference among SAT scores is due to the number of students taking the test. The study found that “if all states had the same participation rate, SAT scores increased 15 points for every $1,000 spent above the national average” (Gerald 1997, 21). In other words, the level of educational funding does seem to make a difference in how well students perform on the SAT.

In a more general criticism, L. Scott Miller argues that one problem with the argument against increasing school spending is that it does not take into account the “intergenerational effects of school quality” (1995). Miller contends that resources invested in the schooling of one generation affect the family background of the students of the next generation. It follows that improved academic achievement will result in the increased future earning potential. Miller claims that this fact is important because family incomes counts more than race, ethnicity, or sex in determining scores on achievement tests. Put another way, a disproportionate number of children who perform well in schools come from families with higher incomes (Miller 1995, 209).
The Effects of an Unequal, Inferior Education

Keeping the argument about whether money matters at the abstract level makes it easier to contend that it does not matter, even in the face of reasonable counter arguments. It is less easy when we examine the concrete reality of the conditions of our poorest schools and the effects they have on the learning abilities of the students in them. As New Jersey Supreme Court Justice Handler commented, “We cannot expect disadvantaged children to achieve when they are relegated to buildings that are unsafe and often incapable of housing the very programs needed to educate them” (Lynch 1998, 6).

Poverty has long been associated with lower educational performance, and some use poverty as an excuse to allow impoverished schools to provide inadequate education to children. Allowing many children in the United States to learn in a deficient and unequal public schools system ensures that many of those children will continue to live their lives in poverty:

In fact, quantitative evidence indicates that individuals who are raised in environments of poverty and social isolation are more likely to drop out of school, achieve only low levels of education, and earn lower adult incomes... As a group, economically disadvantaged children comprise one-fifth of the total juvenile population in America and are, in fact, the poorest group in this country, surpassing adults (Lynch 1998, 3).

Additionally, overcrowding in many schools has become the norm throughout the U.S.. For example, poor children in New York attend schools which are filled to capacity, even though studies have shown how decreased class size can increase a child’s learning abilities in basic subjects such as math and reading. Bushwick High School in Brooklyn was originally built for 1031 students but has operated at two hundred percent overcapacity. “Similarly, students at Public School 150 in Manhattan have been taught in classrooms that their principal contended were nothing more than oversized closets and ‘where second graders shiver from drafts that whistle through rotting window frames’” (Lynch 1998, 5). Another alarming fact concerns poor wiring systems in some New York schools. As late as 1997, P.S. 150 was unable to use computers to aid in teaching because of an inadequate electrical wiring system.

Urban children are not generally predisposed to failure in school; however many challenges exist that can interfere with their success in that context. Jonathan Kozol (1991) has chronicled the challenges facing urban students, including poverty, social marginalization, racism, classism, violence, and crime. Furthermore, educators in urban settings are hard to recruit and face press-
ing issues such as violence in school and in the surrounding areas, funding inequalities that exist between urban schools and suburbs, and “inadequate preparation of educators to provide culturally relevant curricula for students in an urban setting” (Gardner 2000, 76). “In addition,” writes Gardner, “it is a struggle to retain well-qualified educators who are committed to high academic achievement for all students regardless of race, ethnicity, functioning level, socioeconomic status and gender” (76).

Urban children are not the only ones who face problems. There are also suburban and rural districts in which children are isolated and desperately poor. For example, children in northern Maine, Kentucky, and Arkansas face a number of problems that are also seen in East St. Louis and Chicago, although the nature of poverty in rural districts is different. As Kozol writes, “The most important difference in the urban systems, I believe, is that they are often just adjacent to the nation’s richest districts, and this ever-present contrast adds a heightened bitterness to the experience of children…It is this killing combination … that renders life within these urban schools not merely grim but also desperate and often pathological” (Kozol 1991, 74).

Kozol has visited many urban schools in such places as East St. Louis, Chicago, New York, Washington D.C., and San Antonio, among others. As he sees it, poor people in the U.S. are largely invisible; poverty is not seen as a problem by the majority of the population. Rather, it is perceived as distant, and remains out of sight. Moreover, existing patterns of poverty tend to be reinforced by government education policies which leave individuals with little freedom of choice. As Kozol points out:

Government, of course, does not assign us to our homes, summer camps, our doctors…It does assign us to our public schools. Indeed, it forces us to go to them. Unless we have the wealth to pay for private education, we are compelled by law to go to public school – and to the public school in our district. Thus the state, by requiring attendance but refusing to require equity, effectively requires inequality. Compulsory inequality, perpetuated by state law, too frequently condemns our children to unequal lives (Kozol 1991, 56).

East St. Louis is the home of some of the sickest children in America. “Of 66 cities in Illinois, East St. Louis ranks first in fetal death, first in premature birth, and third in infant death. Among the negative factors listed by the city’s health director are the sewage running in the streets, air that has been fouled by the local plants, the high lead levels noted in the soil, poverty, lack of education, crime, dilapidated housing, insufficient health care, unemployment”
(Kozol, 20). Because the maternity ward was forced to shut down a few years ago due to financial problems, there is no place to have a baby; the closest obstetrics service open to women is seven miles away. Children also suffer from dental problems, poor nutrition, and fear of violence. The problem is made worse because chemical plants in East St. Louis and adjacent towns have been releasing toxins into the sewer system, which overflow into school cafeterias, backyards, and play grounds.

"At least as far back as the Coleman report (a large educational study), scholars have known that an individual's poverty level has an effect on academic achievement. As socioeconomic status goes down, so do test scores and other indicators of student performance" (Orr and Stone 2001, 2). Less publicized evidence shows that the level of poverty school-wide also has an effect on an individual student’s achievement whether or not that student herself lives in poverty. The U.S. Department of Education’s Prospects Report (Puma, Jones, Rock & Fernandez, 1993) found that although non-poor students perform consistently better than their impoverished classmates, the performance of non-poor students tends to decline as the proportion of their classmates below the poverty line increases. This is a so-called “tipping point,” where school poverty begins to seriously affect student performance. “School poverty depresses scores of all students in schools where at least half the children are eligible for subsidized lunch and seriously depresses the scores when more than 75 percent of students live in low income households” (Puma et. al 1993). High levels of school wide poverty pose an even greater educational challenge to school districts.

Jonathan Kozol has painted a haunting portrait of what the effects of inequality and underfunding are on poor children in today’s schools. Yet as he notes, “None of the national reports I saw made even passing references to inequality or segregation. Low reading scores, high drop out rates, poor motivation - symptomatic matters – seemed to dominate discussion” (Kozol 1991, 3). After reporting in gripping detail on the horror too many children experience growing up in contemporary America, Kozol concludes, “Surely there is enough for everyone within this country. It is a tragedy that these good things are not more widely shared” (Kozol 1991, 233). But in spite of pleas by Kozol and many others, the need for a more democratic sharing of the good things in this country has not been included in the discussion of educational reform.

The Future

The needs of children are a low priority in public policy decision making and the resources desired by those who work with children are in short supply.
Practicality dictates that much more money is needed for public education in the United States. We have a two track educational system that prepares some for active citizenship, including social, cultural, and political leadership, as well as meaningful work, while preparing others for a second-class kind of citizenship characterized by “deskilled labor.”

Money can be found to improve the public school system. Progressive school advocates have been far too timid in demanding their share of this nation’s extraordinary resources. Most of those who speak of a need for additional resources talk of ways to cut the costs in central bureaucracies. Certainly many school bureaucracies need to be trimmed, but that is only a small start in addressing the needs of today’s youth. Others talk of modest tax increases, but no one today is calling for a massive campaign to meet the needs of youth. In times of war, and grave economic crisis Americans have looked to the federal government. Why not now?

At the time of the savings and loan crisis, many commented on the speed with which the government found billions of dollars to live up to the commitment to insure the nation’s banking system. During the 1980s the nation found the funds to supply Ronald Reagan’s campaign to expand armaments until the Soviet Union was bankrupted. The funds which were spent on arms build up at home are exactly the funds which should be transferred to today’s schools. To discuss reform in education while failing to make the case for a massive transfer of funds from the military to schools and related social services is to admit that one is not genuinely serious about educational reform. All of the calls for high standards, all of the calls for first-class education for all citizens, ring hollow unless we are willing to talk about such a massive transfer of funds. The money for education is there, but is in the wrong part of the federal budget.

No issue of domestic policy has more far reaching implications for the nation’s future. At issue are the most fundamental questions of democracy, whether the nation is going to value the contribution of all its citizens or whether there will be a massive retreat into different enclaves, some re-served for the well educated and some reserved for the poor. While reason for optimism may be scant at the present moment, the American people have risen to great challenges in the past. The issue today, for all who care about schooling, for all who care about living in a vibrant democratic society, is to rethink the ultimate goals of education by reducing or eliminating the political and economic isolation of many poor people in America. To really improve a child’s chances, in school and elsewhere, we must increase their social and economic well-being and status before and while they are students. Ultimately, we must address and eliminate the causes of poverty.
References


The Marketplace Of Nonprofit Organizations

By Bob Ray

This paper looks at nonprofit corporations in the United States. The focus includes nonprofit funding options and an evaluation of public/private and private/private relationships. Nonprofits face a variety of challenges in the beginning stages of startup. First, and usually foremost, is uncovering a reliable funding source or sources to support operations and programs. Another concern for fledgling nonprofits is how to identify and follow a strategic plan for growth while following a path that preserves the mission and service goals of the organization. Often the methodology for securing funding is the primary determining factor affecting long-term growth of a nonprofit corporation. Identifying a reliable funding source or sources can be both confusing and complicated, especially for those unfamiliar with the eccentricities of the grant process.

Nonprofits, in their initiating stages, are faced with choosing from five primary funding alternatives. Each funding source provides differing degrees of autonomy and self-control to organizations. One funding option is local or regional fundraising campaigns or activities. A second option is private foundation grants. A third option is government grants. A fourth option is a combination of two or all of the funding options stated above. A fifth option—addressed only briefly in this paper—is the utilization of membership or user fees. It is assumed, for the purpose of this research, that most nonprofits utilize a combination of funding sources, but are accountable to and reliant upon one large primary source.

Public/private partnering of nonprofits has grown in the United States as government continues to expand its role in the contracting of social services and programs through the private nonprofit sector (Lipsky and Smith 1990). This paper looks to the relationships and challenges confronting these associations and evaluates the benefits to nonprofit organizations. To better understand funding challenges, it is important to review the government grant process and the administrative tools sometimes used to control private sector organizations. These administrative tools are also present in the private foundation/private nonprofit relationship. In the following article, the role of funding nonprofits will be evaluated and conclusions given based on the avail-
able research.

This paper makes the assumption that every funding source carries responsibilities particular to that funding source whether it is government, private, or multiple small donors. These responsibilities are primary to the operation and affect the mission and services of each nonprofit. This assumption is made because the smaller sources of funding probably would not, by themselves, sustain a nonprofit after a primary source is lost. This does not preclude organizations from locating another primary source, but it should be recognized that a sudden loss of funding could do serious damage to a smaller organization. A developing/startup organization must make decisions regarding which primary funding source to pursue. This choice is often difficult. The decision is based on each organization’s perception of which source would best meet its particular mission and goals.

The following article will evaluate and compare funding sources and how they affect 501c3 tax-exempt charitable public-benefit nonprofit organizations. These comparisons will create a better understanding of why certain funding methods are preferred and what variables affect the marketplace of nonprofit organizations. One problem for charitable nonprofits is the lack of information available to make the important funding choices. This paper serves to clarify and condense known information.

Funding Model and Nonprofit Overview

In her 1996 study, “Altruism, Nonprofits, and Economic Theory,” Susan Rose-Ackerman points out that, “a nonprofit organization can survive only if it can attract money and customers, and in some cases its ideological character will facilitate both of these tasks” (Rose-Ackerman 1999, 724). An organization’s ideological character may determine the course of its funding choices. For example, universities and colleges primarily utilize a combination of government grants/contracts in combination with tuition fees and fundraising. Universities also contract for research from the private sector (Ferris 1991). In the case of nonprofit universities, the most advanced ideological connection occurs between the government’s education mission and the primary purpose of educational institutions: to educate. This partially explains why government is the primary funder of nonprofit educational institutions. This connection is clear and has generally remained constant. This funding model was established early in U.S. history and has established itself as the best, or at least the most common, method of running higher education nonprofits in the United States.

It is important to recognize that there are many different types of non-
profits and each will have a different model that works best. Michael Useem, in his study of social organizations and the business elite, identifies seven different types of nonprofit organizations: “(1) regional, community, or economic development organizations; (2) cultural organizations (e.g. art museums, symphony orchestras); (3) research and scientific organizations (e.g. research institutes); (4) philanthropic foundations; (5) colleges and universities; (6) health-related organizations (primary hospitals); and (7) charitable organizations (e.g. The United Way)” (Useem 1979, 560). Each one of these nonprofit organizations should have a funding model that tends to serve its interest best. The question this paper seeks to answer is the following: which funding model is best for a small charitable nonprofit?

**Fundraising Campaigns**

For the purpose of this study, we will assume a charitable organization’s priorities include the need to pursue startup and long term annual funding, the need to financially support a full-time staff, and the need to secure at least one principal funding source. While each nonprofit is different, many rely on local and regional fundraising campaigns. James Andreoni identifies several types of fundraising campaigns. Andreoni’s 1998 article, “Toward a Theory of Charitable Fundraising,” investigates “seed money” and whether it is a necessary component for generating enough money to start a successful nonprofit. His hypothesis is that “small private fundraisers have a natural and important role and sometimes a small amount of seed money can grow into a substantial charity” (Andreoni 1998, 1186). He finds that a model of privately provided public goods can include a role for fundraising. He also finds that money given by leaders (within the organization) is essential to a successful fundraising campaign. Furthermore, his findings demonstrate that success is directly linked to an organization’s ability to generate money in the early stages of startup (Andreoni 1998). The author performs a case study analysis on several major capital campaigns. However, Andreoni’s study would have more validity and would be more suitable (to this study) if it included fundraising campaigns for smaller charities and had been conducted over a longer period of time.

Andreoni notes that seed money is a necessary function for many nonprofits, yet, in the cases he investigated, none relied solely on fundraising; instead, they relied on many sources to generate money. It seems unlikely that a startup nonprofit would benefit by relying on fundraising campaigns as a primary source. However, should a startup charitable organization be most concerned with preserving its independence; fundraising could be the most preferable funding source. Choosing fundraising as a primary source, in theory,
should be the best way to preserve the mission of an organization because the organization is only beholden to pleasing the donors. Otherwise, an organization is beholden to a government agency or private foundation and the restrictions levied by the contracts that accompany grant funding. Donors do not write restrictions and mandates into their individual donations. If donors are not satisfied, they will simply stop donating.

Also important to note is the difference between major capital fundraising campaigns and smaller program campaigns. In Andreoni’s study, “capital campaign” fundraising is identified as a method utilized by nonprofits to buy expensive equipment or to construct new buildings. Andreoni points out that most startup organizations first acquire “seed money” through grants or large gifts before they begin the capital fundraising campaigns (Andreoni 1998). The production of seed money before the public announcement launching the capital campaign, is very important to the process of successful fundraising. Often government grants provide the seed money necessary to begin a successful capital campaign. A government grant will generally cause an increase in local donations (Steinberg 1987).

It is also important to note that findings demonstrate that economic trends affect the amount of donations to charitable organizations overall. The general increase of income to each citizen in a community will cause donations to rise (Steinberg 1987). Should the economy fall into recession or depression, a smaller charitable organization, dependent on many smaller individual donations, will see a sharp decline in revenue. For the most part, research indicates that successful smaller donor fundraising campaigns are driven by the promise of matching donations from large donors or government “matching grants.” Most charitable organizations rely on several funding sources.

