

Public Voices



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Public Voices

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“*Declaration of Independence*” by John Trumbull, oil-on-canvas, 1818. United States Capitol Rotunda.

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The American Society for Public Administration (ASPA) was founded in December 1939. This did not occur *ex nihilo*. Rather, it was the desired end-result of an elaborate and detailed collusion by some early public administration professionals including Louis Brownlow, Luther Gulick, and William Mosher. With patience and careful planning beginning in 1937, they designed a scenario that would, as the events they were catalyzing unfolded, undermine the Governmental Research Association (GRA) and provide justification for the new organization. This pre-birth campaign is often skipped over lightly in histories of ASPA. In particular, their collusion caused some serious collateral damage, destroying the academic career of University of Chicago doctoral candidate Norman Gill. This revisionist history explores the detailed maneuverings of the leaders of the nascent ASPA against GRA and how they, seemingly obliviously, wrecked the intended professional path of an innocent researcher who worked for them.

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Using the 2010 National District Attorneys Association's National Center for Prosecution of Child Abuse *Religious Exemption Statutes*, an in-depth examination of state medical

neglect religious exemption legislation prior to August 2010 was conducted for the 50 states in the continental U.S., District of Columbia, and Puerto Rico. The study sample consisted of 16 states identified as including only a parental liberty interest provision in their state religious exemption statutes. A comparative analysis method was used to compare state child welfare agency/child protective services policy and procedure manuals to determine: (a) which states provided guidelines for investigating religious based child medical neglect and (b) specific procedural requirements for investigating and responding to cases of suspected or observed religious based child medical neglect. The best approach to balance parental liberty interest and states' obligation as *parens patriae* to protect a child's liberty interest of health and well-being is through policies based on the harm principle as the threshold for state intervention rather than the best interest or the liberty interest standard.

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The author of this article argues that the two-decades-long litigation struggle was necessary to push the political actors in Mississippi into a more virtuous than vicious legal/political negotiation. The second and related argument, however, is that neither the 1992 United States Supreme Court decision in *Fordice* nor the negotiation provided an adequate riposte to plaintiffs' claims. The author shows that their chief counsel for the first phase of the litigation wanted equality of opportunity for historically black colleges and universities (HBCUs), as did the plaintiffs. In the course of explicating the role of a legal grass-roots humanitarian, Coleman suggests lessons learned and trade-offs from that case/negotiation, describing the tradeoffs as part of the political vestiges of legal racism in black public higher education and the need to move HBCUs to a higher level of opportunity at a critical juncture in the life of tuition-dependent colleges and universities in the United States. Throughout the essay the following questions pose themselves: In thinking about the *Road to Fordice* and to political settlement, would the Justice Department lawyers and the plaintiffs' lawyers connect at the point of their shared strength? Would the timing of the settlement benefit the plaintiffs and/or the State? Could plaintiffs' lawyers hold together for the length of the case and move each piece of the case forward in a winning strategy? Who were plaintiffs' opponents and what was their strategy? With these questions in mind, the author offers an analysis of how the campaign—political/legal arguments and political/legal remedies to remove the vestiges of *de jure* segregation in higher education—unfolded in Mississippi, with special emphasis on the initiating lawyer in *Ayers v. Waller* and *Fordice*, Isaiah Madison

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Often we take for granted the services that our taxes pay for and that our government — whether local, state, or federal — provides. We also take for granted the people who make those services a part of our everyday lives. Like us, those unsung workers have families, homes, work ethics, career and retirement expectations, and the worries of daily life. Ray Bradbury gives us a picture of just such a worker — a civil servant — who might be someone who actually lived and worked almost anytime since “The Garbage Collector” was written more than a half century ago.

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Dear Public Voices Readers,

True to its mission to provide a historical, reflective, and unorthodox perspective on public administration, and in commemoration of the American Society for Public Administration (ASPA)'s 75th Anniversary, this issue of *Public Voices* publishes a peer-reviewed article by Mordecai Lee entitled "Colluding to Create the American Society for Public Administration and the Consequent Collateral Damage." The article differs from the accepted account of ASPA's birth by presenting the events that led to the society's inception in 1939 as a well-designed campaign by such prominent early public administrationists as Louis Brownlow, Luther Gulick, and William Mosher to undermine the Government Research Association (GRA) and thus "clear the path" for the creation of a professional association for public administration. In his account, Lee focuses on the devastating consequences ASPA's pre-birth campaign had on the career of a young researcher who fell victim to "the maneuverings" of its founding fathers and thus, in a way, "de-glorifies" their actions. While never questioning ASPA's great legacy and contribution to the professionalization of public administration, the article enlivens the events and "heroes" of that important moment in our history.

We invite you to contemplate on and contrast your personal research and/or knowledge of ASPA's founding with Dr. Lee's perspective and to share your reflections and viewpoints with our readership in the next issue of *Public Voices* in our rubric "Letter to the Editor".

Please email your responses to marcholzer1@gmail.com and iryna.illiash@rutgers.edu.

Looking forward to hearing from you,

*Marc Holzer, Editor-in-Chief,
Public Voices*

*Iryna Illiash, Managing Editor
Public Voices*

Declaration of Independence
by
John Trumbull

The painting depicts the presentation of the first draft of the Declaration of Independence to the Second Continental Congress on June 28, 1776, less than a week before its official adoption on July 4. The central figure, standing in the middle of the Pennsylvania State House, now Independence Hall in Philadelphia, is Thomas Jefferson, the principal author of the Declaration. He is shown placing the document before seated John Hancock, president of the Congress. Jefferson is surrounded by the other members of the committee-authors of the draft: John Adams, Roger Sherman, Robert Livingston and Benjamin Franklin.

The Declaration of Independence stated the principles for which the Revolutionary War was being fought and which remain fundamental to the nation.

Adapted from the *Architect of the Capitol* website <http://www.aoc.gov/capitol-hill/historic-rotunda-paintings/declaration-independence> [accessed October 14, 2014].

Colluding to Create the American Society for Public Administration and the Consequent Collateral Damage

Mordecai Lee

The 75th birthday of the American Society for Public Administration (ASPA) in 2014 presents an appropriate historical marker to revisit the given narrative of ASPA's birth in 1939. These founding stories mostly airbrush the maneuvering and misleading activities by prominent public administration leaders such as Louis Brownlow, Luther Gulick, and William Mosher to catalyze ASPA's founding (Pugh 1985; Stone 1975; Emmerich 1963). Based on previously unused archival sources, this revisionist version asserts that the activists who wanted to establish a professional association for public administration realized that they first had to wreck the-then dominant national organization in the field, the Governmental Research Association (GRA). Caught in these machinations was a promising doctoral student in political science at the University of Chicago, Norman N. Gill. What he thought was a dream research report was really a tool in the anti-GRA conspiracy. It wrecked his nascent academic career.