The ability of nonprofits to rely on fundraising as a primary funding source can be problematic. In some conditions, giving may decrease over time, causing a charity to go out of business. Another problem for emerging nonprofits is “entry barriers.” The supply of charity entrepreneurs is limited and existing firms monopolize a portion of “ideological space.” “In particular, donors probably have some ‘brand loyalty’ to existing charities that make it difficult for new charities to establish a foothold” (Rose-Ackerman 1982, 205). In the long term, the greatest benefit of local fundraising is the ability of an organization to remain focused on its mission. It has been shown that givers often share the ideological perspective of the nonprofits to which they give. This allows a nonprofit to remain loyal to its mission and to some degree the organization’s funding depends on fulfilling their mission (Rose-Ackerman 1982).

Fundraising campaigns are difficult for smaller charitable organizations
because of the time, cost, effort, and repetition necessary to generate a high
fiscal return. Fundraising campaigns are also problematic simply because they
typically require a high degree of staff time to generate the type of funding
necessary to comply with the needs of an annual operating budget. Whether
or not a smaller nonprofit organization decides to utilize fundraising as its
primary source of revenue should be determined by the size and scope of the
organization and the services it wishes to provide. The larger the charitable
organization, the higher the operational budget, and the more that organi-
zation will need to diversify its funding sources. However, if the nonprofit is
small, predominately reliant on volunteers, and has very small capital costs,
then local fundraising can sustain the organization, its mission, and its autono-
my.

Funding for Nonprofits and the Private Sector

The next body of research investigates the role of the private sector in the non-
Patronage Toward Citizen Groups and Think Tanks: Who Gets Grants,” private
foundations are “important patrons for nonprofit organizations” (758). The
author also points out that, “little is known about the allocation of grants to
specific organizations and most of the available research thus far are qualita-
tive case studies, or data aggregated by foundation or subject area” (Lowry
1999, 758). Lowry speculates that corporate giving is dependent on the receiv-
ing organization’s program activities, governance structure, and the mode of
operation. Lowry analyzes grants given by company-sponsored foundations
and independent foundations to nonprofit citizen groups concerned with
wildlife and the environment. He finds that company-sponsored foundations
make relatively small, unrestricted grants to a few organizations. The organiza-
tions most favored by company-sponsored foundations are those that do not
pose a threat to corporate interests (Lowry 1999).

The terms and allocation of these grants are consistent with attempts
to purchase good will or perhaps obtain access or information. Independent
foundations tend to make larger grants to fund specific programs. They fund
organizations that have many “outside” directors who can act as brokers and
reassure potential donors that their money will not be misused. This implies
that company-sponsored foundations are primarily interested in an organi-
zation’s general reputation. Lowry’s study also indicates that both company-
sponsored and independent foundations avoid environmental organizations
whose dual tax status allows them to engage in unlimited lobbying and parti-
san politics (Lowry 1999).
The question of corporate agendas must also be addressed. Lowry identifies the following ways foundations may attempt to advance their own interests by giving grants: (1) giving can serve as a form of advertising; (2) giving can promote a local community so as to attract high-quality employees; (3) giving may serve to alter the agenda of recipient organizations; (4) giving may allow the foundation to obtain access to important decision makers; (5) corporations might also support nonprofit interest organizations that pursue pro-business political agendas; and (6) giving may advance a particular cause or ideology (Lowry 1999).

It becomes clear that the goals and history of each foundation are important considerations when seeking funding from the private sector. For startup charitable nonprofits, researching the private sector options is important. Foundations will be unlikely to fund programs that are contrary to the goals of their foundation. They will stay away from controversial organizations and attempt to match their mission and goals with those organizations that promote their own. They like good press and tend to assist those organizations with the same ideological philosophy. If a startup nonprofit can match their program goals with those of the patron foundation, they will have a better chance of receiving funding.

How much money is available from the private sector? How reliable and how restrictive is foundation funding? These are important considerations for a smaller startup charitable nonprofit. While the following information is focused on giving to wildlife and environmental organizations, the figures still offer a larger understanding of the role and scope of giving by the private sector. Lowry compares company sponsored grant donation activity to independent foundation activity. He finds that independent foundations gave $32.6 million, while company foundations gave $1.5 million. The median annual value of grants made by independent foundations was twice as large as those by company sponsored foundations. Over seventy percent of company foundation grants are listed as unrestricted, while only twenty-six percent of independent foundations are listed as unrestricted (Lowry 1999). It can be concluded from Lowry’s research that company foundations give far less money, in smaller increments, than do independent foundations. However, independent foundations carry far more restrictions. Lowery concludes from these findings that company foundations are attempting to buy “good will” through smaller unrestricted grants. On the other hand, independent foundations are more interested in promoting positive social change (Lowry 1999).

Much of the research with reference to the private sector focuses on the connections between the business world and the boards that direct corporate foundations in their allocation of monies to nonprofits. The connection
between those in control of allocating funds and the nonprofits providing services for the public is important. “The amount of money which nonprofit charitable organizations received from corporations was a function of their (nonprofit) reputation among corporate giving professionals” (Galaskiewicz 1985, 639). Galaskiewicz, in his case study of corporate giving in Minneapolis, tracks corporate giving over time. His findings indicate that professionals tended to select other professionals they interacted with over semi-professionals they did not. The way professional or semi-professionals from non-profits can solve this disconnection is to join professional associations or networks to gain access to the business community they need to solicit (Galaskiewicz 1985).

The decision to pursue private funding from corporate givers is often determined by whether members of the startup nonprofit have a reputation with those professional members that control the distribution and allocation of funding requests. A smaller service-oriented nonprofit should strive to gather a board that is well respected in the corporate world. This will increase the likelihood of success in generating money from corporate and private foundations. Relationships with granting boards should be established to better enable an organization to secure reliable corporate or private foundation funding. The choice of a startup nonprofit to pursue private donations is not solely dependent on whether or not they have connections to the corporate world; rather, it is enhanced by those connections.

Michael Useem also studied the social organizations and American business elite in his 1979 article, “The Social Organization of the Business Elite and the Participation of Corporate Directors in the Governance of American Institutions.” His study analyzes statistics likening corporate executives to nonprofit boards. He finds the following:

Governing boards of museums, high level government offices, and public agency advisory panels are filled with business people, though rarely is their dominance complete. Studies of the occupants of the governing circles of nearly all American intuitions, whether public or private nonprofit invariably reveal that the surest career for entry into such circles is corporate management (Useem 1979, 553).

This study further verifies the professional network theory presented earlier and reinforces the connection between business and nonprofits.

The 2001 study conducted by Peter Frumkin and Mark Kim, “Nonprofit Strategic Positioning and the Financing of Nonprofit Organizations,” seeks to answer whether operational efficiency is rewarded in the form of contributions by private funders in the marketplace. The hypotheses is this: “Nonprofit
organizations that report low administrative total expense ratios that appear efficiently managed will have more success raising donated income than will organizations that report higher ratios” (Frumkin & Kim, 266). The study finds that organizations that position themselves as cost effective, and report low administrative expense ratios, fared no better over time than did less efficient organizations. Financial records from the Internal Revenue Service are analyzed using economic factors. The external validity of this study is good because the test occurs over time and includes differed and various nonprofit organizations. This is an important finding and further validates the theory that professional networks are important when seeking private sources of revenue.

In summarizing the research findings of the private sector foundation/private nonprofit relationship, there are several considerations that are important to recognize when choosing to pursue company or independent foundation funding. Smaller charitable foundations will be best served by recognizing: (1) company foundations typically give smaller grant donations than do independent foundations; (2) company foundations give fewer grants than do independent foundations; (3) company foundations grants typically carry fewer restrictions than do independent foundations; (4) operational efficiency is relatively unimportant in the decision making process of grant providers; (5) matching the mission of each individual foundation and the smaller nonprofit is beneficial; and (6) grant boards give more often to people, groups, or organizations they know or have established good relationships with.

Nonprofits and Government Funding

Government funding is the most common funding source for nonprofits. “By 1975, the government had replaced private donors as the largest funding source for nonprofit organizations” (Lipsky & Smith 1990, 629). Michael Lipsky’s and Stephen Smith’s article “Nonprofit Organizations, Government, and the Welfare State” investigates the effects of government financial support and contracting on private nonprofits. Their hypotheses is that “to the extent that the government extends its influence into the world of nonprofit organizations, it is likely to alter the relationship between the citizenry, nonprofit organizations, and the state—perhaps fundamentally changing the life possibilities of citizens and the role of nonprofit organizations” (Lipsky & Smith 1990, 629).

The study finds “a significant change in the balance of effort and responsibilities among private firms, government, and the nonprofit sector augers an important change in the principals governing the delivery of social services” (Lipsky & Smith 1990, 649). The study also finds that the government extending its influence results in a more limited range of responses to any
given social problem. Additionally, their study shows that the public-private funding arrangement means increased government intrusion into the affairs of nonprofit agencies, thereby altering the character of social policy and the American welfare state (Lipsky & Smith 1990).

Their method of research is a systematic case study over time looking at variables that include finances, program goals, changing government restrictions, contract restrictions, and increasing administrative oversight. Also, the authors use other similar studies over time to validate their data. The study also gathers data on many different government-private relationships.

Theodore Anagnoson’s 1982 article, “Federal Grant Agencies and Congressional Elections,” asks whether government grant agency activities during election campaigns are subject to considerable manipulation over time. Anagnoson’s hypothesis is that, “incumbent administrations during election years manipulate federal funds for political reasons including: (1) announcing grant awards in crucial states just before the presidential primaries; (2) interfering with the grant processing from the White House; (3) allowing congressmen from the administrative party to make the announcement before the presidential primary; and (4) accelerating the process of grants sponsored by favored congressmen” (Anagnoson 1982, 547).

Anagnoson finds that there is manipulation of the grant processing time and announcements, but for the most part his findings reflect that the grants and announcements would have taken place anyway. Therefore, there is some agency insulation from the politics of elections. The data collected is the number of grants issued from two federal agencies connected to time variables. The time period surrounding the elections and the connection to congressional action to the grant process was measured (Anagnoson 1982).

Research by Stone, Bigelow, and Crittenden (1999) presented in “Research on Strategic Management in Nonprofit Organizations,” includes a focus on determinants of nonprofit strategy on external resource factors, including general turbulence in resource environments and specific funding environments. The study defines general turbulence as major shifts in federal funding mechanisms, in social welfare policy, in budget decisions, as well as an overall decline in revenue.

Stone, Bigelow, and Crittenden look at characteristics of specific funding environments and point to an existing relationship between funding environments and charitable and other nonprofit strategies. Acknowledged is a 1991 study by Kristen Gronbjerg, “How Nonprofit Service Organizations Manage their Funding Sources.” She notes that “the composition of funding structures provides the critical context within which nonprofit decision making takes place” (1991, 160). Her research finds marketing strategies for generat-
ing individual donor revenues differed from strategies to manage government funding. Uncertainty over funding flows affected nonprofit strategy. It can be concluded that each source of revenue conspires to influence organizations differently. Governmental organizations fundamentally alter their recipient organizations due to external environmental variables including changing priorities, changing revenue streams, and funding mechanisms. Charitable nonprofits should be wary when contracting with the government. Government contracts will change the mission of the funded organization to resemble the changing priorities of the government.

**Fees and Membership**

One source of revenue thus far unmentioned is nonprofit fees and membership dues. This source of revenue does not conform with the missions of most small nonprofit charitable organizations because the poor often cannot afford membership or user fees. However, dues and fees should be considered a revenue source and evaluated by their merits.

Bielefeld, in his 1992 study, “Funding uncertainty and nonprofit strategies in the 1980s. Nonprofit Management and Leadership,” followed 174 nonprofits for a ten-year period and described a range of strategies used by nonprofits and analyzed their success at reducing uncertainty. He finds that contrary to prescriptive literature, organizations that generate funding through dues or fees for services fared worse than those with either private or public support (Bielefeld 1992). Furthermore, Bielefeld (1992) finds that nonprofits using multiple strategies fared far better than those with single strategies.

Bielefeld also concludes in his 1994 article, “What affects nonprofit survival? Nonprofit Management and Leadership,” that mixing too many funding streams can become problematic, especially for smaller organizations. User and membership fees are subject to challenging and potentially hazardous economic variables. Marketing strategies must be developed and implemented to form, hold, and sustain a reliable funding stream. Membership and user fees are less reliable than research has previously indicated for the long-term fiscal health of a nonprofit organization. These fees also can be counterproductive because they may be exclusive of certain poorer populations (Bielefeld 1994).

Stone, Bigelow, and Crittenden evaluate environmental antecedent conditions: These affect the second level, organizational characteristics, which in turn influence implementation activities. Antecedent conditions concern important external conditions or changes that affect organizational
determinants of implementation activities. They include major policy shifts, societal cultures, and environmental stability or change. These antecedent conditions produce changes in organizational structure, values, leader behavior, and the internal structure of authority (1999, 382).

All the research to date indicates that funders influence organizational behavior and priorities. Should a smaller organization choose to pursue government grants as a primary funding source, the organizations should be prepared to adapt the changes required to hold that revenue source over time.

**Conclusions**

*Fundraising Campaigns and Charitable Nonprofits*

Fundraising campaigns are difficult because of the time, cost, effort, and repetition necessary to generate a high fiscal return. They are also problematic because they typically require a high degree of staff time to generate the type of funding necessary to comply with the needs of an annual operating budget. However, studies indicate that a model of privately provided public good can include a role for fundraising. Success is directly linked to an organization’s ability to generate money in the early stages of startup (Andreoni 1998).

Often government grants provide the seed money necessary to begin a successful capital campaign. A government grant will generally cause an increase in local donations (Steinberg 1987). It is also important to note that findings show economic trends affect the amount of donations to charitable organizations. The ability of nonprofits to rely on fundraising as a primary funding source can be problematic. This review of available information indicates fundraising campaigns are a necessary function for charitable nonprofits, however, they shouldn’t be the primary source of revenue. Further study is needed to determine quantitatively the success ratios for smaller nonprofits relying primarily on smaller donations from fundraising campaigns.

How does fundraising reflect back to the original question posed by this study: “what are the best funding source or sources for charitable nonprofits?” Fundraising campaigns have a place, but the research thus far indicates that private foundations or government grants are preferable to fundraising as a primary financial income source. However, fundraising is an important component and should not be dismissed.

*Private Sector Funding and Charitable Nonprofits*
The connection between those in control of allocating funds and the non-profits providing services for the public is important. “The amount of money which nonprofit charitable organizations received from corporations was a function of their (nonprofit) reputation among corporate giving professionals” (Galaskiewicz 1985, 639). Findings indicate that professionals tended to select other professionals they interacted with over semi-professionals they did not. The research shows that private sector funding is problematic and charitable nonprofits should be weary if they are not already respected or connected to business professionals in some form.

When connecting my question to the research, whether or not to pursue private grants over government grants, is a function of an organization’s connection to the business world. More research is needed in the following area: gathering of statistical data on funding duration for charitable nonprofits from the private sector. The question of whether the private sector can be relied on as a secure long-term funder for charitable nonprofits could potentially be answered by evaluating whether the private sector funds charitable organizations annually and for longer periods of time than government sources do.

Government Funding and Charitable Nonprofits

Government extending its influence, results in a more limited range of responses to any given social problem. The public-private funding arrangement means increased government intrusion into the affairs of nonprofit agencies, thereby altering the character of social policy and the American welfare state (Lipsky and Smith 1990). The research shows growing government regulation, restrictions, and oversight. If a small charitable organization wants to remain in ideological control, government contacts will most likely generate compromises of mission and service delivery. The decision regarding whether to pursue government funding should be based on whether the organizational mission and control is more important than funding. On the positive side, government grant agencies are insulated from short-term political whims of representatives. The availability of government money has remained constant for social and other programs.

In connection to my question, the variable that determines which (government/private) funding depends on the nonprofit organization. There is much research regarding government grant funding. Further case study research should be considered on the topic of government grant agencies and their relationships with nonprofits following the advent of new presidential administrations and shifts in the controlling party in Congress. Also recom-
mended is a long-term quantitative study of government grant relationships with smaller charitable organizations.

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The Recruitment And Retention Of Federal Employees: Meeting The Challenges

By Stefanie Brearley

It seems fair to say that the federal bureaucracy has been given a bad reputation over the past three decades by politicians and the media, which have declared that bureaucrats are ineffective and lazy, waste taxpayers’ money, and are too caught up in red tape to be efficient in serving the public. A negative perception of bureaucrats portrayed by politicians and the media can lead to a negative perception of bureaucrats by the general public. If the general public views the workforce of the federal government as bad, this surely seems like it would discourage people from coming to work for the government. Thus begins what appears to be an ongoing problem for federal agencies: recruiting and retaining quality employees for government service all while promoting the federal government as a “good place to work.”

Why does the federal government need quality employees? Simple. The employees of the federal government administer programs and services to the American public, programs and services that the public continues to demand. Federal employees work in all different areas of government, such as science, medicine, engineering, space exploration, economics, technology, and international relations. It seems obvious that Americans should want high-quality federal employees controlling air traffic, launching space shuttles, and setting standards of safety and quality for the food they eat.

Whether or not the federal government has been able to attract quality employees over the past decades is a debatable issue. This paper does not attempt to settle this debate. Instead, it examines the actual challenges the federal government is likely to face in the future in attracting employees as the result of several pressing factors, such as a shift in attitude about working, the impending retirement of many federal employees, and the need to be more technologically sophisticated.

My argument is that the federal government is going to be facing challenges in (1) filling positions in the workforce due to a new set of attitudes by the Generation X and Y populations about how they view working and careers; (2) the impending retirement of a large number of federal employees; and (3) the need for technologically sophisticated candidates to fill technological...
positions. My hypothesis is that one way the federal government can attempt to meet these challenges is by focusing on the recruitment and retention of employees.

A Quiet Crisis in the Public Service?

The National Commission on Public Service reported in 1989 that the federal government was experiencing a “quiet crisis”—a weakening of the public service that was driving the best talent away. According to federal personnel officers, recruiting and retaining quality personnel was becoming a problem: “three-quarters of the respondents to the commission’s survey of recent Presidential Management Interns said they would leave government within 10 years” (National Commission 1989, 3-4).

Some research and reports continued to support the idea of a quiet crisis, as heralded by the Volcker Commission (Light, 1999). But others challenged the idea that there was a shortage of quality federal employees. For example, Cameron and Jorgenson (1993) addressed the issue of employee quality by following up on predictions about recruitment and retention found in the 1988 report, “Civil Service 2000.” This report predicted future employment needs of the federal workforce, and called for the federal government to focus on recruitment and retention. The report was revisited by the Office of Personnel Management (OPM) in 1993 in “Revisiting Civil Service 2000: New Policy Direction Needed.” Cameron and Jorgenson summarized both reports and concluded that the main forecast in the 1988 report—a shortage of quality workers—was not realized. In assessing the 1993 report by OPM, Cameron and Jorgenson wrote that the federal government “has a quality workforce and is able to recruit and retain quality people. The fundamental issue confronting the federal government as it enters the 21st century is reengineering the management systems to best utilize the workforce” (1993, 674).

Crewson (1995) addressed the issue of the much-debated quality of the workforce in the public sector by comparing the quality of a sample of employees entering the public and private sectors between 1980 and 1990. Crewson responded to the idea that the “public service is so undesirable that the federal sector cannot compete with private industry for quality employees” by presenting evidence of a study of quality of public and private sector entrants (1995, 628-629). Crewson examined employment decisions and aptitude of persons ranging in age from seventeen to thirty-five participating in the National Longitudinal Survey of Youth (NLSY) between 1980 and 1990, using the Armed Forces Qualifications Test (AFQT). The AFQT tests cognitive ability and is a general indicator of recruit quality. Crewson found that “when
holding sex, race, occupation and economic status constant, federal employees hired during the 1980s have AFQT percentile scores that average 5.5 points higher than private sector employees” (1995, 635).

It has been mentioned in this paper that there are different perceived crises facing the federal government in terms of its workforce. Some literature suggests a crisis in quality, such as the Volcker Commission. Other literature, such as Cameron and Jorgenson and Crewson refute such a claim. Regardless of which side is correct, the federal government faces challenges in filling workforce positions.

The Challenge of Attracting Qualified Employees

One challenge the federal government is confronting is a new set of attitudes by the Generation X and Y populations about how they view working and careers. The federal government faces a challenge in attracting employees due to changing worker beliefs and workplace values. Green (2000) explains that these changes are due to several trends, such as shorter career life cycles, greater flexibility in how business is conducted due to email, the Internet, organizational Intranets, and voicemail, increasing demands for continuous learning at work, and emphasis on lifestyle and balancing work with play.

The second challenge facing the federal government in filling workforce positions is the impending retirement of a large number of federal employees (Tobias, 2000; Doverspike 2000). As of 1999, twenty-five percent of the federal workforce was eligible for retirement. It is predicted that by 2005, one in five employees, or 281,000, will retire (Tobias, 2000, 27). Tobias writes that the main question surrounding this issue is if these positions will be filled “with mere ‘breathers’ or with top agency choices—individuals who are challenged by the problems of the government and want to be part of creating the solution?” (2000, 27).

The third challenge of the federal government is filling positions in information technology, science, and engineering. Advancement in the federal government in technology, science, and engineering has created a large demand for professionals with skills in these fields (Bush, 2000; Schroetel 2000). Estimates from the Bureau of Labor Statistics show that the information technology (IT) profession is a large and growing field, with ten million IT jobs around the country, 1.6 million added last year, and the prospect that the number will double by 2006 (Bush, 2001, 32). The Department of Defense has been experiencing a rise in vacancies in science and engineering positions over the last several years (Schroetel, 2000, 9). While not extensive, there is literature that suggests meeting the above mentioned workforce challenges of
the federal government can be accomplished through improving the efforts at recruitment and retention of employees.

The first step in recruitment is recognizing whom federal agencies should be recruiting. Baby Boomers, members of Generations X and Y, minority groups, and professionals skilled in information technology, science, and engineering should be the groups that federal agencies look to attract to federal employment over the next few years (Doverspike, 2000; Mackes, 2001; Bush, 2001; Schroetel, 2000). While approaching retirement, Baby Boomers are valuable employees because they are experienced and educated (Doverspike, 2000, 447). Gen Xers are a valuable market for the federal government because they are “active job seekers,” switching from job to job, and because their computer skills make them qualified applicants for highly-needed information technology positions (Doverspike, 2000, 448). Members of Generation Y, born in or after 1982, are the next generation of employees preparing to hit the workforce in the next few years. Because the minority population is growing at a rapid pace, minorities are encouraged to work in the public sector to represent their populations. Although the need for qualified professionals in the fields of information technology, science, and engineering has been increasing over the last several years, vacancies in these fields have been hard to fill (Bush, 2001; Schroetel, 2000).

It seems so important for federal agencies to know whom their potential workforce is in order to know how and where to reach them. One key recruitment tool that should be better utilized by federal agencies for recruitment is the Internet (Cober, 2000; Mackes, 2001). The Internet is a valuable medium because many potential hires use it extensively to communicate and find information. Cober cites five reasons for organizations to focus on designing and enhancing employment sections of their websites: (1) web pages are a low-cost medium for recruitment; (2) they can deliver a sense of the organization’s qualities better than a traditional job board; (3) they offer potential applicants a first impression of the organization; (4) they can highlight the organization’s culture; and (5) they may even allow for an applicant to apply for a job online (2000, 480).

While the Internet is an important recruiting tool, it alone is not enough. Mackes (2001) encourages continued and improved recruiting efforts on college campuses, as members of Generation X and Y make up large numbers of students on college campuses across the country. Mackes suggests that federal agencies can improve recruitment on college campuses by using recent graduates, managers, and knowledgeable staff, and highlighting their successes and achievements as a means of showing what the agency can offer; minimizing the recruiting process, especially from interview to job offer; and offer-
ing internships and cooperative programs to give students a glimpse of opportunities and meaningful service to be had through government employment (19-20). To recruit other populations, such as minorities, federal agencies need to conduct outreach to schools, establish training centers, and emphasize the importance of gaining job-related skills (Doverspike, 2000, 450). And another key to the recruitment of targeted populations is emphasizing that the government offers challenging work that is service-oriented (Doverspike, 2000).

Additionally, recruitment should be one part of the simplified and faster process for obtaining a federal position (Doverspike, 2000; Mackes, 2001). Mackes cites a survey by the National Association of Colleges and Employers that found that “positions with federal agencies do not go unfilled because of lack of interest among college graduates. Many potential hires are discouraged by what they consider a lengthy and/or complicated application process, while others have little if any awareness of the process” (2001, 18). Mackes’ prescription for federal agencies is thus to review their application process and look for ways to improve it. Doverspike suggests implementing a speedier hiring process in order to attract potential workers who will seek work elsewhere if the process is too lengthy. Improved recruitment practices by federal agencies would result in higher quality employees. Given that the younger generation of workers is more likely to switch jobs and sectors throughout their career than their predecessors, improved efforts are needed by agencies to retain these employees.

Green (2000) identifies trends that are altering the nature of work, including increased technology, increased demand for learning at work, and the importance of employee lifestyle. Addressing and responding to these trends are a means of retaining employees. For example, new workplace technologies allow agencies to offer employees a chance to work at home or select alternative shifts. These kinds of flexible work options are desirable to today’s employees who are often looking for a way to balance work with active outside lives (Green, 2000, 439).

While important, the above prerequisites are not enough on their own to retain employees. Green suggests that the federal government can prepare to meet the demands of the future workforce through “talent management.” Green advocates talent management because it “provides a form of organizational development that takes a proactive approach to preparing individuals to take the leadership reins of the organization in the future. In doing so, the organization also contributes to a higher retention rate by creating a work environment where employees feel there is promise, and there will be future opportunity with the organization” (2001, 444). To be effective, talent management must be supported by the leadership of the organization and fit
into the goals of the organization. Elements of talent management used by government agencies across the country include job rotation and new assignments for staff to enhance job experience; training of top employees; assisting employees in developing personal development plans; and “establishing co-managers in critical functions to ease older leaders into retirement and to prepare new leaders for their new roles” (Green, 2000, 445-446).

Romzek (1990) contends that agencies and managers need to cultivate psychological ties with high-quality employees to improve the chances of retaining them. An employee’s commitment to her organization is one indication of how long they may stay with an employer. Organizations can elicit employee commitment through three factors: “the agency’s culture, the effectiveness of the organization socialization programs, and the extent to which the agency meets employees’ work expectations” (Romzek, 1990, 377). Of equal importance is for agencies and managers to demonstrate commitment to the employees.

Developing employee ties that encourage retention may also be achieved through investment-oriented motivations. However, writes Romzek, “most personnel policies that tap into an investment orientation (such as pay or retirement plans) are set by legislative mandate. Hence, agencies and managers have little latitude in this area; they must wait for legislatures to act” (1990, 381). Legislatures can be slow to enact investment opportunities. Thus, while investment opportunities may aid in employee retention, it should not be the only means to do so.

The above discussion has attempted to present some of the literature available regarding recruitment and retention of federal employees as a means of meeting future hiring challenges of the federal government. While it seems an important issue—because federal employees play key roles in the operation of this government—the literature regarding the topic of recruitment and retention efforts among federal agencies is not very extensive. However, there are a few good examples of proactive approaches federal agencies are taking to respond to hiring challenges.

The Social Security Administration (SSA) and the Internal Revenue Service (IRS) have attempted to address hiring challenges by implementing workforce planning. Workforce planning forces agencies to consider whom they want to fill positions today and in the future. The SSA found that large percentages of their workforce, primarily members of the Senior Executive Service and the top pay grades 15 and 14, as well as supervisors, claims specialists, and computer specialists, are currently eligible for retirement and/or will actually retire over the next ten years. The deputy commissioner of the SSA, Paul Barnes, used the data found from the workforce planning initiatives to do the following:
...convince SSA management and OPM that SSA should be offering selected early-out retirements in order to start the replacement process now rather than waiting for 'the retirement wave to swamp the SSA.' Using this strategy, SSA has...spread recruitment efforts over a longer period of time. Because it is replacing fewer employees over a longer period of time, recruiting and training employees is more manageable (Tobias, 2000, 29).

The IRS developed a plan to account for both retirement and attrition, as well as the internal shifts and movements of employees, by utilizing workforce planning. The plan aids the IRS in using internal recruitment when positions become available and helps fill those vacant internal slots. With this planning program implemented, "the IRS does not have to wait for the process to roll out before it begins recruiting, thus ensuring a smoother transition and more manageable process" (Tobias, 2000, 30).

The U.S. State Department recognized a few years back that they would be facing stiff competition for information technology professionals. In response, the State Department has improved and expanded upon its traditional recruitment methods, compensation packages, and workforce diversity while also training current staff in new systems. The State Department implemented new recruiting techniques by developing an advertising campaign and marketing it toward outlets not traditionally targeted by the department, and by expediting its hiring process by holding career fairs that "involved on-the-spot interviews, evaluations, and job offers...enhanced by bonuses, up to 25 percent of one's salary, for specific IT certifications/ degrees" (Bush, 2001, 32). These enhanced recruiting efforts are proving to be successful. In a competitive labor market, the department has been able to reduce its job vacancies for information technology professionals from thirty percent in 1998 to eight percent in 2001 (2001, 33).

The Department of Defense (DOD) has faced challenges in its civilian workforce with a decrease in workforce by forty percent since 1989; a seventy-five percent decrease in hiring workers under age thirty-one since 1989; fifty percent of employees eligible for retirement in the next five years; and rising vacancies in science and engineering positions. To combat these challenges, the DOD is developing initiatives that promote the challenging opportunities offered by federal government employment; and simplify the hiring process; promote work flexibility, bonuses, internships, and compensation packages (Schroetel, 2000, 9).
Conclusion

The Volcker Commission’s suggestions to attract federal employees suggest that the government: “develop more student awareness of, and education training for, the challenges of government and public service; develop new channels for spreading the word about government jobs and the reward of public service; enhance the efforts to recruit top college graduates and those with specific professional skills for government jobs; simplify the hiring process” (National Commission on Public Service, 1989, 5). As the literature profiled in this paper indicates, the commission’s recommendations from 1989 are the same recruitment solutions offered to federal agencies today.

Ingraham (1990) wrote on the issues and solutions proposed by the Volcker Commission. The perceived recruiting problems of the federal government consisted of different recruitment programs from agency to agency, difficulty in identifying federal job opportunities, limited labor pools and low federal pay, and unchallenging work. Ingraham argued that the most important reform efforts that could come about for recruitment of federal employees would be achieved by establishing comprehensive recruitment reform. Ingraham found that approaches by the OPM and suggestions by the Volcker Commission only offered incremental approaches to recruitment reform, and argued that the most important reform efforts that could come about to recruit (and retain) federal employees would be achieved by establishing comprehensive reform.

To date, no such comprehensive reform for recruitment or retention of federal employees has taken place. The authors profiled in this review all offer similar ideas for improving recruitment and retention, but as indicated by Ingraham, none of these suggestions have been widely incorporated. Rather, agencies, at least the ones paying attention to recruitment or retention, are developing and following their own set of guidelines. Indeed, different federal agencies may have different needs to be met with recruitment and retention. One standardized program for recruitment and retention might not be the correct or most efficient answer for all agencies.

If any conclusion can be drawn here, it is that the issue of recruitment and retention needs to make its way to the forefront of the government agenda. To maintain and improve the important work employees of the federal government do, efforts need to be made to attract employees to the federal government and keep them there for a while.