Durant has called for increased historical research in public administration (2014). The historical research methodology used here entailed mainstream techniques, particularly triangulation, to assemble an historical narrative from several original and secondary sources (McNabb 2013, 412, 415). Archival sources in multiple and separate collections helped document events as they unfolded in the present tense. This is particularly helpful in avoiding the nearly unconscious tilt of historical narratives to create a coherent narrative arc that implicitly conveys inevitability and even the rightness of eventual outcomes (Kennedy 2013, 212, 249, 356). Secondary sources in the academic literature were somewhat helpful, but sometimes they were tainted by the retrospective orientation of knowing how events ultimately unfolded or by writers intent on obscuring motivations. Clark warned that historians need to be careful to differentiate motivation from post-hoc public justifications (2013, 545). In cases of a deliberate behind-the-scenes plot, remaining evidence is more scant than historiography would generally prefer. For example, in an effort to identify the causes of World War I, when key players had reasons to obscure their scheming, Clark used a criterion he called "maximum plausibility" (2013, 48). Applying that standard seemed appropriate in this historical investigation.

Public Administration Research before ASPA

In the beginning, there was the municipal research bureau movement. Founded in 1907 in New York City, the nonprofit Bureau of Municipal Research (BMR) spawned similar organizations that quickly sprouted up around the country (Williams 2003; Stivers 2000; Raadschelders 2003, 329). In 1914, they coalesced into a national organization eventually called the Governmental Research Association.¹ By 1929, GRA listed 63 nonprofits engaged in governmental research, along with six governmental units and thirteen university-based research centers (Freeman 1927, 32-36).

Pioneering academicians interested in professionalizing public administration quickly began raising concerns about the work products of the nonprofit BMRs. Charles Merriam of the University of Chicago Political Science Department (and Chicago alderman) was one of the first to do so (Merriam 1922). He and others noted that a substantial portion of GRA members were taxpayer leagues or chambers of commerce, interested only in cutting taxes and government spending. Their not-very-rigorous research had a predetermined outcome, antithetical to authentic, disinterested, and fact-based research. BMRs were the large category of GRA members, many emanating from the Progressive era good government movement. They were generally staffed by well-meaning men, who often lacked in any recognizable credential or training, however. The quality of the research varied from amateurish and non-comprehensive to respectable. One problem was that each was oriented to its particular locality or state and there was little research that could be coalesced to create a national picture. Moreover, the end goal of their “research” was often agitating for good government through publicity and mobilization of public opinion. If headlines were the goal, the orientation of the research may not have been all that rigorous. Finally, these BMRs were largely dependent on financing from the wealthy elite of their locality. This was a tenuous and often fluctuating revenue base. In all, the outputs of GRA members were not disinterested, fact-based *science* leading to generalizable principles of public administration. This simply would not do.

But what to do about it? Enter Rockefeller money. Just as Rockefeller funds had been willing to bail out the New York BMR if the bureau would refrain from controversial or politicized public administration reform, its several funds were willing to consider funding other activities that were non-controversial and would improve governmental operations (Lee 2013; Roberts 1994). In 1923, Merriam led a group of academics who obtained Rockefeller funding for a Social Science Research Council (SSRC). The Council funded comprehensive research projects in the full span of social sciences, including political science and public administration (Karl 1974).

Meanwhile, there were a few key activists of like mind who were not based in the academic world, especially Louis Brownlow and Luther Gulick. They, too, wanted to help develop public administration on scientific principles and as a respectable and respected profession. Brownlow, a former city manager, founded the Public Administration Clearing House (PACH) in 1930. It was located in Chicago, near the University of Chicago campus, but not affiliated with the university. Brownlow envisioned a catalytic organization which would promote professional practice and quality research. Also funded by Rockefeller money, PACH outgrew its initial location and in 1938 built the “1313” headquarters building at 1313 East 60th Street (Hazelrigg 1938). By now, PACH was the “capital” of public administration. It housed the offices of a dozen profes-

sional associations, including associations of planners, police chiefs, tax administrators, and auditors, as well as several national organizations, such as the American Municipal Association (later the National League of Cities), International City Managers' Association (ICMA), and the Council of State Governments. PACH was also the central office for the Public Administration Service, a consulting and research organization founded in 1933 and chaired by Brownlow. Gulick, who had a Ph.D. from Columbia and taught public administration there part-time, was president of the Institute of Public Administration in New York City and used that role to advocate for advances in public administration.²

These two streams of public administration reformers — academicians like Merriam and high-aspiring researcher-practitioners like Brownlow and Gulick — gradually coalesced. Merriam's SSRC created an Advisory Committee on Public Administration, chaired by Gulick. In 1930, it funded a report by University of Wisconsin professor John Gaus on the state of research in public administration (Gaus 1930). This report was intended to identify the starting line for the professionalization of public administration, especially concerning research. Gaus noted the erratic quality of governmental research and called for a more comprehensive and rigorous program of public administration research.³ A few years later, the Advisory Committee became a permanent SSRC committee called the Committee on Public Administration (CPA) and was chaired by Brownlow.

Merriam, Brownlow, and Gulick had become the central players in a conscious effort to raise the quality of public administration, demonstrate that it was an apolitical profession, develop validated principles of practice, and increase rigor of research as measured by the academy. Their work culminated in their appointment in 1936 by President Franklin Roosevelt to the President's Committee on Administration Management. Their 1937 report briefly caused a political firestorm (and was partially adopted in 1939) but was lauded in the academy. It became the revealed wisdom for several generations of faculty.

The Governmental Research Association, 1920s-1936

During the 1920s and through to the mid-1930s, GRA was the only game in town for public administration practitioners, researchers, and faculty. It was the sole professional association that had a central focus on public sector *research*. It grew rapidly, with about 100 members in 1927 (Forbes 1931, 25), 230 in 1933 (Paige 1933a, 42), and more than 400 in 1938 (Hazelrigg 1938, 185). This indicated that GRA was more than just the national association of BMRs and kin. The problem was that there was a gulf between the kind of research such bureaus and taxpayer leagues conducted versus that done by the academy (and its non-academic allies like Brownlow and Gulick). Their methodologies, foci, and purposes had little in common.⁴

Only a month after Gaus's 1930 report to CPA/SSRC, Donald C. Stone, then working at ICMA (later at the Public Administration Service), led a Young Turks revolt at the GRA's annual conference. The group was dissatisfied with the quality of research produced by most GRA members and was especially unhappy with the structure of the annual conference. It was more of a show-and-tell event by self-satisfied and geocentric BMR staffers (i.e. with a parochial focus limited to their city) than an effort to promote quality research (Forbes 1931, 26-27). A year lat-

er, on behalf of an eight-member committee, Stone elaborated on his critique. He called for a more rigorous research focus in terms of methodology, scope, and applicability. Stone and his cohorts suggested the need for an “Association for Public Administration” either as the result of a reorganized GRA or as a separate organization (Stone 1931). The published conference proceedings were politely vague on the reaction to Stone’s report. Apparently, Frederick Mosher, Dean of the pioneering Maxwell School of public administration at Syracuse University, and Gulick endorsed it while more traditional members were opposed. The only consensus was to continue the discussion in the future. But, nothing significant happened (Smith 1932, 6). At the annual conference five years after Stone’s initial suggestion, there continued to be “frank and earnest discussion” on the future of GRA but — as usual — no conclusions or actions (Hamilton Conference 1935).

One of the deeply-rooted obstacles to finding a solution was that there was little middle ground between traditional GRA researchers and the emerging profession of public administration. The latter comprised public administration faculty and the Brownlow-Gulick group seeking a national focus for research. Joining the potential malcontents was a newer category of public administration professional: New Dealers. The nearly-flash expansion of the federal government after President Franklin Roosevelt took office in 1933 brought a new breed of public administrators into the national executive branch. These were senior executives of new agencies as well as Bureau of the Budget (BOB) staffers. In general, they were better educated than their predecessors both at the federal and local levels, were better grounded in the promise of a scientific public administration, and sought research to give them the answers.

In the meantime, despite a growing membership, GRA was still a relatively small organization. Unlike the larger associations under PACH’s Chicago roof which could afford a central staff, GRA could not. It relied on member-volunteers to take on the responsibilities of organizational secretary. In 1933, Brownlow offered GRA free secretariat services based in PACH. For GRA, it was a no-brainer: it would have gratis central organizational services valued at several thousand dollars a year and would be located amidst the many other important public administration professional organizations. This symbolically validated its own standing in the emerging public administration complex. For Brownlow, the advantages were more subtle. He would be well-informed of all organizational developments. Further, he would have something of a chokehold on any major changes that GRA may be considering. Switching metaphors, GRA was now under his thumb.

Brownlow designated one of PACH’s assistant directors, Robert M. Paige, to serve as the GRA’s secretary-treasurer. Paige added value to GRA, editing a regular GRA section in the National Municipal League’s *National Municipal Review* (Paige 1933b) and inaugurating a newsletter, first called *Association Business* but quickly retitled the *Governmental Research Bulletin*. For the first few years of this arrangement, Brownlow sought to demonstrate his goodwill to the organization and to show that he was not exercising his potential leverage at all. For example, in 1934, he travelled to Pittsburgh to attend a meeting of the GRA Executive Committee. He played a passive role in the meeting, but his presence prompted several GRA leaders to verbalize how much they appreciated his assistance.⁵ On another occasion, Brownlow asked Gulick to permit one of his staffers to chair the program committee for the next GRA conference.⁶ This also had

the benefit of tilting the sessions toward the interests of the more academically-oriented researchers than those of BMRs and taxpayer leagues.

By the mid-1930s, the intramural tensions about the direction of public administration research were dominating GRA get-togethers. At its 1936 annual conference, the contradictory interests of the GRA membership came up in many sessions. One session, titled “University-Research Bureau Hook-Ups: Pitfalls and Possibilities,” discussed the inherent problems between the work of bureau and academic researchers. The open plenary was on “Rethinking the Governmental Research Movement” (Ann Arbor 1936).

Brownlow’s relationship with GRA was also becoming prickly. At an apparently tense meeting in late 1935, some members of the Executive Committee politely wondered out loud in Brownlow’s presence if PACH’s free services meant that GRA was “submerged and subordinated” to it. They also insinuated that Brownlow and his circle had undermined GRA’s application for Rockefeller funding for a central office and staff, thus preventing it from freeing itself from PACH.⁷ Brownlow disavowed any interest in impinging on GRA’s autonomy or of secretly sabotaging grant applications.

Notwithstanding what he said in the meeting, Brownlow wondered in his diary about the GRA’s viability. In some respects, BMRs were in the civic education business, somewhat akin to the good government reformers of the National Municipal League. But in other respects, they were (at least theoretically) engaged in research and recommending evidence-based improvements in public administration. However, that latter mission was hurt in part by diminished local contributions to BMRs due to the Depression. Brownlow was skeptical that, with the need for government reform throughout the US, locally-oriented and geocentric (i.e. with a parochial focus limited to their city) BMRs would bear much fruit, at least measured by the rising standards of social science research. He did not say it at the meeting, but Brownlow saw a need for a national and coordinated effort to address the big problems facing American public administration.⁸ GRA would not do.

The Committee on Public Administration Decides to Study Governmental Research, 1937

For the 50th anniversary in 1937 of Woodrow Wilson’s seminal article, University of Chicago political scientist Marshall Dimock assessed in the *American Political Science Review* (APSR) the progress of public administration (Dimock 1937). Dimock captured the zeitgeist and optimism of that earlier era. He was disappointed that in the half century since Wilson’s call to arms, “first principles have been relatively slow in emerging.” This was not due to the lack of principles needing to be identified, but rather “due more to neglect of research” (34). With more systematic research, he believed, “there are universal rules to be uncovered” (35). The identification of “a systematic body of principles” would lead both to a science and a theory of administration. One of the key obstacles to achieving this, said Dimock, was *insularity*. Insular foci and research were major hindrances to accomplishing this Wilsonian science of administration. For example, wrote Dimock, there was a need for “a broader view of administration,” especially that “we do not want efficiency for its own sake” (39). Given that he circulated in the same group as Merri-

am, Brownlow, Leonard White, Clarence Ridley, and CPA research director Joseph Harris, Dimock would have known about their thinking. Without naming any suspects in particular, Dimock was plausibly including in his criticism the kind of efficiency-oriented research routinely conducted by BMRs. BMRs were retarding the development of a new unified theory of public administration. They were too provincial, too geocentric, too uninterested in advances being made in academic research, and too insulated from what was happening on the national level.

Two months after Dimock's article, the CPA decided, seemingly out of the blue, that there was a need for a study of the governmental research movement. The subject had not come up before. Perhaps this was not deliberate choreography, but the timing of a study closely followed Stone's criticisms of GRA, Brownlow's musings about GRA's limitations, and Dimock's critique. At the very least, it demonstrated that the inner circle of the new public administration — academics, professionalizers, and federal practitioners — shared the view of the need for better research, less insularity, and, if needed, moving GRA out of the way. To them, GRA was part of the *ancien régime*.

But how to do so with the least amount of fallout? The answer was with a comprehensive, fact-based, and ostensibly open-minded in-depth study of the governmental research movement. Any recommendations to come from such a study would be viewed as directly impelled and necessitated by the evidence found by the study. No subjective judgment would occur. If the study exposed flaws in GRA and its membership, well, those would be the facts. That was what science was all about.

Before the CPA/SSRC meeting on April 17-18, 1937, committee members received from the staff an un-authored memo on the need for an "appraisal of [the] governmental research movement." The minutes of the meeting describe in an impersonal tone and passive voice what transpired. A memo "was circulated" before the meeting. The only individual identified in the minutes as expressing an opinion was William Anderson, a University of Minnesota political scientist, who thought the topic "was particularly appropriate." Then, "it was felt" that such a study should be conducted to "lay the basis for future developments and program [sic] in the field." Finally, "it was the consensus" to seek a grant from one of the Rockefeller funds for the study.⁹ Done. On to the next subject. There were no fingerprints.