References


Three Strikes Law: California’s Policy Response to an Increase in Violent Crime

By Nichole L. McDaniel

Throughout history, crime has been a problem and the question frequently asked is, “How do we deal with it?” In the United States, particularly in California, incarceration has been the most common tool used to punish criminals. Since the 1960s, crime rates have increased in California, especially the random acts of violence committed by strangers, making crime unpredictable and seemingly uncontrollable. In the early 1990s, violent crimes occurred at a rate of approximately 1000 per 100,000 citizens (California Crime Index Chart 2000). Statistics such as these heightened citizens’ fear of crime. And their fear was further exacerbated by reports that contributed the high crime rate to repeat offenders: that is, criminals who once released from prison—either due to good behavior or completion of their full term—were committing new crimes.

This was the case of a career criminal, Joe Davis, who in the spring of 1992 tried to steal the purse of a young girl named Kimber Reynolds; when she resisted, he pulled out his .357 magnum handgun and shot her in the head. Her father, Mike Reynolds, became outraged when he discovered that Davis had been incarcerated before for numerous felonies and was now back on the streets committing more crimes. This incident, combined with the rising public fear of violent crime, began the tidal wave of events that led to the implementation of the 1994 mandatory sentencing law known as the “Three Strikes and You’re Out Law.” The intention of this law was to reduce crime rates by incarcerating repeat felons for longer periods of time. It was believed that this “tough on crime” legislation would lower recidivism rates, deter crime, and make our neighborhoods safer places to live.

Summary of Policy: Tough on Crime Legislation

California’s Three Strikes Law is regarded as the nation’s toughest sentencing law that targets violent repeat offenders and enhances prison sentences (California Legislature 1993). According to the Legislative Counsel Digest, as stated in the California Penal Code Section 667, a defendant receives a first strike if the crime is a violent felony, murder, robbery, assault, or rape, receiving
the regular sentence plus five more years (California Legislature 1993). On the second strike, which also has to be a violent offense, the defendant receives twice the time normally received for that crime. For example, if the defendant is convicted of a second felony and receives five years, under the Three Strikes Law, the defendant would instead get a ten-year sentence. If the defendant has two prior violent felony convictions, the defendant would receive a third strike even if the third felony was nonviolent (California Legislature 1993). The mandatory sentence for a third strike is twenty-five years to life in a California state prison (California Legislature 1993).

Under this law, the defendant is not eligible for probation, a suspended sentence if the dependent has a prior felony conviction, or sentencing to a rehabilitation center. The defendant must carry out the sentence in a state prison and must serve at least eighty-five percent of his sentence even with good behavior credit (California Legislature 1993). This is different from past policies where inmates only had to serve fifty percent of their sentences and then could be released for good behavior. If a juvenile is convicted of a violent felony or felonies, they also count as strikes (California Legislature 1993). For example, if a defendant is fifty-years old and, as a juvenile, was convicted of two violent felonies, the felony committed at the age of fifty counts as a third strike. In other words, juvenile felony convictions do not get erased from the record. This law also prohibits plea-bargaining on the third strike and requires prosecutors to prove and plead each prior conviction of the defendant (Senate Committee on Judiciary 1994).

Goals of Three Strikes

The goals of Three Strikes are to reduce crime rates and to incarcerate violent repeat offenders. Three strikes is a way to get tough on crime, abandon the retributivist theory, and focus on incapacitation and deterrence. Because research suggests that repeat offenders are responsible for approximately seventy percent of violent crimes (“Crime Fighter Mike Reynolds” 1994), proponents of the law argue that an obvious crime-reducing measure is to incapacitate violent offenders through incarceration (Vitello 1997).

The way public policies are implemented can depend on the public mood, especially when the policy has to do with punishing criminals. There has been a steady increase in public support for more severe punishments of criminal defendants, and when Three Strikes was proposed, it reflected the attitude of the public (Tyler and Boeckman 1997). The public’s frustration and the seemingly lenient sentencing laws in California led to the Three Strikes proposal that was believed to be the toughest punishment for California fel-
ons. Having a harsh mandatory sentencing law, such as this one, reduces the frustrations of the public because they believe something is being done to prevent crime (Gross 1994).

History of Policy: The Murders of Kimber Reynolds and Polly Klaas

The relationship between policy implementation and public mood is illustrated by two recent homicide cases. To avenge the death of his daughter, Kimber Reynolds, Mike Reynolds wanted to put a stop to the “revolving door” in our criminal justice system. It was then, with the assistance of lawyers, that he drafted the first Three Strikes Law. However, Reynolds’ first proposal of the law was defeated. Then, on October 1, 1993, Richard Allen Davis, a repeat offender, went into the home of twelve-year-old Polly Klaas, kidnapped her, sexually molested her, and then strangled her (Fields-Meyer and Harrison 1996). Davis, a career criminal, had served time for violent felonies in the past, but due to good behavior was released early. The death of Polly Klaas increased the public’s fear of violent criminals and Reynolds used this fear to garner support for his proposal. In the wake of his daughter’s murder and the murder of Polly Klaas, Reynolds launched a national crusade against crime (Mauer 1996).

Reynolds was inspired by a federal law passed by Congress in 1994, “The Violent Crime Control and Law Enforcement Act,” which was a federal version of the Three Strikes Law. It states if the third strike of a defendant is a federal crime, the sentence is life in prison (Schicher 1997). Encouraged by this, Reynolds sought the assistance of James Ardiaz, the presiding justice for the Fifth District Court of Appeals, to write the original draft of the Three Strikes legislation (Vitello 1997). The proposal went before the Public Safety Committee of the California Assembly and was defeated. Reynolds then received the assistance of Republican Bill Jones and Democrat Jim Costa; their proposal was Assembly Bill 971 (AB 971) (Borland 1994).

Reynolds urged the legislature to pass the bill by threatening to use the initiative process if they did not. Since 1994 was an election year, and the public was anxious to see something done, legislators felt pressure to pass it (Gleick and Harrison 1994). To make sure the proposal did become a law, Reynolds used the initiative process anyway, just as a back up. He also had the support of Pete Wilson, who was running for governor at the time. Wilson used a tough-on-crime attitude to get the support of voters so that not only would the bill be made into a law, but he could also get elected (Vitello 1997). He saw that the voters were in a panic about violent crime, so he used the Three Strikes Law as a part of his political campaign. In fact, he went so far as to use the funeral of Polly Klaas to make a political speech, announcing his support...
There were alternatives to the Three Strikes proposal, such as the Rainey Bill. This bill concentrated only on violent offenders, not just repeat offenders. Although the cost of the bill would have been much less than the Three Strikes law (Rand Corporation), it failed to garner support and was not enacted.

Instead, Assembly Bill 971 was approved by the Senate on January 31, 1994, approved by the Assembly on March 3, 1994, and signed into law by Governor Pete Wilson on March 7, 1994 (Legislative Counsel's Digest 1993). Then in November of 1994, election time, Proposition 184 was on the ballot. This law was to be the same as AB 971 except that it would require a two-thirds vote from the legislature (“In Depth Analysis of Ballot Measures” 1994).

**Policy Enforcement and Measurement**

The tools used to enforce this policy are the penalties imposed, the court system, and the corrections system. The Three Strikes Law gives mandatory sentences to repeat offenders. These mandatory sentences are supposed to give more control to legislators and prosecutors and limit the court’s discretion in sentencing (Schicher 1997). Prosecutors have the ability to choose if a felony offense should count as a strike. If the prosecutor decides to try a defendant under a strike and gets a conviction, the judge has no discretion in sentencing. The judge must sentence the defendant according to the requirements under the Three Strikes Law. The victims of crimes are comforted in knowing the defendant will be getting a mandatory sentence, leaving no discretion to the judge and no room for leniency. Since the Three Strikes Law does target repeat offenders, mandatory sentences should work to keep them off the streets (Fields-Meyer and Harrison 1996).

The success of these tools are measured by their efficiency. Efficiency is the achievement of the maximum amount of incapacitation in the state prisons. By achieving this, the policy is seen as a deterrent to crime because possible repeat offenders are sitting in their prison cells (Schicher 1997). To policy makers, quantity becomes an indicator of the quality of their policy. The number of three strikes convictions is also an indicator of success. For example, in 1996, only two years after the law was implemented, more than fifteen thousand offenders had been sentenced to prison for their third strike (Mauer 1996). Also, the statistics of the reduction of violent crime is measured. If the numbers have decreased, then the policy is successful. The public sees that the numbers are decreasing and feels like the policy is working; they are deceived into feeling safer.
Has the Policy Been Successful?

According to a number of sources, statistics do not reflect the full success of this policy. Within the first two years of the implementation of the Three Strikes Law, crime rates did decline, but crime had been declining two years before the law was enacted (Mauer 1996). Thus, a decrease in violent crimes does not indicate that the intended goals were met. Juveniles are increasingly becoming more violent by joining gangs, getting involved in senseless shootings and hate crimes. Over the past decade, the rate of homicide committed by juveniles between ages fourteen and seventeen had increased more than 170 percent (Stolzenberg and D'Alessio 1997). And even after the Three Strikes Law was implemented, juvenile violent crime increased seven percent (Willard 1997), suggesting that juveniles are not affected by this law. This indicates that this law has little to no deterrent effect on one of its intended targets. This law only concentrates on repeat violent offenders in general, not the young ones who really need the attention.

Most offenders prosecuted under this policy who are on their third strike are not prosecuted for a violent offense. An analysis done in 1996 by the Department of Corrections found that eighty-five percent of all inmates incarcerated under the Three Strikes Law were found guilty of nonviolent offenses in their second and third convictions (Krikorian 1999). This law is targeting all felonies, even those convicted of a property crime, drug offense, or petty theft; it does not mean violent crime is being reduced (Krikorian 1999). This defeats the purpose of the law. Three Strikes is putting nonviolent offenders away for life when it is supposed to put violent offenders away.

Furthermore, the Three Strikes Law is creating an aging prison population. By putting three-time felony offenders away it means the inmates are usually older, making it more expensive for taxpayers (Stolzenberg and D'Alessio 1997). The peak crime-committing ages are between fifteen and twenty-five years old (Willard 1997). Under this law, defendants are not incarcerated until they are almost thirty years old. Such defendants are past the peak crime-committing age. As a result, taxpayers are spending more money incarcerating older criminals instead of educating and rehabilitating young ones.

Barriers to Measuring Success: Unforeseen Problems

Instead of identifying the problem and concentrating on the intended goals, deterring and reducing violent crime, the Three Strikes Law has created a whole new set of problems: increased economic costs, clogging the courts, targeting nonviolent offenders, and targeting minorities. For example, the
dramatic increase in the prison population is costing taxpayers millions of dollars in the construction of new prisons. The prison population increased three times between 1980 and 1994 (Vitello 1997). Each prisoner costs $21,000 a year, so if we lock felons up for twenty-five years on their third strike, taxpayers will be paying half a million dollars each year per prisoner (“Three Strikes: Ineffective, Costly” 1999). Before the Three Strikes Law was enacted, corrections received nine percent of the budget; by fiscal year 2002, corrections had doubled to eighteen percent of the budget (Rand Corporation 2000).

The Three Strikes Law is clogging our courts. According to a survey done by the Judicial Counsel of California in 1996, four percent of trial cases were for non-strike cases and forty-five percent were for Three Strikes cases (Mauer 1996). Three Strikes offenders have nothing to lose by going to trial because plea-bargaining is no longer an option for them, having a significant impact on superior court operations. For example, thirty-seven out of fifty-eight superior courts have more criminal trials and pretrial appearances. And many courts experienced increased administrative workloads, longer criminal trials, and increased backlog of criminal cases, among other impacts (Judicial Counsel of California, 1996).

Three Strikes targets nonviolent offenders. In 1996 almost eighty percent of Third Strikes cases were for nonviolent offenses, such as drugs and petty theft (Mauer 1996). Four years before, voters were eager to vote for a policy that was supposed to reduce crime. Instead, taxpayers are now faced with higher taxes that are mostly spent incarcerating drug offenders and petty criminals (Krikorian 1999).

Not only has Three Strikes Law incarcerated high numbers of nonviolent offenders, but it also incarcerates an overwhelming number of African Americans. In 1996 African Americans were twenty percent of felony defendants in California and forty-three percent were sentenced under the Three Strikes Law (Mauer 1996). The law mainly focuses on street crimes like drug offenses and petty theft, usually committed by poor people. In 1999 thirty-seven percent of felons serving their second strike were black, and almost forty-four percent of those convicted on three strikes, are blacks serving life terms (Morain 1999). This law is discriminatory and unjust; justice is supposed to be color-blind, but instead this law keeps lady justice’s eyes wide open to target minorities.

Cost-Benefit Analysis

Those who pay the costs for this policy are the taxpayers of California. According to the Analysis of Proposition 184 done by the League of Women
Voters Fund in 1994, the legislative analyst said the cost in 1994-1995 to operate our prison system would be about $3 billion. The Department of Corrections estimated the new law to increase state operating costs in 1995-1996 to $200 million and it will increase each year until the full impact of the law is seen in about thirty-two years. By 2006 the costs will have increased up to $9 billion and increased prison populations by 270,000 inmates. Prison construction is supposed to be about $20 billion over the next ten years. Around election time, the people were in such a panic, they overlooked the costs of the proposition because they wanted the law to be implemented.

**Conclusion**

Crime rates did go down after the Three Strikes Law was implemented. Was it because of the Three Strikes Law? California is a death penalty state; criminals know this already, and yet violent crimes are still committed. If the death penalty did not deter violent criminals, why would a mandatory sentencing law deter them (Mauer 1996)? The law has not made the streets a safer place to walk; it has just made our prisons overcrowded and increased taxes.

The intentions of this policy were definitely good, as far as wanting to reduce crime, but the tools used were not used properly. The catchy slogan deceived the public into thinking it was actually going to give them the results they were looking for, but the public was duped. The flow of information in the media made the Polly Klaas issue more dramatic. Children are murdered all of the time; in this case, a vengeful father made the issue more visible to the public by feeding on their fears of violent repeat offenders.

Mike Reynolds wanted to put away repeat offenders. Ironically, the Three Strikes Law would not have saved his daughter's life. Kimber Reynolds' killer had committed two previous felonies, but only one was serious as defined by the Three Strikes Law (Gleick & Harrison 1994). So, even though Mike Reynolds was so adamant about putting repeat offenders away, he should have taken the advice of those around him that knew this law was targeting nonviolent offenders and not just violent offenders. The benefits of this policy did not outweigh the costs; there were major problems that developed because of its implementation.

There was definite support for this law in 1994 when the fears were high, but now in 2002, policymakers are realizing the law was drafted too quickly without identifying proper solutions that could be less costly and less harmful to California.

In 1999 crime fell by twenty-four percent, but there is no real way to measure if this decrease was because of the Three Strikes Law (“Three Strikes:
Ineffective, Costly” 1999). California has reached maximum capacity its prisons, doubling up inmates in cells; gyms and dayrooms have turned into dormitories. As of 1999, there were no plans for new prison construction (“Three Strikes: Ineffective, Costly” 1999). Since the passage of Proposition 184, amending the bill is extremely difficult to do. There needs to be a two-thirds vote of the legislature, and that is almost impossible. There should be a law targeting only violent offenders, but amending the bill will be difficult (Three Strikes: Ineffective, Costly” 1999). An article written by Greg Krikorian (1999) in the Los Angeles Times examined a study done by the Justice Policy Institute in San Francisco about the drop in crime rates and mandatory sentences, and no correlation was found. The age group most affected by the law is thirty to thirty-nine years, not juveniles. The law has had the opposite effect of what it intended, there is an increase in juvenile crime and an increase in older prisoners (Krikorian 1999).