A careful reading of the charge for the study indicates how CPA embedded a self-fulfilling prophecy into its parameters. That the result would be critical of GRA was nearly foreordained. The mission statement for the study included:

- "[T]o consider carefully the problems, policies and activities of governmental research bureaus and their future role."
- "Must there be a shift in emphasis, a new program?"
- "How effective have these agencies been? What results can they show in bringing about improved administration?"
- "What have been their sources of support — have their activities been affected thereby?"
- "Some bureaus look forward to a program of broad community planning" rather than administrative reforms.

- “What is the role of the citizen-supported bureau vis-à-vis” newer categories of governmental research groups, including that of “the official tax-supported research unit, ...[and] the university bureau of administration”? (Governmental Research 1940, 3-4)

The delicate wording of the study’s mission statement and the meeting minutes only hinted at what the CPA/SSRC really wanted to accomplish. Similarly, shortly after the meeting, the committee’s staff director Charles Ascher met in Princeton with Professor Harold Dodds, another committee member. Afterwards, Ascher vaguely noted that he and Dodds had a slightly different view “of the future implications of our project” but carefully avoided describing what they were.¹⁰ Part of a conspiracy was to avoid a paper trail.

For the scenario to play out as they wanted, the study’s investigators would need to have credibility with the old-guard at GRA as well as the new crowd at PACH and CPA/SSRC. Therefore, the pre-meeting memo called for “one first-rate man, with a competent research assistant.” The timetable called for submission of a final report one year after the study kicked off. As for funding it, Ascher promptly met with a staffer of the Rockefeller philanthropic funds in New York and obtained approval of the project and full funding for it.¹¹

For the senior researcher, CPA chose Frederick P. Gruenberg. Gruenberg had been the director of the Philadelphia BMR in 1915-1923. The bureau was a traditional one, supported by upper-income contributors and interested in government efficiency (Schachter 2002). He also served as GRA chair in 1917. After Gruenberg left the BMR, he mixed a business career with stints in public service. Gruenberg would have credibility with GRA’s traditional members when he would be asking questions about sensitive subjects, such as their effectiveness and their budgets, topics which they might otherwise be leery about disclosing.

For the junior partner in the research team, the Committee recommended Norman N. Gill, an up-and-coming political science doctoral candidate at the University of Chicago. He was chosen because he had already demonstrated his ability to conduct academic-level public administration research. Gill, a Milwaukee native, had graduated from the university in 1932. That year he received the annual Baldwin Prize (\$100) from the National Municipal League for the best essay by an undergraduate on municipal government. His topic was “The Manager Plan for Counties” (Forbes 1932; Gill 1935a). After graduating, he immediately began his doctoral studies there. During that time, he was research assistant to Merriam and Harold Gosnell. That he was a star was indicated when Gosnell designated him to be co-author of an article in *APSR* on multivariate analysis of presidential voting in Chicago (Gosnell and Gill 1935).¹² But Gill was mostly interested in public administration. He reviewed a book on city managers for a sociology journal (Gill 1936a), for the ICMA’s 1936 *Municipal Year Book* he wrote a chapter on intergovernmental arrangements (Gill 1936b), and he was the lead co-author of another chapter on metropolitan districts (Gill and Jones 1936).

Most importantly, based on their personal experience with him, CPA already knew that Gill was *simpático* with their world-view. During the summer of 1934, he was a staff member of the Commission of Inquiry on Public Service Personnel. Something of an unofficial precursor to the Brownlow Committee, it was funded by the SSRC and claimed it had the “approval” of President Roosevelt. It studied and recommended actions regarding “the broad problems of public person-

nel” in all levels of government (Commission 1935, iv-vi). Gill later published one of the reports he had prepared for the Commission as an article (Gill 1935b). Gill’s supervisor for the study was staff director Luther Gulick. Members of the Commission included Brownlow and Merriam. Brownlow, specifically, thought highly of Gill and recommended him for the GRA study.¹³ Gill was one of them.

After completing his work for the Commission and through 1936, Gill retained his status as a doctoral candidate at Chicago and made early preparations to revise his research for the Commission into a dissertation.¹⁴ His supervisor was likely Merriam. Meanwhile, Gill worked for the St. Louis BMR and then with the National Resources Committee. A hint of Gill’s predisposition to share the CPA’s criticism of the GRA came in a letter he wrote to Ascher only a few months after the study began. He wrote of his (and Gruenberg’s) effort “to steer a middle course” during the conduct of the study. By that he meant it would be friendly enough to GRA to obtain cooperation but independent enough to write a report that GRA might not like. He knew that this is what the Committee wanted. Gill lobbied Ascher on two delicate matters. First, he hoped Ascher would not assent to GRA’s suggestion that it have a formal advisory committee to oversee the study. Second, Gill noted that GRA was *already* seeking the right to submit a minority report attached to whatever he and Gruenberg would submit to the CPA/SSRC. If GRA wanted to release a critique of the Gruenberg-Gill report after CPA got it, fine, but not *with* it.¹⁵ Whatever GRA did not like should be a post-hoc reaction to the completed report, not incorporated into it. Gill was in the zone.

Gruenberg’s Report on Governmental Research, June 1937-May 1938

With Gruenberg and Gill on board, the study began on June 1, 1937, from an office Gruenberg rented in Philadelphia. The two sent a questionnaire to GRA members asking for basic information.¹⁶ However, the data proved to be of relatively limited benefit. This meant extensive field visits would be the only way to get in-depth information. For the next half year, they traveled separately to BMRs to interview staff and obtain documentation on the subjects the study’s mission statement called for.

Gruenberg established a template for in-depth visits to metropolitan areas. Besides visiting the local nonprofit bureau, he interviewed stakeholders who would be consumers of that BMR’s research products, such as civic organizations, chambers of commerce, local elected officials, and reporters. This approach required relatively long visits to each location, at least several weeks, sometimes close to a month. Gruenberg spent most of October and November in San Francisco and Los Angeles. Other major metropolitan areas they visited (probably mostly Gruenberg) were Boston, Cleveland, New Orleans, and Baltimore. Visits to medium sized cities (probably shorter, probably mostly by Gill) included Providence (RI), Columbus (OH), and Atlantic City (NJ). Gill also visited BMRs in smaller Massachusetts cities, such as Springfield, New Bedford, Worcester, and Ludlow.¹⁷

Understandably, there was great interest (and anxiety) on the part of GRA. Gruenberg and Gill attended its annual conference in August 1937 at Cornell. Gruenberg spoke, but said little that was new. He mostly summarized the mission of the study and the kinds of questions to be inves-

tigated (Gruenberg 1937). Two months later, while on the west coast, he spoke at the founding meeting of the Western Governmental Research Association (WGRA). He mostly stuck to generalities and gave no indication of any tentative conclusions (Gruenberg 1938).

The mid-point of the 12-month timetable coincided nicely with a regularly scheduled CPA/SSRC meeting in December. In the run-up to the meeting, Gruenberg acknowledged that he was behind schedule and could not imagine being done by the end of the contract on May 31, 1938.¹⁸ Ascher was already anxious about the timetable because, even if Gruenberg submitted a report by the deadline, he and Gill would then immediately be closing down their Philadelphia office, packing away their records, and moving on to other work. What if Ascher and Harris sought revisions to the first rough draft? At the very least, Ascher wanted most of the draft completed by early May so that he and Harris would have time to read the draft and suggest revisions before each chapter was finalized.¹⁹

The meeting was a turning point. Gruenberg attended. He requested an additional seven months of funding (to December 31, 1938). Even from the spare style of CPA minutes it is clear that Gruenberg's briefing was received frostily. Besides being behind schedule, most of the discussion was, in the eyes of the Committee, that Gruenberg had unilaterally narrowed the scope of the study from all organizations conducting governmental research (including those affiliated with universities or government agencies) to "old-line" nonprofit BMRs, most of which were interested in the narrower topic of municipal research rather than the broader subject of governmental research. Because of the study's smaller scope than intended, said member Harold Smith (then Michigan's budget director), the contract should not be extended. CPA might need to hire someone else to cover what Gruenberg had not. Gulick piled on. He pounced on the inadequacy of whatever Gruenberg would come up with. He said he was expecting a study of "the proper use of civic research in governmental problems." Gruenberg's topic could not address issues such as integration of research (i.e., lesson-drawing), community planning, and the use of respectable research tools. Gulick was most likely secretly pleased with how events were unfolding. Whatever Gruenberg would submit could not be viewed as justifying GRA nor justify Rockefeller funding a permanent GRA secretariat. The meeting ended with a consensus that the eventual Gruenberg report would be of limited value.²⁰ CPA had lost confidence in Gruenberg even before receiving his report.

From this point on, relations deteriorated between CPA and Gruenberg. Ascher and Harris now simply wanted to get from him whatever they could by the end of May and then be done with him. The original expectation had been that CPA could review a *final* report over the summer, draft its own concluding chapter, make minor revisions based on feedback from outside readers (including GRA leadership), and then unveil it at GRA's September 1938 annual conference. This clearly would not be possible. The earliest a report could be considered by GRA's membership would be a year later, at the September 1939 conference. The delay would make CPA look bad and raise suspicions of GRA members that something was afoot. Most importantly, it meant that any choreographed justification for blowing up GRA would be delayed for a year.

After the CPA meeting, Gruenberg and Gill did a bit more field work, but never got to some major Midwestern cities, including Minneapolis, St. Louis, Des Moines, and Cincinnati. Harris was quite exercised by the omission, feeling that any generalizations would be of less value and va-

lidity.²¹ It was not until early February that Gruenberg turned to drafting chapters. He expected his report to comprise about 12 chapters. In despair, Harris calculated that, to stay on schedule, Gruenberg would have to write a chapter every four days.²²

Harris and Gruenberg met in late March (probably in Philadelphia). To Gruenberg's disappointment, Harris reaffirmed that the contract would not be extended. Harris also made clear that by the end of the contract Gruenberg would be expected to submit a *complete* report with all the planned chapters, even if the manuscript would be — in Harris's view — a "rough draft" or in "first-draft stage." Harris also told him that CPA would extend Gill's contract, probably to the end of 1938. Gill would move to Washington to work in Harris's office. In an early indication of the severity of the incipient rift with CPA, Gruenberg belittled Gill's vestigial role, being to "mop up odds and ends of work, supplying gaps, and generally rounding out the study."²³ Harris saw it quite differently. To CPA members, he described Gill's role as a major one. Gill would have a "considerable" amount of work to do in order to put the report "in publishable form."²⁴

Now, Gruenberg finally started drafting chapters. Apparently Gill had quite a subordinate role, as he sometimes separately conveyed his dissents from Gruenberg's observations and statements.²⁵ Gruenberg sent Harris a batch of early chapters in early April, but by mid-May Harris had not yet received the key final chapters containing evaluations and conclusions. Gruenberg finally submitted the remainder of the chapters on June 1 and his foreword on June 9.²⁶ In the foreword, he characterized his report as containing "a great deal of adverse criticism," certainly more than his complimentary findings.²⁷

But not critical enough for Harris's taste. Harris's feedback to Gruenberg about the early chapters provides relatively tangible demonstration of his and CPA's hopes of what the study would justify. While generally couched in the context of the need for a comprehensive report, Harris included these pointed comments:

- "In what fields are the bureaus conspicuously weak? What types of studies have proved to be unfruitful? What studies should bureaus withdraw from to be carried on by persons in the government service?"
- It is "rather significant" that BMRs were not studying utility rates and municipal relations with utilities.
- "What are the shortcomings of the boards of trustees of the bureaus? Are the bureaus undemocratic? Are they too conservative?"
- "The trends show unmistakably a serious long-term decline in financing of the privately supported governmental research bureaus and an increase in government-supported bureaus and taxpayers' organizations. Does this trend indicate that the old-style bureau is going out and that bureaus in the future will be financed with increasing difficulty?"
- "Would you recommend a less ambitious program for bureaus and an attempt to turn more expensive studies and installation work to other agencies to be supported by public funds?"
- "What types of work should they push over on to governmental agencies themselves, or to professional associations and research services?"
- "Are their research projects significant in public administration?"²⁸

All these critical comments were aimed toward the key issue: Was GRA a viable organization? Should it receive foundation funding for a permanent secretariat? Or, as Harris answered his own questions, “is the division between the G.R.A., the taxpayers’ groups, and the old type of bureau such as to make it difficult for a central secretariat to service the group effectively? Of what significance is the decline in the financial support of the governmental research organization to the formation of a central secretariat?”²⁹ Harris, Ascher, Brownlow, Gulick, and the other CPA members knew what answers they were seeking.

Seemingly in partial answer to these CPA questions, in the spring of 1938, Mosher outlined his vision for public administration in the *APSR* (Mosher 1938). It was, he said, a profession, and it needed all the routine components that other American professions had. For example, it needed to develop “a common body of knowledge, of techniques and skills” (333). It also needed to have a professional organization, but up to now, that goal “has proceeded only slowly and in a very spotty way.” Mosher praised the emergence of some of the more specialized professional associations, such as ICMA. The work of each organization’s central secretariat included “carry[ing] on a certain amount of research work” and disseminating “best procedures.” However, the “professional and supervisory classes” of general public administrators lacked such an organization (335). Mosher also praised the support for professionalization of public administration by American universities, with the emergence of formal training programs and research conducted by in-house institutes of government. In the context of the GRA, what Mosher had just outlined was the anti-GRA, a new professional association that would be everything GRA was not: it would be for high-level practitioners and closely affiliated with universities. The latter would provide formal training for entrants to the profession and would generate quality research results — the kind of research that would be generalizable to practitioners.