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Liberation Theology In *Romero*

*By Daniel J. Pargee*

The leaders and governments of sovereign nations, as well as members of the international community, have repeatedly called for adherence to various agreements, declarations, and resolutions in order to secure and promote fundamental political, religious, and economic rights. Throughout the world, governments headed by democratically elected representatives, despotic monarchies, and military regimes have consistently denied these rights to their citizens in the name of economic development and maintenance of national security. Liberation Theology is a movement that developed within the Catholic Church as a reaction to these abuses in order to protect and further the goals of the masses. This essay will examine three aspects of Liberation Theology as presented in the motion picture *Romero* and will discuss the political ramifications of organized resistance within developing countries.

The writers of the movie conveyed the fact that the people of El Salvador had endured extreme internal and external resistance to their attempts to expand political and economic freedom. According to the film, the majority of internal resistance came from President-Elect General Humberto’s national police squads and military forces. As made apparent by the private meetings of a few members of the executive committee of Catholic Bishops, there were individuals within the Church who had no desire to challenge the policies that imposed large scale suffering upon their fellow believers. A grassroots organizer and religious leader, Father Grande, combated the efforts of select members of the political and religious hierarchy by attempting to mobilize and educate Salvadorans at both the local and regional levels. This was a clear reaction against the conservative role of the Catholic Church in Latin America. Violence against organizers and those citizens who bravely spoke out in opposition to the policies of the national and regional leadership intensified as General Humberto’s administration gained control.

Following the assassination of Father Grande and the torture and murder of Father Morantes by militants loyal to the Humberto’s administration, newly appointed Archbishop Romero became aware of the ongoing struggle to attain peace, stability, and fair development within El Salvador. He was
determined to utilize the power of the Church through mass mobilization, in order to alleviate the suffering the people were forced to endure. This included providing necessary welfare for citizens and reform of civil institutions infected with corruption.

Not surprisingly, Archbishop Romero encountered resistance from the oligarchic elite that condoned the use of terror, violence, and assassination of the poor to stifle their political aspirations of freedom and equality. According to the writers of the film, he was successful at striking a balance between supporting and organizing the poor while not separating himself completely from the political and economic leaders in El Salvador. Archbishop Romero refused to condone the illegal and immoral acts of aggression perpetrated by the state, and often used his religious legitimacy to combat the inequalities found within the established system of government.

Another aspect of Liberation Theology that the film illustrated is the Marxist analysis applied to address the political and economic environment in which most Salvadorians were immersed. Father Osuna and a young woman leader, Lucia, believed this type of analysis was useful insofar as it could identify problems and provide possible remedies to the various internal problems. In particular, they employed dependency theory, which is one aspect of Marxist political thought that argues that the underdevelopment and poverty of less developed countries (LDCs) is caused by the political and economic policies of the members of the trilateral region (United States, Western Europe, Japan).

This view seemed to be supported by actual events. During the 1970s and 1980s, American foreign policy tolerated, if not “actively support,” corrupt and illegitimate regimes in order to combat the perceived threats of global communism. It also aimed to eliminate the structural barriers that limited the spread of open markets. Romero, Osuna, and the others who supported Liberation Theology, were opposing the policies of a distant hegemonic power, which they believed consistently applied principles of freedom and equality in a very selective manner. Archbishop Romero was even compelled to write a letter to the President of the United States asking the government to cease the exportation of arms to General Humberto and his troops in order to diminish the magnitude of devastation that was currently affecting the people and land within El Salvador.

The struggles mounted by millions of people throughout the developing and underdeveloped world are guided by principles and values consistent with Liberation Theology in various ways. Instead of using biblical beliefs as a source for cooperation and organization, others apply a common desire and collective will to achieve the freedoms outlined in the Universal Declaration of Human Rights. Without the right or ability to organize through local indig-
enous groups, the Church became the only organization through which the masses could safely communicate. This enabled religious leaders, such as Archbishop Romero, to become the focal point for addressing the problems that surrounded his fellow Salvadorians. It also seemed inevitable that he would become the target of the opposition forces. The struggle for liberation embraced by Monsignor Oscar Romero led to his assassination by an individual under orders from the national police forces and General Humberto.

As communicated in *Romero*, the individuals involved on various levels with the Liberation Theology movement shared a common belief which sustained their commitment to social change and human development. These people concurred that it is blasphemous to be leaders and to care for people's souls while ignoring their needs for food, housing, and other basic physiological needs. The leaders of this movement utilized the moral and ethical power of the Church and concentrated their efforts on liberating the masses from a position of poverty and oppression.
On January 1, 1994, Mexico officially became a member of the North American Free Trade Agreement (NAFTA). By joining this organization, Mexico became part of the global economy. Its business leaders and the ruling class regarded NAFTA as a major achievement for the country. Others, such as the agricultural and industrial workers, saw it as a blow to solidarity. They believed that NAFTA would serve to worsen the plight of Mexico’s working class, since its members would be forced to work under conditions set by foreign companies, not the nation.

On the same day Mexico joined NAFTA, the Zapatistas—the indigenous people of the Chiapas—a state in Southern Mexico, divorced themselves politically from Mexico. They saw NAFTA as the last straw in their fight for social and economic equality. The Zapatistas decided to take matters into their own hands. By taking up arms and barring themselves from the outside world, the Zapatistas were no longer under the central government’s control. Led by a philosophy professor, Subcommander Marcos, the Zapatistas ignited the world’s first post-1970s revolution.

Two years following the historic day, a Canadian filmmaker, Nettie Wild, went down to Chiapas and for the next eight months, documented the movement, calling her production *A Place Called Chiapas*. She and her crew showed the dilemmas and problems faced by the people of Southern Mexico. Will there be enough food for the upcoming months? Will there ever be peace? Can Marcos be trusted? Not only did the Canadian film crew have access to the villagers, but they also witnessed the violence that had occurred. Whether it was government subordinates sent to sabotage the land, or fighting within the Zapatista ranks, the filmmakers got it all on tape, including an interview with the man who many considered the modern day Che Guevara, Marcos himself.

Unlike most outsiders, Wild and her crew had unlimited access. Although it enhanced the quality of the overall film, on occasion it put the filmmaker and her crew in danger. The film was not without its critics. As one reviewer commented (Jorge Suárez of *La Vitrina*, a New York based Mexican art maga-
zine), how can you simplify a 500 year-old story into eight months and ninety minutes of reel? Also, how much did Wild and her crew influence the course of events? Had there been no one filming, would the Zapatistas have acted in the same manner? We simply don’t know.

Overall the film was insightful, full of imagery and information that has, for the most part, been absent from American mainstream media. The film was able to generate a sense of compassion for the Zapatistas’ struggle in Southern Mexico. Marcos and his followers are here to stay and *A Land Called Chiapas* shows us why.
Introduction: The Model United Nations Position Papers

The Model United Nations delegation at California State University, Chico, is a student-based academic organization that studies the many aspects of the United Nations, as well as other significant international organizations. Students from many disciplines are members of the delegation, and have accompanied the team to both national and regional simulations. The Secretary General of the National Model United Nations Conference personally asked the delegation from CSUC to represent the United States of America in the 2002 simulation, which is the largest student academic conference in the world. To properly represent the assigned country, our delegation prides itself on thoroughly researching both the background of the topic, as well as staying current with daily developments which affect the substance of the assigned issues for discussion. Students work diligently to complete these tasks, understanding that these documents serve not only as a guide for our delegates in their respective committees, but are also passed along to the conference organizers, as well as to members of the United States’ Permanent Mission to the United Nations.

Since the outstanding achievement award for position papers was created two years ago, CSUC’s delegation has received the highest honor twice, sharing it with only nine of the roughly 190 other universities participating in the conference. Our delegation has also received numerous outstanding and distinguished awards given by the conference to universities that perform exceptionally well, and represent their assigned country in a manner that is consistent with the actions and policies of that nation. Position papers are the cornerstone for performance and preparation in the national conference.

The substance and tone of these papers convey the knowledge gathered through the research phase of each student’s preparation, while simultaneously outlining the delegation’s position on a variety of topics. Within the following five position papers, the foundations of the current administration’s foreign policy objectives are clearly outlined, and the prescriptive solutions to these important problems are discussed in some detail. These documents represent only a small portion of our team’s overall work in position paper writing and preparation, but they do convey the level of dedication expressed by all members of this university’s award winning program.
Please note: the views expressed within these papers do not necessarily represent those of the authors.

The delegation from the United States of America is honored to be a participant in this session of the Security Council and believes the three most urgent issues before the Council are: the Campaign Against International Terrorism; the Situation in Afghanistan; and the Conflict Between Israel and Palestine. In the last few months, our nation, and the world, have undergone a paradigm shift involving the way we look at international peace and security. The awful events of 11 September 2001 touched the lives of nearly every citizen in every region of the world, but we have risen above the tragedy with strong resolve and reaffirmed our commitment to international engagement to meet these challenges head-on. We look forward to working with all delegations at this meeting.

I. The Campaign Against International Terrorism

It is the position of the United States of America that the tragic events of 11 September 2001, were not a tragedy for the United States alone, nor only for the 80 countries that lost innocent people in the attack, but for all the freedom-loving peoples of all the countries of the world. The United States realizes that terrorism has been a challenge the Security Council has been grappling with for many years, but we believe that recent events have built a momentum that must be used to combat international terrorism while the pain is still fresh. The Delegation from the United States of America appreciates the words of support and the feelings of collective anguish that were expressed at the 12 September 2001 Security Council meeting, as noted in S/PV.4370, and we applaud the unanimous standing vote taken that day in support of S/RES/1368 (2001), which unequivocally declares the horrific acts of terror visited upon the world the previous day as a threat to international
peace and security, and pledges the Security Council will urgently work together, using all means necessary to bring to justice all those “responsible for aiding, supporting, or harbouring the perpetrators, organizers and sponsors of these acts....” As the Russian Delegate to the Security Council, Mr. Lavrov so eloquently stated at the meeting of 12 September, “the draft resolution we are adopting here today demonstrates unconditionally the resolve of Council members to do all they can to leave not one terrorist act unpunished and to increase efforts to prevent and end terrorism.” We also proclaim for the entire world to hear that we will not rest or falter in our pursuit of justice until these terrorist networks are destroyed and all those responsible for the outrageous acts of 9-11 are hunted down and brought to justice. The United States is also gratified that S/RES/1368 clearly recognizes “the inherent right,” as expressed in Article 51, “of individual or collective self-defense in accordance with the Charter of the United Nations. The United States prefers appropriate bilateral or multilateral actions against international terrorism, especially with the authorization of the Security Council where appropriate, but reserve our right to act unilaterally, if we must, to protect ourselves. We strongly support the call that all states shall fight terrorism and other related threats to international peace and security, as articulated in S/RES/1373 (2001), by among other things: preventing the financing of terrorist organizations and their activities; improving the exchange of intelligence on those activities; looking into the financial and programmatic links between transitional crime organizations and terrorism on a “national, sub-regional, regional, and international level.” The United States applauds the creation of, under Rule 28 of the Security Council’s Rules of Procedure, a committee made up of the whole Council to monitor the implementation of S/RES/1373, and other relevant Security Council resolutions, and to develop the continuing steps to be taken in the campaign against international terrorism. The Declaration on the Global Effort to Combat Terrorism S/RES/1377 (2001) reaffirms the international commitment, as emphasized in the Declaration on Measures to eliminate International Terrorism S/RES1269 (1999), to engage in sustained combat against the scourge of international terrorism. The United States has been concerned for some time about the lack of full and universal compliance with previous conventions and resolutions, such as the International Convention for the Suppression of Terrorist Bombings, 15 December 1997, the International Convention for the Suppression of the Financing of Terrorism, 9 December 1999, S/RES/1363 (2001), S/RES/1189 (1998), A/RES/49/60, and A/RES/50/53, Measures to Eliminate International Terrorism. The United States firmly believes that two of terrorism’s main causes are ignorance and poverty. Our Delegation supports combating criminal extremism, intolerance, and misguided loyalty of certain vulnerable peoples
around the globe with education, humanitarian assistance, economic recovery, reconstruction of infrastructure, and the rehabilitation of civil society. The United States hopes that the world community will keep its resolve and continue to work with all possible diligence to bring the terrorist and the supporters to justice. The United States of America, as Ambassador Cunningham said before the Security Council on the 12th of September, “has suffered a cowardly and evil attack, but America is not, and will not be, shaken in its resolve. We will grieve, and we will heal.” We look to all those who stand for peace, justice and security in the world to stand together with the United States in our dedication to eliminate all forms of terrorism.

II. The Situation in Afghanistan

For over twenty years, war, violent conflict, poverty and disease have ravaged the country of Afghanistan, and spread terror and instability throughout the region. We recognize the importance of S/RES/1267 (1999), S/RES/1333 (2000), and S/RES/1363 (2001), as well as the Report of the Committee of Experts S/2001/511, in laying the foundation for our continuing actions in Afghanistan. Now, after only a few short months of working to rescue the Afghan people from an oppressive and tyrannical government, the international community has the exciting opportunity of assisting in the establishment of a new state where all people, including women and children, are ensured the basic rights and privileges of peace and security. From our committed efforts, the Taliban regime, which once haunted and tormented the citizens of Afghanistan, has been eliminated and the hope of a new government, built on freedom and justice, rings throughout the cities of the war-torn country. We will continue to support international efforts toward the creation of a new administration, under the guidelines of S/RES/1378, which calls for such an administration to be built on a fully representative government, committed to ensuring peace and stability in the region. Our Delegation also supports the principles embodied in S/RES/1383, which outlines the structure of the new governing authority in Afghanistan, including, but not limited to: continual efforts to combat terrorism and drug trafficking; respecting the basic human rights of all Afghan people, regardless of age or gender; and allowing for the orderly return of all refugees. The United States will continue to stand in support of Chairman Hamid Karzai of the Afghan Interim Authority (AIA) in combating the residue of the evils of war and terror. The warlords and their followers must be brought under the control of the AIA to help cultivate a new and accountable government that will serve to protect the rights of all people within its jurisdiction. Our Delegation recognizes that representation and accountability within
a national government is fundamental to the achieving of stability and reconstruction, and we reaffirm our support of the *Bonn Agreement* pertaining to a peaceful political transition in Afghanistan over the next two years. Our Delegation also commends the success of the Tokyo Donors Conference on Afghanistan, where pledges totaled close to $5,000,000,000. We also support S/RES/1386, and its suggestions for implementation of the *Bonn Agreement* and establishment of an International Security Assistance Force (ISAF). The recent statements of the Honorable Secretary General found that Documents S/2001/1157 and S/2001/789, must be taken into great consideration by the Council when enacting future resolutions regarding the political process in Afghanistan. Our Delegation is a proud sponsor of *Draft Resolution A/56/L.62*, established in the General Assembly and currently under review by the Fifth Committee to render a decision regarding the budget implications of the proposal. If enacted, this Resolution—in conjunction with S/RES/1386 and S/RES/1378—will help establish the necessary guidelines to aid in the functioning of the different sectors of the new Afghan government and representation of the Afghan Peoples’ rights and interests. When creating these resolutions, we must pay close attention to the women and children of this war-torn country, by remembering the coveted yet often forgotten principles of the *Charter of the United Nations* and the *Universal Declaration of Human Rights* (UDHR), which afford their God-given rights to all people of the world. The United States firmly believes that all people in the world are afforded the right to the protections under the UNHR, and that all women are entitled to the protections set forth by the *Beijing Declaration*. These documents hold even more meaning during and after violent conflict, and it is our obligation as members of the Security Council to help assure the citizens of Afghanistan that they will not be denied these fundamental rights. Our Delegation supports the recent *Report of the Secretary General* of 6 December 2001, and its suggestions on certain peacemaking efforts and humanitarian assistance activities, and looks forward to the progress that the Security Council is yet to make. We are confident that the future of Afghanistan will be a successful one in which all citizens can live free from an oppressive and tyrannical government, and our Delegation remains eager to work with other member states on the issue.

### III. The Conflict Between Israel and Palestine
Since September 2000, the entire Middle East has been affected by the turmoil caused by the renewal of the often-violent conflict between Israel and the Palestinian People. S/RES/1322 (2000) called for the cessation of violence, and reaffirmed all relevant Security Council Resolution including S/RES/242 (1967), S/RES/338 (1973), S/RES/476 (1980), S/RES/478 (1980), S/RES/672 (1990), and 1073 (1996). This region, along with the rest of the world, must know that the United States of America will not withdraw its efforts toward achieving true, just and lasting peace in the area. Fundamental to achieving this goal is the honest commitment from both the Government of Israel and the Palestinian Authority to the peace process. As a first step, the Palestinian Authority must regain control over the citizens within its jurisdiction and put an end to the violence that has thus far taken the lives of many innocent victims. Likewise, the Government of Israel must cease any new settlements in areas covered under S/RES/242 (1967) and use all possible restraint when responding to terrorist acts. Also, it is up to the entire international community to reaffirm the need for the two parties to resume a system of constructive dialogue leading to sustainable peace. Embodied in the principle of working to establish peace between these neighbors in conflict is the reestablishment of communication, negotiations, and compromise. We commend the government of Saudi Arabia on its recent proposal to reinitiate the peace process, by offering to recognize Israel as a partner in trade, establish diplomatic relations, and help ensure Israel’s security if the Government of Israel agrees to withdraw from territories occupied after the end of the 1967 War as called for in S/RES/242 (1967). Our administration is currently reviewing this proposition, but must reiterate that the Palestinian Authority has the vital obligation to gain control over its citizens in an effort to combat the continual problem of terrorism and violence against the presence of Israeli civilians and military forces. In the delicate and complex reality of situation today, especially with the increased sensitivity to terrorist attacks, blame must not be placed on one side while at the same time ignoring the wrongdoings of the other; nor can we continue to condemn actions rather than initiate peace. We are committed to working towards a day when two States, Israel and Palestine, can live peacefully together in secure internationally recognized borders. We will continue to take all necessary steps to work towards that end. However, our administration cannot support resolutions that merely single out one party involved with accusations of instigating violence, for these do not fall within the guidelines of our foreign policy, nor do they offer true benefits or results to the international community. The United States believes that there are two main principles that must be recognized by this Council regarding this situation. First, no single resolution, declaration, or conference can establish an end to decades of political unrest and
violent conflict in the area. On the contrary, it will require the close reexamination of existing documents, such as the Oslo Declaration of Principles and the Mitchell Recommendations found in the 2001 Report of the Sharm el-Sheikh Fact Finding Committee. Secondly, we must remember that peace is not something that can be imposed as if it were a penalty or sanction; quite the contrary, it is a goal that must be continually worked towards on a daily basis.
Delegation from The United States of America
Represented by California State University, Chico

By Daniel J. Pargee and Ayumi Moriguchi

Position Paper for the North Atlantic Treaty Organization

The issues before the North Atlantic Treaty Organization are: Establishing Stability in the Balkans, NATO Expansion: Options for Enlargement, and National and Theatre Missile Defense Systems and Their Impact on NATO Member States. The United States of America is committed to the protection of its interests while developing and securing the mutual interests of other states, regional arrangements, as authorized by Chapter VIII of the Charter of the United Nations, and all other applicable inter-governmental or non-governmental organizations where possible. The United States continues to strongly commit itself to the efforts of NATO and firmly believes in our collective contributions towards friendly relations by establishing security, stability, and sustainability throughout the international community, but especially within the Euro-Atlantic area.

I. Establishing Stability in the Balkans

The United States of America firmly believes in the principles outlined within the North Atlantic Treaty and the Charter of the United Nations. Armed conflict throughout the Balkan region has stemmed from instability within the political, economic, and social infrastructures of state governments as well as from historical ethnic, religious and territorial disputes. Over the last several thousand years empires and civilizations have clashed, tried to coexist, and clashed again on the Balkan Peninsula leaving a legacy of tension and mistrust. Today, our delegation remains focused upon encouraging the application of principles that promote representative government, economic reform, and sustainable autonomy for violence-ridden areas. The United States believes that the best ways in which the Balkan states can transition into stable, free and democratic societies are by strengthening the rule of law, encouraging and supporting the protection of minority victims and returned refugees, and by contin-
ued reform of the discredited institutions from the communist era. The United States understands the importance of their individual struggles for democracy and freedom, and fully supports the efforts of local, state, and international institutions that help maintain stability and promote sustainability throughout the Balkans. In accordance with the principles and policies of member states within this body as well as S/RES/1377 of 12 November 2001, the United States stands against all who use or support violence and terror to further any political, religious, or economic cause which impedes democracy and undermines the rule of law. We support the continuing efforts of the NATO-led Kosovo Force (KFOR) under S/RES/1244 of 10 June 1999 and believe in its ability to prevent unauthorized movement and illegal arms shipments along the border between Kosovo and the Former Yugoslav Republic of Macedonia (FYROM). Our delegation stands firmly in support of S/RES/1345 of 21 March 2001 in its condemnation of continued attacks from groups that have jeopardized the democratically elected, multi-ethnic government of Macedonia. The United States understands the Framework Agreement at Skopje on 13 August 2001 to be an essential component of maintaining regional security and stability. We believe that in order to promote sustainable peace and security within the region, we must step up our efforts to transfer responsibilities for public security from combat forces to specialized units, international police, and ultimately to broad-based representatives and local authorities. The United States further believes that ongoing operations among various states and institutions are essential to help reconstruct stability in the Balkans, and welcomes the cooperative commitment of our regional security allies and the Russian Federation in maintaining a climate suitable for sustained peace and stability. Believing in the importance of the United Nations Interim Administration Mission in Kosovo (UNMIK), our delegation affirms that only through NATO’s continued cooperation with the Organization for Security and Cooperation in Europe (OSCE) in its efforts to promote democratization and civil institution building under PC.DEC/305, can we achieve our collective goals of ensuring peaceful development of self-sustaining institutions within the region. We are confident that sustainable development can only be realized by intense foreign investment and continued privatization of previously state held resources and we therefore support the continued work of the European Union (EU) in its efforts to enhance reconstruction and economic development within the former Yugoslavia. Having implemented international demands for transparency, financial and programmatic accountability, electoral codes of conduct and media rules, the United States welcomes the successful completion of the first election for a Kosovo-wide Assembly on 17 November 2001. Our delegation believes in the principles outlined in General Framework of the Dayton
Peace Agreement, and in accordance with S/RES/1357 of 21 June 2001, the multinational stabilization force (SFOR) in Bosnia and Herzegovina continues to provide a focused military presence in order to deter hostilities, maintain peace, and give selective support to key areas and key civil implementation organizations, in cooperation with the United Nations Mission in Bosnia and Herzegovina (UNMIBH). We support the democratically elected government within Bosnia and Herzegovina in their efforts to strengthen civil institutions, impose regulatory and legal reforms, and discredit nationalist political parties that continue to preach separation and hatred. The United States remains ready to commit political, economic, and military support to peacekeeping measures and reconstruction efforts within the Balkan region. Our goals include the achievement of political settlement of disputes, the easing of hostile action and terror violence, and supporting genuine progress from self-sustaining civil institutions. Only after the fulfillment of these goals will the United States be prepared to discuss the implementation of procedures designed for the safe removal of NATO peacekeeping forces within and around the Balkan region.

II. NATO Expansion: Options for Enlargement

In the interest of supporting and maintaining regional and international peace and security, the United States of America firmly supports NATO expansion as a policy option designed to expand prosperity and strengthen democracy of all nations in the Euro-Atlantic area through collective strength in accordance with our common values. Our delegation believes in the merits of expansion as outlined in the 1995 Study on NATO Enlargement and is encouraged by the results of our latest round of expansion since the Madrid Summit of 1997. Recognizing the importance of Article 10 of the North Atlantic Treaty, our delegation fully supports the Open Door Policy insofar as there will be no geographic or historic red lines which could prevent any European state from applying for membership in this defense organization. The United States is committed to providing an equal chance for all of Europe’s new democracies to join Western institutions, believing that these actions will further our collective goals of expanded freedom and increased security. Our delegation further commits itself to preserving the integrity and sustainability of our mutual security organization. Accordingly, we believe in the importance of continuing to develop effective defensive capabilities that have the ability to preserve stability and security throughout the Euro-Atlantic Area. The United States believes the strategies contained within the Membership Action Plan (MAP) are essential in providing prospective NATO member states with
the political, economic, and military guidelines necessary for future integration into this defense alliance. We deem it critical for prospective partners to fully implement the established criteria as outlined in the MAP. Future members, by entering the organization with the proper tools and infrastructure, increase our collective strength rather than diminishing the effectiveness of our commitment. The United States expects all future members to clearly demonstrate their individual commitment to the promotion of democracy, economic liberty, and social justice, as well as advancing peaceful and friendly relations with neighboring states by way of political channels and diplomatic relations. To that end, our delegation emphasizes the importance that future NATO expansion decisions should be made on a case-by-case basis, depending on each state’s situation, and without any preconceived timeframe. The United States welcomes the efforts of all aspiring members who continue to reform civil institutions, conduct free and fair elections, and otherwise take significant steps toward implementing the MAP objectives intended to increase transparency and accountability for future integration into this and other Western institutions. Furthermore, we recognize the Partnership for Peace (PfP) and Euro-Atlantic Partnership Council (EAPC) organizations as positive channels for increased cooperation and communication between states that are committed to achieving the principles outlined in multiple international agreements and the Charter of the United Nations. Since its formal conception in Paris on the 27th of May 1997, the United States continues to support NATO’s development of a peaceful relationship with the Russian Federation based upon cooperative security and upholding the principles of democracy and freedom. Our delegation believes that the cooperation, consultation, joint-decision making, and joint action abilities currently underway in the Balkans demonstrate to the world the depth of the mutual commitment between the Russian Federation and NATO. The United States reaffirms our support for increased NATO membership as we continue to build relationships based upon mutual assistance and cooperation, believing in the importance of embracing our common values in order to combat threats that undermine international peace and security in the 21st century.

III. National and Theatre Missile Defense Systems and Their Impact on NATO Members

The United States of America is entirely confident that the further development of limited national and theatre missile defense systems will contribute to the maintenance of international peace and security in accordance with the principles of Article 51 of the Charter of the United Nations, which assures the
right of individual or collective self-defense. Since the Cold War military confrontation no longer exists and the security environment has fundamentally changed, our focus is to defend ourselves, our allies, partners, and friends from the new common threats delivered by terrorist organizations and rogue states which attempt to discredit democracy, limit freedom, and destroy individual liberty. Our delegation is deeply concerned that the world’s least responsible states and groups are acquiring and/or developing weapons of mass destruction and longer-range ballistic missiles to use as instruments of blackmail and coercion against the nations of the world. Understanding that NATO is a defensive organization, as outlined in Article 3, we believe that there is an urgent need to develop a new broad-based strategy to strengthen global and regional security to combat future encroachments upon the safety of people who value peace and security. The United States invites our allies to embark on multilateral comprehensively based research and development programs as well as testing and evaluation programs which enhance our mutual peace and security, including financial and technical cooperation. Furthermore, our delegation maintains that the new framework must encourage continued consultations regarding transparency, confidence building, and cooperation on limited missile defense as well as further continued significant reductions of offensive strategic nuclear forces by our nation and the Russian Federation. The 1972 Anti-Ballistic Missile Treaty reflected the relationship between two states locked in a mutually hostile relationship that hindered our ability to develop ways and means to defend our people from unpredictable future ballistic missile attacks. As we enhance our defense capability against weapons of mass destruction and the means to deliver them, we will be able to strengthen deterrence by reducing the efficacy of missile attacks and the incentives for proliferation. The United States is committed to achieving a credible deterrent with the lowest possible number of nuclear weapons consistent with our national security needs and our obligations to our allies. Through continued bilateral consultations on transparency and cooperation on missile defenses and reductions in offensive nuclear forces, we strongly support the development of constructive relationships between the Russian Federation, the United States, and all NATO allies. The United States commits itself to continuing active dialogue with allies and other interested states on all issues of strategic stability and how we can best cooperate to meet the threats of the 21st century.
Delegation from The United States of America  
Represented by California State University, Chico  

By Bob Ray and Jeff Friedman

Position Paper for the Inter-American Development Bank

The issues before the Inter-American Development Bank (IDB) are: Implementation of the Recommendations from the 2001 Summit of the Americas, Strengthening and Reforming America’s Financial System and Institutions, and Priorities and Strategies of Rural Poverty Reduction. The United States of America is pleased to contribute to this financial body. Our Delegation is committed to achieving a region of democracy free from the shackles and unwarranted restraints of trade barriers, corruption and unjust business practices.

I. Implementation of the Recommendations from the 2001 Summit of the Americas

The United States believes the core values of success in the Americas are built on democracy in government, regional stability and freedom in trade. Our Delegation recognizes that through democratic and economic reforms, we have made progress for the people of the Americas. Our first commitment is to democracy and political freedom. We recognize the Democratic Charter of the Americas, which holds that only democracies can be part of our inter-American system. The Americas must build governments that are honest and fair, to create freedom for all citizens. We reaffirm our commitment and call on our economic partners in the region to do the same. The United States calls attention to the Quebec City Summit and recognizes the important themes of strengthening democracy, creating prosperity and realizing human potential. The United States is committed to bringing these themes into completion. Our Delegation also calls attention to the Declaration of Quebec City (DQC) and to the commitment to safeguarding regional stability. We call attention to the DQC’s commitment to “having due regard for existing hemispheric,
regional and sub-regional mechanisms, we agree to conduct consultations in
the event of a disruption of the democratic system of a country that partici-
pates in the Summit process.” We recognize that the United States must set an
example because the international community looks to the United States for
guidance. As the longest standing and most productive democratic state, we
are looking forward to leading the way. The United States actively accepts this
role and calls attention to the clear and present danger of the terrorism. We
reaffirm our commitment to the Declaration of Lima To Prevent, Combat, and
Eliminate Terrorism, recognizing “that it is essential to adopt all bilateral and
regional cooperation measures necessary to prevent, combat, and eliminate,
by all legal means, terrorist acts in the Hemisphere.” The United States thanks
our partners in the Organization of American States (OAS) for their support in
RC.24/RES.1/01, noting “that, if a State Party has reason to believe that persons
in its territory may have been involved in or in any way assisted the September
11, 2001 attacks, are harboring the perpetrators, or may otherwise be involved
in terrorist activities, such State Party shall use all legally available measures to
pursue, capture, extradite, and punish those individuals.” We also support the
Commitment of Mar Del Plata “to transmit to the Inter-American Committee
against Terrorism (CICTE), for implementation, proposals on the ways and
means such as the “Directory of Competences for the Prevention, combating,
and Elimination of Terrorism,” and the “Inter-American Database on Terrorism,”
proposed at the Meeting of Government Experts held at OAS headquarters
in May 1997.” The United States recognizes the magnitude of education at
the primary level. The United States Agency for International Development
(USAID) will begin, as promised, a Center of Excellence campaign in order
to train teachers. Markets and trade, development and democracy, rely on
healthy, educated populations. The United States is working to bring better
health care and greater literacy to the nations of our hemisphere. The United
States funding for international basic education assistance programs this year
will be over forty-five percent higher than last year. This spring, the first of our
regional teacher training centers will open in Jamaica. Additional centers will
be operating in South and Central America by year’s end. The United States has
called upon the World Bank and other development banks to increase funding
devoted to education and to provide up to fifty percent of its assistance to the
world’s poorest nations in the form of grants rather than loans. We believe it is
particularly important to support grants for education, health, nutrition, water
supplies, and sanitation. President Bush is currently seeking a 100 million dol-
lar budget increase to the World Bank over the next two budgets. The United
States supports AG/RES. 1810 (XXXI-O/01) “instructing the Nonpermanent
Specialized Committee on Education to give priority to the multilateral proj-
ects contained in the Inter-American Program of Education when it prepares the report referred to in Article 21 of the Statutes of the Special Multilateral Fund of Inter-American Council for Integral Development CIDI (FEMCIDI) on the partnership-for-development activities in the area of education that it recommends for execution in the year 2002. Democracy means involvement, and children of this region must learn that it is their future and, therefore, their responsibility to take an active role in government." Along with regional security, democratization, and education, the United States is committed to growing stable economies where the benefits of growth can be widely shared. As President Bush stated in a joint press conference with Mexico's President Fox, "We must foster policies that reward, not punish, entrepreneurship, work, and creativity. We understand that sustained development depends on market-based economies, sound monetary and fiscal policies, and freer trade among our nations. The United States seeks to accomplish a Free Trade Area of the Americas because it is essential to the realization of human potential. Unjust trade barriers and tariffs send a signal to the peoples of this region that the prosperity and reward for their hard work is not viewed as a priority by their own governments. Globalization is the extension of freedom and liberty beyond the physical borders of countries.