Gill’s Report on Governmental Research, June-December 1938

How should the CPA/SSRC proceed? It was a fine mess. A lengthy discussion occurred at its next meeting in Chicago on June 4. The key decision related to Gill’s specific assignment. CPA decided it would be his role to prepare a *factual* report summarizing the current state of BMRs. Period. The Committee, if it wished, could then use Gill’s report as the basis for an *evaluation* containing recommendations. Crucial conclusions such as the current quality of research by old-line BMRs vis- à-vis the research needs of a new science of public administration or the potential usefulness of a GRA secretariat would be decided by the CPA. The premise was that there could be an intellectually-valid distinction between facts and opinions; or — at least — facts and conclusions. Given that the CPA viewed itself as “a scientific body” (Brownlow’s term during the discussion), it was important to depict any conclusions as something other than pure opinion. In the parlance of the Committee, any recommendations it made would be based on a “scholarly” perspective.³⁰ Such recommendations would therefore be the one best way for the future of public administration and the GRA.

Gill began the summer with additional fieldwork, specifically in the cities which neither Gruenberg nor he had visited. He went to Rochester, Cincinnati, Dayton, Minneapolis-St. Paul, and Duluth. This addition of mostly Midwestern cities would enhance the credibility of the study once issued.³¹ Gill then settled in at Harris’s Washington office and substantially revised and re-

wrote Gruenberg's draft. His goal was to finish by December 1. During a CPA meeting in October, Harris said that Gill was on schedule and that the chapters he had submitted so far "were well written." Harris was comfortable enough with Gill's work that he was willing to share the incomplete manuscript with a group in Pittsburgh which was considering founding a BMR. The group thought the study might help it get off to a good start and avoid reinventing the wheel. Indeed, the group reported back to Harris that Gill's version "had been of great help."³²

Meanwhile, GRA held its annual conference in the fall of 1938 at Princeton. The attendance was the largest ever, with 200 registrants. This was another indication of the increasing expansion of the profession of public administration (as a field of practice and as an academic discipline), the number of people interested in government research, and the centrality of GRA as the only venue providing an outlet for such interests. Conference speakers linked to CPA were Brownlow, Merriam, and Gulick.³³ (Harris, Ascher, and Gill attended, but apparently did not speak.) Ominously, Brownlow committed only to continuing PACH's free secretariat services to GRA "for the time being" (Executive Committee 1938).

One of the most heated sessions was a presentation by a WPA official on his agency's accomplishments. After he finished, some BMR chiefs attacked any role for the federal government in relief, which traditionally had been a local responsibility.³⁴ Their criticism of the New Deal likely made its supporters (such as Brownlow, Merriam, Gulick, and Harris) awkward and uncomfortable. It was a stark reminder of the conservative roots of nonprofit BMRs and how out-of-step those traditional sources of governmental research were to the New Deal vision of the future of public administration.

Mosher gave one of the major addresses. He spoke of the need for GRA to change, including "to work more closely" with the American Political Science Association (APSA),³⁵ with universities engaged in governmental research and training future practitioners, and with public servants who were employed to do research (National Research 1938). Notwithstanding his relatively explicit call for major changes in the GRA, Mosher was promptly elected as GRA's chair for 1938-1939, the first academic to serve in that role. This was a harbinger of the trend in governmental research toward universities and the fading importance of the traditional nonprofit BMRs. Mosher's role included responsibility for the program for the 1939 conference. In retrospect, it was like putting the fox in charge of the henhouse.

The Western GRA held its own annual conference in October in Los Angeles with an attendance of nearly 150. Mosher and Harris gave talks.³⁶ Mosher emphasized the importance of rigorous and quality research to develop "the true science of government." In particular, research in localities needed "coordination" so that generalized conclusions could be drawn from multiple cases (WGRA 1938, 12). To Mosher and his ilk, coordination was a code word of the parochial and geocentric research by BMRs and taxpayer leagues. It was an oblique criticism of GRA's failure to coordinate members' research. (Less obliquely, just back from the conference, Mosher wrote Ascher that he sensed WGRA support for "a broader organization" for public administration.³⁷)

Also addressing the conference was Professor Stacy May of the University of California's Bureau of Public Administration. In a veiled attack on the non-western GRA and traditional (eastern) BMRs, May emphasized the need for governmental research of better quality, for public

agencies to conduct research, and for better research coordination (that code word again) to prevent duplication (WGRA 1938, 17-18).

Harris had been closely supervising Gill's work since June 1. He worked with Gill nearly full-time for all of November, when Gill was finishing the report. Harris was pleased with the results. He said that Gill had "completely rewritten from start to finish" Gruenberg's version and that it was also much shorter than Gruenberg's, coming in at 304 pages.³⁸ Harris considered the Gill version an entirely new work, with Gill "responsible for all statements of fact and opinion," an explicit repudiation of any link to Gruenberg's version.³⁹ Harris shared a copy of Gill's *Preliminary Draft* with Gruenberg. After reading it, Gruenberg characterized the contents as reflecting that Gill "somewhat modified his attitude of sharp hostility towards the bureaus and the bureau movement."⁴⁰ Assuming that Gruenberg's summary was roughly right, it would indicate that this draft was somewhat friendlier to BMRs and GRA than Gruenberg's version, likely because Gill (and Harris) consciously sought a more balanced approach of compliments as well as criticisms.

Reflecting its academic roots, CPA's usual *modus vivendi* was to circulate review drafts of commissioned reports for comment from committee members and other selected academics. Specifically for the GRA study, CPA had promised early in the process to share the preliminary draft with members of the GRA Executive Committee. In mid-January, Harris distributed 30 to 40 copies and asked for reaction by early February so that feedback could be compiled and submitted in time for the next CPA meeting.⁴¹

Anderson and Harris's Report on Governmental Research, January-May 1939

Now what? The feedback from BMR readers to Gill's *Preliminary Draft* was uniformly hostile. Their major objection was the impression left by the report. The focus of the report was on BMR research activities, while, BMR readers said, in reality they were largely in the business of "aiding citizen control of government." Thus, they believed, Gill's criticisms of the quality of their research would leave the impression that BMRs were failures and not deserving of citizen support⁴² — an odd criticism, given that the 'R' in BMR and GRA stood for *research*. Members of the GRA Executive Committee were implacably opposed to the CPA releasing the Gill study with its official — and perhaps fatal — *imprimatur*.

Neither the leadership of CPA nor Mosher defended Gill's report from these criticisms. Rather, they decided to refrain from a head-on controversy that would be caused by releasing the *Preliminary Draft*. They acceded to the BMRs' feedback and agreed not to publish Gill's draft. Instead, CPA would substitute a much shorter in-house report on governmental research in lieu of the objectionable Gill draft. The absence of any frank and pointed comments in the archival record likely reflects the great care taken to justify as blandly as possible how and why CPA proceeded as it did. The most plausible explanation went something like this: If our goal is to reconfigure GRA and/or create a new public administration organization as peaceably as possible, then basing it on the Gill version would be provocative. Opponents could argue that proposals for major organizational changes based on the Gill version would be fatally flawed from the start; hence

any recommended actions could be accused as being unjustifiable and simply false. Instead, what CPA needed was a document that GRA leaders would be less hostile to.