II. Strengthening and Reforming America's Financial System and Institutions

The United States of America believes that global prosperity begins when the world's economic powers set the example, and keep their own institutions and systems in order. Corruption cannot be simply removed from the political realm but must be removed from the economic sector as well. For this region to witness stability in government, it must begin with stability in the economic sector. In 1977, we enacted the Foreign Corruption Practices Act (FCPA), and have worked with many states to create codes and standards for businesses working in foreign countries. The United States is one of the thirty-four signatures to Convention on Combating Bribery of Foreign Public Officials in International Business Transactions adopted by the Organization for Economic Co-operation and Development (OECD). The United States supports the requirements of parties to apply effective, proportional and dissuasive criminal penalties to businesses practicing corruption. The United States strongly urges restructuring and strengthening through accountability and transparency in the public sector, legal frameworks and corporate governance regimes to fight corruption, safeguards against the misappropriations of public funds and their diversion into non-productive uses, access to legal systems for all citizens, independence of the judiciary and legal provisions, legal
provisions enabling private sector activity, active involvement of civil society and Non-Governmental Organizations (NGOs), and freedom of economic activities. The economy of the world is the linking of each country’s economy to one another. This connectivity means that all countries can benefit from financial system and institution strengthening. The United States encourages Multilateral Development Banks (MDBs) to help recipient countries strengthen public expenditure and budget management. In this region, we are acting on a number of fronts. We are working to build a Free Trade Area of the Americas, and we are determined to complete those negotiations by January of 2005. We plan to complete a free trade agreement with Chile early this year. It is our Delegation’s belief that greater participation of developing countries in the global trading system and adherence to codes of fiscal transparency and good business practices are imperative to achieving a strong regional financial system with sound institutions. The United States of America strongly advises that these reformed financial institutions adhere to international standards as cited in A/RES/51/166. This region’s financial institutions should adhere to the guidelines of other MDBs. The International Monetary Fund (IMF) has created the Code of Good Practices on Transparency in Monetary and Financial Policies. This code rests on two principles. First, that the public is made aware of the goals of the policies, and second, that central banks and financial agencies must be held accountable. Citizens of the region should be encouraged by their governments to take an active involvement by demanding information be made available to them. We are in accordance with A/RES/55/186, in addressing the need for an international financial architecture geared directly towards developing countries. This Delegation supports the need for an international framework and guidelines to financial institutions. Strengthening financial systems and institutions are imperative to achieving regional prosperity, peace and cohesiveness. The United States wants to help Argentina through its financial hardships. We urge Argentina to commit to a sustainable economic plan and we will support assistance for Argentina through international financial institutions. This assistance will help eliminate the crisis affecting the lives of the Argentine people, by returning of growth and prosperity.

III. Priorities and Strategies of Rural Poverty Reduction

The 2001 Genoa Summit proved that the economic leaders of the world are prepared to address the issue of poverty reduction. This summit revealed that the most effective strategy to reducing poverty is to maintain a strong,
dynamic, open and growing global economy. Our Delegation strongly believes free trade is the only proven method to reduce poverty in developing nations. Free trade is effective because it allows developing nations to draw upon their own strengths and produce products that will be competitive in the global market. In the past decade, the World Bank discovered that the states that integrated into the global economy enjoyed a 5.1 percent increase in per capita income while those that remained disconnected witnessed a nearly two percent drop in per capita income. The United States supports and calls attention to the World Bank and recognizes the following key strategies and priorities to reduce rural poverty must be addressed: 1) examining effects of national policies on rural poverty, 2) increasing opportunities for the rural poor, 3) empowering the rural poor by improving their assets, 4) natural resources and environment, 5) sustainable natural resource management, 6) exit strategies from rural poverty, 7) reducing more general risks faced by the rural poor.

The United States of America supports the Inter-American Development Bank Strategy for Rural Poverty Reduction. The United States has delivered $1.2 billion, in the past three years, with the intent of increasing trade capacities so that developing countries may more fully enjoy the benefits of globalization. Traditionally, the world’s poor have been left out of trade. Now, it is the opportunity of all states in this body to include them so that those who need it most will enjoy the positive effects of globalization. Our Delegation recognizes and supports the ODB Strategic Approaches and Options, and Strategic Bank Activities. The contributors of this financial body share a responsibility to the recipient states, and must act as partners to the rural poor of developing nations. Acting as both mentors and partners, the strong economies of the world must be instrumental in discovering and enacting methods to stamp out illiteracy, disease and unsustainable debt. The United States has taken the initiative to ending illiteracy by increasing its budget for international education assistance programs by nearly twenty percent in the past year. The programs that have proven themselves to be most effective, through measurable results, are the ones that should receive additional funding. However, money alone is not enough. It must be applied with sound economic policies, and with sustainable development perpetually as the main focus. Currently only 7 percent of the World Bank’s funds are allocated for education. For this reason, it is the wish of this Delegation to dispense up to half of all funds provided by MDBs in the form of grants for humanitarian needs. The purpose of IDB is to focus on the needs of the region, and education is one of those needs. Education creates a skilled work force that will be able to better compete in the global economy, as well as become instrumental in the future of their state. The United States of America agrees with the International Monetary
Fund (IMF) that poverty reduction must be integrated with macroeconomic policies. Social and sectored programs that include a focus of poverty reduction must be prioritized. We fully endorse measures already taken to improve market access such as *Everything But Arms, Generalized Preference*. 
Position Paper for the United Nations Children’s Fund

The issues before the United Nations Children’s Fund are: the Exploitation and Trafficking of Children, Education and Literacy for All, and the Challenges for the Girl-Child. The United States of America looks forward in leading the discussion within the United Nations Children’s Fund and is committed to continuing active dialogue with all members in order to find sustainable solutions to these problems.

I. Exploitation and Trafficking of Children

The United States of America has long been committed to the cause of human rights and the protection of fundamental individual freedoms. As a nation founded upon the belief that all are created equal, we seek to uphold the basic freedoms of life and liberty that they may be reserved and secured for all people. With this in mind, we voice our extreme displeasure and condemnation for all who choose to participate in the exploitation and trafficking of the world’s children. The United States is a proud supporter of the World Summit on the Children of 1990, and calls attention to the Conventions outlining universal legal standards for the protection of children against neglect, abuse, and exploitation. We applaud the increased awareness created by the Second World Conference Against the Commercial Sexual Exploitation of Children. Our Delegation supports the outcome document of the Second World Conference entitled The Yokohama Global Commitment 2000, which calls for the implementation of “enhanced actions against child prostitution, child pornography and trafficking of children for sexual purposes, including national and international agendas, strategies or plans of action to protect children from sexual exploitation, and new laws to criminalize this phenomenon, including provisions with extra-territorial effect.” The United States has taken strong measures...
by creating uncompromising laws and initiating anti-trafficking programs to assist other countries. As the world leader in defending human rights, the United States has created the President’s Interagency Task Force to Monitor and Combat Trafficking in Persons. The Task Force “seeks to strengthen coordination among key agencies working to fight this terrible scourge and to identify opportunities to bolster our efforts to prosecute traffickers, protect victims, and prevent future trafficking.” The United States Senate unanimously ratified the Convention Against the Worst Forms of Child Labor with an amendment denying trade benefits to countries that did not meet or effectively enforce the standards in International Labor Organization (ILO) Convention 182 for the elimination of the worst forms of child labor. The United States strongly believes we must begin by initiating prevention measures to protect children from the dangers of exploitation and trafficking. Within the United States, we have passed the Victims of Trafficking and Violence Protection Act of 2000. It is our hope that new legislation can work to penalize those involved in the trafficking and exploitation of others while helping to protect and reintegrate victims. Our Delegation supports building democratic societies that can reliably provide political freedoms, protections of human rights, and civil liberties. We believe transparent democratic governments beholden to their people are the best way to protect children from exploitation. Our Delegation supports A/RES/55/67 and encourages all states to criminalize the exploitation and trafficking of children, while dually seeking to strengthen legislation, which may already be in place. We believe that to effectively address these issues, steps must be taken on international, national, and regional levels. Global, national and regional approaches are necessary if we are to fully eradicate the exploitation and trafficking of children. We encourage all nations to sign the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children as well as the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. We support A/RES/54/149, which calls on states to act in accordance with the Geneva Convention of 1949 and recognize that special care must be taken when dealing with children involved in or affected by armed conflict. Our Delegation expresses support for E/CN.4/RES/2001/48 that recommends problems of exploitation and trafficking in women and children, especially the girl-child, be given special consideration when prescribing and implementing relevant international policy. We hope to see these issues integrated into new programs such as those undertaken by the World Bank and the Human Development Network which are working to bring child labor into Country Assistance Strategies (CAS) reviews. Children are the future of our world and the United States will continue to lead when it comes to protecting
our children.

II. Education and Literacy for All

The United States of America strongly believes that all children should have the right to free and compulsory primary education as outlined in Article 26 of the *Universal Declaration of Human Rights*, and Article 13 of the *International Covenant on Economic, Social and Cultural Rights*. We believe basic education and literacy to be an essential part of freedom, democracy and sustainable development. Further, our Delegation vigorously reaffirms the goals contained in the *Dakar Framework for Action* adopted by the 2000 *World Education Forum*, "ensuring that by 2015 all children, particularly girls, children in difficult circumstances and those belonging to ethnic minorities, have access to and complete free and compulsory primary education of good quality." We encourage states to use all possible means to meet the goals as recommended in A/RES/56/116, which appeals to all Governments "to redouble their efforts to achieve their own goals of education for all by developing national plans in accordance with the *Dakar Framework for Action*, setting firm targets and timetables, including gender-specific education targets and programmes, to eliminate gender disparities at all levels of education, to combat the illiteracy of women and girls and to ensure that girls and women have full and equal access to education, and by working in active partnership with communities, associations, the media and development agencies to reach those targets." The United States also recognizes A/RES/49/154, which "calls upon Member States to enable young people to obtain a comprehensive education, including in human rights questions, environmental questions and cross-cultural issues, with a view to fostering mutual understanding and tolerance." Our Delegation also acknowledges E/CN.4/RES/2001/29, which confirms the right to education and calls upon states to ensure rights to education without discrimination of any kind. The United States reaffirms the goals delineated in *The 1990 World Conference and Declaration on Education For All* and the *Framework for Action to Meet Basic Learning Needs* to create a global vision and a renewed commitment for universal access to education and enhancing the environment for learning. In accordance with A/RES/52/183, our Delegation urges all states to report truthfully and accurately their achievements and setbacks in relation to their state’s educational goals. We wish to stress the importance of the involvement of inter-governmental organizations (IGOs) and non-governmental organizations (NGOs) in this process. We applaud past efforts and are hopeful that through future collaborative interactions with organizations such as OXFAM and Education International, we will make advances in education.
throughout the world. The United States wishes to reinforce our commitment to the goals of the Dakar Framework for Action, including the opportunity to fulfill the right to quality education. Consistent with our commitment to expand access to and improve the quality of education, the United States assists least developed countries (LDCs) to improve their capacity to plan, manage and operate basic education systems with efficiency and effectiveness on the macro and micro level with its Advancing Basic Education and Literacy Levels II (ABEL 2) program. In addition, the United States, through the Peace Corps, provides, among other things, teachers to impoverished nations who request them for the benefit of their children. The United States further urges all states to offer free and compulsory primary education in accordance with the United Nations Convention on the Rights of the Child and other international commitments. Our Delegation also reminds the international community of the international agreement on the 2015 target date for achieving universal primary education in all countries. The need for gender equality is particularly acute in an educational setting as it sets the standards for further female participation within the institutions of society. As stated in the Amman Affirmation 1996, our Delegation views education to be the greatest instrument of empowerment. The advancement of women’s education has historically been the single greatest factor leading to human development. Drastic decreases in population growth rates, reduced child mortality, and a reduction in the level of poverty have all been attributed to the elimination of gender disparities within the educational system, as well as the furtherance of peace, democracy and sustainable development. We ask all nations to make gender equality within primary and secondary education a priority. It is the policy of our nation’s president to ensure that “no child should be left behind.” While this is certainly a domestic priority, it is our hope that the international community will continue working in this direction.

III. Challenges for the Girl-Child

The United States of America firmly believes in improving the state of the girl-child throughout the world. Our Delegation ardently endorses the Vienna Declaration and Programme for Action, which proclaims that the rights of women and children to be an inalienable, integral, and indivisible part of universal human rights. The United States of America reaffirms A/RES/51/76, which mandates that the girl-child be allowed full and equal enjoyment of all fundamental freedoms, including that she be given the opportunity to
develop to her full potential and improve her skills through equal access to education. As stated in the 2001 UNICEF Annual Report, “the consequences of regional conflict, poverty, exploitative labor as well as cultural traditions and norms have notoriously caused the most urgent threats to the vitality of the girl child.” Noting that these obstacles seem to be inherent in developing countries throughout the world, the United States reaffirms A/RES/49/161, which requests that special attention be paid to women in developing countries, who suffer from the effects of economic crisis, in order to better integrate the roles and perspectives of women into developing societies. The United States urges the body to approach the previous and growing challenges of the girl-child with a unique voice and original approach. Our Delegation believes we should begin by addressing the unmet goals of the World Summit for Children of 1990. As an international body we need to work to meet the objectives of Goals for Children and Development in the 1990s, which where presented at the World Summit for Children of 1990. Concerted efforts must be made to reduce child and maternal mortality rates, malnutrition, illiteracy (with an emphasis on female illiteracy), and to achieve universal access to basic education. The United States strongly emphasizes that the single most important aspect towards the advancement of women is education. It is the key to individual empowerment and, consequently, to the sustainable development and growth of a nation. As described in Profiting from Abuse: An investigation into the sexual exploitation of our children, education is essential to conquer obstacles such as child abuse and violence. Exploitation and child abuse inhibit a child’s ability to attain a quality education. Basic security needs must first be met before a child can go on to become a functioning, productive member of society. Our Delegation urges the body to continue working collectively towards the aims of the First World Congress Against Commercial Sexual Exploitation of Children 1996 and the Second World Congress Against Commercial Sexual Exploitation of Children 2001. The United States advocates the full implementation of The Yokohama Global Commitment 2001, which reaffirms the protection and promotion of the rights of the child from all forms of sexual abuse. Equally important as the fight against sexual exploitation is the fight against health challenges. According to the 8 March 1999 UNICEF article, “HIV/AIDS increasingly claims girls and women”, of the estimated 33 million infected with HIV/AIDS, women or girls account for forty-three percent. The United States is the largest bilateral donor to the fight against AIDS, providing fifty percent of all international funding. When girls are protected from the cruelty of child exploitation, trafficking and inadequate health services, uneducated and undereducated girls will no longer be robbed of equitable opportunities. The United States commends the goals of the Global Girls’
Education Programme in that educating girls can help eradicate poverty and promote peace, and the goals of The 10-Year UN Girls' Education Initiative to improve the fundamental human right of girls access to education. In support of these efforts, the U.S. UNICEF’s New York Programme Division proposed a framework titled Girls’ Education: A Framework For Action. Its main focus is to ensure equality of opportunity for girls in the access of universal primary education. The United States commits itself to furthering our collective goals of confronting and dealing with the challenges of the girl-child, and remains ready to lead this discussion.
Delegation from The United States of America
Represented by California State University, Chico

By Soumaya Errafi and Katherine Hamilton

The Commission of the Status of Women

The issues before the Commission are: Women’s Reproductive Rights, The Role of Gender in Conflict, Resolution, and the Review of the System-wide Medium-term Plan for the Advancement of Women. The United States of America recognizes that women’s rights are enduringly linked to the human rights of all people, and affirms our strong support for the values and principles outlined in the Charter of the United Nations and the Universal Declaration of Human Rights.

I. Women’s Reproductive Rights

The United States of America is firmly committed to advancing the status of women by improving the quality of women’s reproductive options. Recognizing that all human rights are universal, interdependent and interrelated, and that women’s rights are human rights, we are dedicated to increasing awareness of reproductive rights as an element of human rights as defined in paragraph 95 of the Beijing Platform for Action of 1995. Empowering women politically and economically is vital to ensuring women’s rights; it is imperative that we help create an enabling environment in which women and families can make informed decisions. The United States envisions a world in which women have the inalienable right to make informed and responsible decisions regarding her fertility, including when and how many children to have, and to be free of threats of mutilation, sterilization, coercion and other forms of abuse. Reflecting our concerns and ongoing priorities outlined in the US Foreign Assistance Act of 1961, we have appropriated $34 million for FY2002 to the United Nations fund for Population Activities (UNFPA). Consistent with decision 85/19 of the UNFPA, the 1995 Cairo Programme of Action, and the 1975 Mexico City Declaration on Population and Development, the United
States stands firmly opposed to funding abortion as a method of family planning, including information provision, counseling, advocacy and lobbying, as well as clinical services related to abortion. We strongly believe that family planning services, with both male and female methods focused on responsible sexual behavior, including abstinence and fidelity, are the best ways to ensure women’s reproductive rights. As a signatory to the Convention on the Elimination of All Forms of Discrimination (CEDAW) and a current member of the Commission on the Status of Women (CSW), we are dedicated to promoting women’s reproductive rights with a constellation of programs and funding. As a recognized leader in promoting and defending human rights, the United States, through the United States Agency for International Development (USAID) and its oversees missions, works in partnership with governments, private business, non-governmental organizations (NGOs) such as CARE and Save the Children, universities, and other international donors such as the UNFPA. Through these constructive partnerships, the United States aims to implement family planning services and educational programs that empower women to make informed, responsible, and voluntary reproductive decisions. Our Delegation’s objectives include the reduction of unintended and mistimed pregnancies, maternal mortality, infant and child mortality, HIV/AIDS transmission and threat of other infectious diseases. The United States reaffirms our support for the Beijing Declaration, specifically article 59, which states that women should be empowered “to have control over and decide freely and responsibility on matters related to sexuality to increase their ability to protect themselves from HIV.” Due to the fact that persistent inequities based on gender leave women and girls with little control over their sexuality, as highlighted in S/RES/1308 of 17 July 2000, the HIV/AIDS pandemic has a particularly negative impact on their reproductive rights. Coerced sex, genital mutilation, neglect of health needs, and discrimination leave women vulnerable to sexually transmitted diseases (STDs) and HIV. The United States stands ready to lead the discussion in identifying and implementing solutions to combat these and other threats to women’s reproductive rights. Currently, as the world’s largest bilateral donor of HIV/AIDS-related assistance, through the United States Center for Disease Control, the United States Department of Health and Human Services, and USAID, we continue to devote funding and support which will enhance the capacity of developing and transitional countries to protect their populations from new HIV infections. In addition, this funding will provide services for those infected or otherwise affected by the epidemic. We encourage Member States to increase their voluntary financial, technical, and logistical support for training efforts, including those undertaken by relevant funds and programs such as the United Nations Fund for Women (UNFW).
United States commits itself to continuing active dialogue with all parties in order to further our collective goal of ensuring sustainable reproductive rights for women.

**II. The Role of Gender in Conflict Resolution**

The United States strongly supports increasing the important leadership role women must play in preventing conflict, encouraging reconciliation, and helping rebuild conflict-ridden societies. We reaffirm our commitment to the Secretary-General’s *Strategic Plan of Action*, as outlined in A/RES/49/587, which calls for an increase in the participation of women at all decision-making levels in conflict resolution and peace processes, and encourage its further implementation. Our Delegation believes that when women have marginal political, legal, and economic status in times of peace, they will be ineffective in times of conflict. The exclusion of women during times of peace ensures their further marginalization at times of war and, in turn, leads towards a lack of access to resources and extreme vulnerability during conflict and post-conflict reconstruction attempts. The international community has time and again witnessed the abuse of women in wartime, including tactics such as systematic rape, sexual slavery, forced pregnancy, and deprivations of fundamental human rights. In recent history, we have witnessed atrocities in the former Yugoslavia, Angola, Rwanda, and Afghanistan, to name only a few crisis-torn areas in which women have suffered greatly. In order to foster a suitable environment for democracy, the international community must actively promote formal mechanisms that support a consistent female presence in the prevention of conflicts, at the peace table, in peacekeeping missions, and in peacebuilding efforts to reconstruct institutions vital to lasting stability. The United States fully supports the guidelines outlined in S/RES/1325 of 31 October 2000, which urge all member states to ensure increased representation of women at all decision-making levels in national, regional, and international institutions, and mechanisms for the prevention, management, and resolution of conflicts. The United States has made great strides in incorporating women into leadership roles in local and national governments, as well as within all functions of the workplace. We recommend that more women be appointed as special representatives in conflict resolution and have greater representation in judicial and prosecutorial positions on international bodies. In addition, it is essential that the international community, including governments, NGOs and the private sector, respond to the needs of women survivors of armed conflict through providing health care, trauma counseling, social reorientation, civic training activities and realistic income-generating activities. Consistent
with the Commission on the Status of Women’s report, *Discrimination against women and girls in Afghanistan* (E/CN.6/2002/5), the United States has set aside considerable financial and human resources to provide for full participation of women in political decision-making and national reconstruction. We are pleased to see women at the negotiating table in Afghanistan, and recognize the power of women as a source of peace in a society. The United States believes these actions to be a necessary step in the development of democratic societies in order to promote transparency, the rule of law, and accountability within government. Our delegation stands firm in believing that individual citizens from all Member States have the right to develop in a sustainable manner, free from coercion and suppression. The United States remains ready to confront the challenges that face the women of the world today and is committed to contributing support to further this body’s collective goals.

### III. Review of the System-wide Medium Term Plan for the Advancement of Women

The United States of America is in firm support of the *Charter of the United Nations*, specifically Article 8, which provides that the United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs. We further support the goals contained in the *Platform for Action* adopted by the *Fourth World Conference on Women* in 1995 in Beijing, with special attention to the achievement of overall gender equality. Further, the United States supports reform within the upper levels of administration relative to the goal of equitable gender distribution in all categories of posts within the United Nations bureaucracy. Such reform is supported with full respect for the principle of equitable geographical distribution, in accordance with Article 101 of the Charter, taking into account the under-representation of women from developing and transitional countries. The United States strongly encourages all Member States to support the efforts of the United Nations and the specialized agencies to achieve the goal of equitable gender distribution by identifying and regularly submitting more women candidates and encouraging more women to apply for those positions within the Secretariat, the specialized agencies and the regional commissions. Noting that the gender distribution of professional and higher-level positions still remains as of November 2001 at only 34.6 percent, our delegation encourages the Secretary-General to appoint more women as special representatives and to serve as representatives on his behalf in matters related to peacekeeping, preventive diplomacy, and economic and social development, as well as to
appoint more women to other high-level positions. We further request the Secretary-General to continue ensuring that individual managers are held accountable for implementing the strategic plan within their areas of responsibility. In addition, we support the Secretary-General in his efforts to create a work environment supportive of the needs of his staff, both women and men, through the development of policies for flexible workplace possibilities, family leave, childcare and elder-care needs, as well as through training, particularly at senior levels, and through the implementation of the special measures outlined in his report, and through further development of a policy against sexual harassment. Our delegation seeks to ensure that gains made in relation to gender mainstreaming are not lost in restructuring and reorganization within entities. The Meeting on Women and Gender Equality (ACC) has played an increasingly important role as a system-wide mechanism for implementing the plan and for gender mainstreaming. We encourage all member states to move from a reactive to a proactive mode in promoting gender perspectives in substantive work. Such efforts require engaging senior management to secure accountability for gender mainstreaming, developing methodologies and tools to ensure that attention to gender perspectives becomes routine in all areas of work, and knowing when to adjust the gender mainstreaming processes in special situations while still providing adequate levels of monitoring and support. The United States looks forward to participating in the review of this important plan, understanding that gender equality within these institutions is of utmost importance.
About The Authors

Stephanie Brearley is a twenty-five year-old graduate student in the Masters of Public Administration Program at CSU Chico. She received undergraduate degrees in journalism and political science from the University of Nevada.

Nichole Lynn McDaniel is a twenty-two year-old graduating senior at CSU Chico. She is majoring in public administration, with an emphasis in criminal justice. This paper was written for POLS 271A: Public Policy Evaluation with Dr. Diane Schmidt. This class helped her to finalize her career goals, as she now wants to be a public administrator in the criminal justice field.

Debra McEnroe, who is forty-six years old, is a reentry student in the Masters in Public Administration Program at CSU Chico. She was raised in the agricultural community of Watsonville, near Salinas and Monterey, at the tail end of the bracero programs. As a result of growing up with both farmers and their workers’ kids, she is interested in the topics of immigration and immigrant farm workers. She is fascinated by the fact that our state, so dependent upon the influx of farm workers, can exhibit such contradictory attitudes about immigration. Her paper, which was written for POLS 331: Research Methods taught by Dr. Ebeling, sought to address these important ideas.

Sean Murray is a Masters student here at CSU Chico. After graduating with a B.A. in Political Science he came back to study politics and the media. He wrote this paper for POLS 302: Public Administration and Democracy. Like many Californians he had very little idea why his PG&E bill had climbed so high last year, and writing this paper allowed him to understand the conflict of interest and the economics behind the energy crisis.

Patrick O’Connor is a thirty year-old senior in pursuit of a BA in History with a minor in classical civilizations. His paper was written for PHIL 126: Justice and Human Rights taught by Dr. Troy Jollimore. This course was part of his upper division GE theme: wealth, power, and inequality. While his primary academic interest is focused on things Greek or Roman, he also has concerns about the vast disparities evident in society. Such disparities are evident not only in such things as wealth and material possessions, but also manifest themselves in regard to more abstract (but no less important) concepts, such as disparities in power and influence. Such a disparity exists in regard to the relationship
between police departments and the citizens they serve. It was this belief that compelled him to look at this unequal relationship more closely in hopes of being able to suggest means of reducing these inequalities.

Bob Ray is a first year graduate student at CSU Chico. He has his B.A. in Communications and he is currently working on his Masters in Political Science. His paper was written for a seminar class in Federalism taught by Bob Morin. After his studies here, he eventually wants to get his Ph.D. in Political Science. He is involved in nonprofits and youth programs, and is currently trying to start his own nonprofit organization.

Lauren Schall is a twenty-one year-old graduating senior majoring in political science with a minor in Latin American studies. This past year she traveled to Merida, Mexico, where she worked for a period of time through an exchange program. Next year, she plans to continue her education at a law school in California. Lionel Tate’s Conviction was written for POLS 251B: Civil Rights and Civil Liberties taught by Professor Karla Zimmerlee. It is a current subject with a historical case analysis dealing with the subject matter of the Eighth Amendment. This paper was written in response to harsher sentencing of children across the nation, and specifically with the case of Lionel Tate.

Tammy Strobel is a twenty-three year old from Red Bluff, CA. She graduated from Chico State in May 2001, with a Bachelor of Arts in Economics, and started her Masters in Public Administration in August 2001. This paper was written for POLS 302: Public Administration and Democracy. The book, Savage Inequalities by Jonathan Kozol, inspired her paper.

Cover Design

Ryan Orcutt, a graphic design student here at CSU Chico, designed the cover. The cover encourages the viewer to take a closer look at the political environment in today’s society. Sometimes a closer examination can reveal new and exciting ideas, or it can expose evil at its roots.
About The Editors

**Ileana Angelo** is a graduating senior double majoring in political science and communication with a speech option. Her future plans entail dedicating herself to understanding the political process at the state capitol in Sacramento. Simultaneously or thereafter, she plans to pursue graduate work in the field of political science, due to the encouragement of the many phenomenal women of the Political Science Department.

**Adam D. Henig** is a graduating senior studying political science. Adam has two sisters, a pair of parents, a couple of cousins, and an uncle and aunt that he loves very much. Adam wants to give a shout out to his past and present roommates—John, Jeremy, Janeen, and Sara—and to the seventh floor Whitney Hall crew. And finally, Adam wants to give much thanks to Saul Williams, Oliver Stone, Tom Morello, George Orwell, Pat Conroy, Theodore Roosevelt, and Kurt Cobain for their inspiration and keeping it real.

**Kim Metcalf** is in her senior year at Chico State and will graduate May 2002. She is a multi-disciplinary social science student, majoring in health and human services, psychology, and minoring in political science. After graduation, Kim plans to pursue a career in juvenile probation.

**Lisa Muth** is a sophomore majoring in political science, is working on a minor in international relations, and plans on getting her paralegal certificate. She will spend next year studying abroad and teaching English in Greece. After graduation, she plans on attending law school.

**Breanna Owens** is a senior majoring in agricultural science with an option in wildland and range science. She plans on attending graduate school to study range science, range management consultation, and public policy.

**Daniel J. Pargee** is a senior studying political science and international relations. In addition to serving on the *Studium* staff, he is an officer with CSUC’s Model United Nations delegation. After graduation, he plans to begin work in an international studies doctoral program, with a focus on diplomacy and conflict resolution. Having worked and studied abroad, Daniel is eager to continue traveling and working throughout the international community in order
to further the values and goals outlined in the *Universal Declaration of Human Rights*.

**Meredith Reynolds** is a junior at Chico State majoring in Public Administration with a minor in Organizational Communication. In addition to serving as a *Studium* editor, she serves as the Youth City Manager of the Chico Youth Shadow Council, a member of Pi Sigma Alpha, and the Golden Key National Honor Society. In her spare time, she works as the assistant cheerleading advisor and varsity cheer coach at Chico High School. Meredith is originally from Hanford California.

**Lauren Schall** has served on *Studium* for two years. In that time, she has worked hard to set up a lasting foundation for future staff. As editor-in-chief, she is in charge of establishing the production schedule and coordinating the staff’s activities. She is a graduating senior, in the field of Political Science, with a minor in Latin American Studies. She plans to continue her education next year at law school.
Submission Guidelines

Studium accepts submissions with a political content from students of all disciplines. Submissions should include a cover sheet with the author’s name, phone, and e-mail address. The paper should be formatted in accordance with the Chicago Manual of Style. Submissions should be sent to Studium, c/o Sharon Barrios, Department of Political Science, Butte Hall 741, Chico, CA 95929-0455. Papers will be accepted for review starting September 1, 2002 until the final deadline in winter 2002/2003. (The actual deadline will be announced). If you have questions, contact Professor Sharon Barrios at sbarrios@csuchico.edu or go to our website at www.csuchico.edu/~lw33/studium.html. Please note that the selection process is a blind review, so the name of the author will be unknown to members of the editorial staff.