In particular, CPA needed to reframe the argument. First, dropping the Gill report would generate goodwill by the old-line bureaus and set a better atmosphere for any major changes that might be proposed. Second, CPA could co-opt the objections to the Gill report by replacing it with a new document that did not look like an evaluation of BMRs *per se*, rather one that was explicitly limited to assessing the state of governmental research generated by all producers of research, not just BMRs. Such a changed scope would ostensibly meet one of the major objections to the Gill version. Third, the benefits of a new report under greater CPA control would bring Brownlow, Mosher et al. back to the question they wanted addressed in the first place: Was GRA a good home for non-BMR generators of research and for generalist public administrators? The decision to drop the Gill version and replace it with an in-house version was, in retrospect, a strategy of misdirection: being responsive to the BMRs' objections to Gill's draft by canceling it but actually zeroing in on the unstated rationale for the study in the first place, namely, to document justification for reconfiguring the GRA or seceding from it.

This strategy gradually emerged in February and March 1939. CPA created a subcommittee on governmental research chaired by Anderson. Members included Brownlow, Gulick, White, Ascher, Harris, Rowland Egger (a new CPA member), and May (who had helpfully criticized low-quality government research at the 1938 WGRA conference). Mosher, then chair of GRA, was invited to participate. This raised suspicions by the rest of the GRA leadership. Why was Mosher the only one from GRA invited to attend? After all, he was an academic, not a BMR man. At the time, GRA's leadership included Lent Upson from the Detroit BMR. Upson had a Ph.D., and Detroit was closer to Chicago than Syracuse. Why wasn't he also invited?! This was "peculiar" and "studiedly so."⁴³ Unstated was the concern that, given Mosher's writings and speeches about the future of public administration research, he might not vigorously defend BMRs' interests. Those GRA activists were right. For example, Harris asked Mosher not to share any CPA subcommittee material with other GRA officers or executive committee members.⁴⁴ Mosher complied without expressing any reservations about Harris's stipulation. He was playing a double game, ostensibly being the leader of GRA but covertly seeking its destruction. Anderson and Harris were to draft a shorter "appraisal" (less than 100 pages) of all sources of governmental research. Their report would summarize some of the data collected by Gruenberg and Gill while also focusing on research in general, not just by BMRs. This would cover the full spectrum of the governmental research movement, with recommendations for the future. Anderson and Harris created a draft of about 65 pages. Harris wrote most of the text, Anderson, the preface. The title was "Governmental Research, Research Bureaus, and the G.R.A." Its structure reflected the CPA's post-Gill strategy: an opening section defining governmental research, a summary of such research by "privately-supported" BMRs (mostly from the Gruenberg and Gill drafts), and a section on "publicly-supported" research. A fourth section, with recommendations, was largely left blank and to be based on future decisions by CPA and the subcommittee.

The subcommittee, including Mosher, met on April 1. The members generally liked the Anderson-Harris draft and formally decided not to publish the Gill draft. Crucially, they directed Anderson and Harris to firm up the conclusion:

...it accordingly appears that there would be room in the United States for some kind of organization to represent all persons interested in the advance of the science of public administration, bringing together all elements—administrators, university scholars, researchers,—and that there be suggested generally the scope of activity of such an organization: meetings, possibly a journal, special services to the bureaus of municipal research; making it clear that such an organization would not compete with existing national governmental organizations.

That the published [Anderson-Harris] document refrain from discussing specific details of membership, finance, secretariat; but that alternative proposals thereon be made available to the Governmental Research Association, the officers of interested foundations, and others.⁴⁵

Here was the goal line finally stated, cagily and with diplomatic language, and lots of qualifications, but this was the birthing plan of ASPA that Brownlow, Gulick, and Mosher had wanted all along.

Harris and Anderson then revised their draft based on comments made at the CPA subcommittee meeting. The next step was an invitation by CPA representatives to meet with the GRA Executive Committee to brief them on the latest version of the governmental research study. Some GRA leaders were leery of the meeting even taking place. Nothing good could come of it, they reasoned (correctly). Mosher, duplicitously, argued that GRA had nothing to lose by accepting the invitation. Its hands would not be tied at all by merely attending a briefing, he said. After all, how could it reject a report it hadn't even seen? Maybe the draft wasn't that bad. And maybe the CPA would accept revisions to its draft based on GRA's feedback at the meeting?⁴⁶ Mosher's fake reasonableness won the day.

The meeting took place on May 6-7. BMR members who attended included Lent Upson of the Detroit BMR, Loren Miller of the Newark BMR, and Harold Henderson of the (nonprofit) Minnesota Institute of Governmental Research. Mosher chaired the meeting. The atmosphere was tense and strained.⁴⁷ Anderson briefed them on the new report. BMR members were pleased with the complete cancellation of the Gill draft. The new CPA draft was certainly better, more balanced, more reasonable. Members asked for some additional revisions. In particular, they raised the same concern as with the Gill draft: Would it give an "unfair" impression of the work of BMRs by leaving out discussion of "their more significant function of aiding citizen control of government"?⁴⁸ Anderson and Harris quickly agreed to revise their draft with a clarifying disclaimer and other minor changes to show responsiveness to BMR concerns.

According to carefully worded CPA/SSRC records, the GRA executive committee "accepted the document in principle."⁴⁹ In another version, it "had accepted the statement in good part, on the whole."⁵⁰ Why? They had been out-maneuvered and co-opted. First, at their request, CPA had dropped the Gill report. Second, also at their request, the substitute Anderson-Harris draft described the governmental research of non-BMR entities as well as BMRs. Third, at the meeting Anderson and Harris agreed to insert language on BMRs' non-research missions. This had the unintended effect of highlighting the key difference in research orientation of BMR vs. academics and federal practitioners: BMR research was integral to civic involvement while academics sought (supposedly) methodologically neutral research, and federal practitioners sought applied

research appropriate to a much larger scale than BMR research. With GRA members' concerns having been seemingly wholly accepted, BMR leaders realistically had no rational grounds to justify opposition to the Anderson-Harris draft. This was the underlying premise for a new organization. Another important factor in the conspirators' success was Mosher as a double-agent, ostensibly promoting GRA's best interests but really working to accomplish CPA's goals. Without him, the meeting probably would not even have taken place and GRA's opposition to the CPA report would have been more strident, vocal, public, and uncompromising.

The last step was for the full CPA to consider its subcommittee decisions. That occurred at a meeting on May 20-21. There was a "lengthy discussion," largely on optics and tactics; in some cases calling for further minor revisions to the draft. For example, the title was changed to "The Organization and Development of Governmental Research" and both Anderson and Harris were listed as authors. The final report would be presented merely as emanating from the subcommittee, not the full committee. Also, CPA would not formally endorse it. Instead, the Committee would merely have it "placed on file." Finally, the Anderson-Harris report would not be officially published; it would have the same limited distribution as the Gill draft. Brownlow further summarized the consensus that CPA had now concluded the investigation of governmental research it had initiated in 1937, slyly stating that he "saw no reason why members of the Committee should not express personal interest in further developments and write on the subject, so long as they did not use the subcommittee confidential statement as documentation."⁵¹ Gulick, delighted by the discussion and decision, tartly commented that BMRs got what they deserved. If they had admitted all along that their central role was democratic citizenship rather than research, then the entire tortuous saga of the study would have been unnecessary.

In a final effort to remove CPA/SSRC's or Mosher's fingerprints, the mimeographed version of the Anderson-Harris report stated that "responsibility for all statements of fact and opinion, and for any recommendations contained herein, is that of the authors" (Anderson and Harris 1939, ii). The title page prominently stated the document was "Confidential" and "Not for Publication." The crucial conclusion dealing with GRA's future was softly worded. Titled "Next Steps in National Organization to Promote Administrative Research," it stated:

It is suggested, as the basis for discussion, that there is need for an expanded and more effective G.R.A. Such a society should carry on all present G.R.A. activities, but should have as its main objective the improvement of public administration at all levels of government. Such an objective implies, of necessity, an emphasis on research in governmental administration (Anderson and Harris 1939, 63).

End Game: GRA's Annual Conference and the Conception of ASPA, September 1939

In June, as GRA chairman, Mosher diplomatically informed GRA members what was going on. He summarized the seeming consensus from the May Executive Committee meeting, attempting to present the result as voluntary and agreed upon. He made it sound like the Executive Committee members recommended on their own accord that the status quo of the GRA likely needed some modification. Citizen-supported BMRs were interested in public administration, but from a

perspective slightly different from those of professors and federal-level practitioners. Without indicating his preference or a *fait accompli*, he tried to muffle the controversy by saying that the professional interests of BMRs might best be served by belonging to two organizations: one limited to BMRs and another being a coalition of BMRs, professors, and practitioners. He said that Upson and Gulick had agreed to prepare draft proposals for the two organizations, although no final decision had been made; however, if the Upson-Gulick proposals were to go forward, they “shall be made a part of the order of business of the meeting in September” (Mosher 1939).

Upson and Gulick finalized proposals for the two organizations. Upson’s plan for a BMR-only group would be called the Association for Citizen Research in Government. The membership would be nonprofit agencies “which exist primarily to help their communities control and improve their governments by the aid of non-partisan facts impersonally and constructively presented.”⁵² Gulick’s draft called for creating a new organization tentatively called the American Society of Public Administration (Chronological 1940, 2, emphasis added) or the American Institute of Public Administration.⁵³

In preparation for the GRA annual conference, Mosher did everything he could to pack the program and attendance, so the meeting would unfold in the direction he wanted. He switched the venue from Chicago to Princeton, a more academic environment and more accessible to senior federal administrators based in Washington and to Gulick’s network in New York.⁵⁴ Mosher invited Princeton President Harold Dodds, a former CPA member, to give a welcoming address at the opening of the conference. Mosher explicitly briefed Dodds on the plan to dedicate part of the conference to creating a new public administration research organization and asked Dodds “to have in mind” that goal for his welcoming remarks.⁵⁵ Working with GRA secretary Paige (the deputy to Brownlow at PACH), Mosher placed on the conference agenda a briefing on the Anderson-Harris report and discussion of the Upson and Gulick plans for separate associations. He titled one of the last sessions of the conference “Organization Meeting of the Public Administration Research Association” (Special GRA 1939, 3).

As early as May, Mosher began trying to drum up interest in the nascent national public administration association with senior federal practitioners. He lunched with Harold Smith, now FDR’s budget director and former CPA member (who had opposed extending Gruenberg’s contract) to brief him and seek his support. Smith gave Mosher his “blessings.”⁵⁶ In June, Mosher and Gulick met with about 25 senior federal administrators and encouraged them to attend the conference.⁵⁷ Mosher asked several of them to be on the program, a certain way to assure their attendance and influence on the tone of the conference.

For his invitations to be on the conference program, Mosher had two form letters. For traditional BMR men, it was a standard invitation to speak. For those who might be interested in the goal of creating a new research association, Mosher added a paragraph that this was one of the goals of the conference.⁵⁸ One GRA leader complained to Mosher about his apparent stacking of the conference program, giving “the impression that the chief purpose of the meeting is to arouse widespread interest” in the proposed new organization.⁵⁹ He was right, but by that point it was too late. GRA traditionalists had been wholly out-manuevered by Mosher’s hidden-hand tactics. He was the enemy within.

As a result of the long-awaited CPA/SSRC study, interest in the conference was higher than normal. For example, members of the Western GRA were notified of the developments back East and were encouraged to attend because the conference “may have an important bearing upon future developments in the fields of governmental research and public administration” (National Governmental 1939). The intense interest in the matter triggered an unprecedented registration of 250 people.⁶⁰

It was a tense and stormy conference (Pugh 1988). The conspiracy to wreck the GRA finally surfaced in full view when Mosher dramatically announced to the conference that he had just received a telegram from Brownlow that the PACH was withdrawing its free secretariat services effective immediately (Pugh 1988). As the leading voice and fund-raiser in the professionalization of public administration, Brownlow’s timing indicated that he deliberately wanted to have a major impact on conference discussions about GRA’s future. The announcement of Brownlow’s decision undercut those arguing for the status quo because it meant that, even with its all-time high membership, GRA still could not afford the costs of a central staff. It also meant that Brownlow would not endorse any GRA applications to foundations for funding for such an office. Given Brownlow’s influence with the Rockefeller funds, his opposition would be fatal.

While there were conventional panels and papers, the conference was mostly a continuous four-day argument about the future of GRA. Anderson summarized his and Harris’s report. In an emotional statement from the floor, Gruenberg (who had been largely out of the picture since submitting his draft in May 1938) angrily denounced both the CPA for what it had done to the contents of his original report and its misleading version of events to undercut the credibility of his work. Upson presented his proposal, now modified to be a contraction of GRA (instead of a new organization) with the narrower mission of serving BMRs and taxpayer leagues. Gulick summarized his draft, calling for “a national association for persons interested in public administration” which would, among other roles, publish an academic periodical tentatively titled *Journal of Public Administration*. Academicians Herbert Emmerich and Albert Lepawsky supported the need to distinguish between BMRs and government agencies conducting research. BMR staffers argued back and opposed the idea, but were largely on the defensive. One staffer tried to refute the claim by secessionists that BMRs were “anti-government” engaging in biased research (*Governmental Research: An Appraisal 1940; Governmental Research and Citizen Control 1940*). The argument dominated newspaper coverage.⁶¹

By the adjournment of the conference, the die was set. GRA would shrink in size and role. At the annual APSA conference in December 1939, the American Society for Public Administration was founded.⁶² The rest of the story is well recounted in the literature and does not need to be repeated here (Pugh 1985; Stone 1975; Emmerich 1963). In a telling symmetry, Paige, the PACH staffer serving as Secretary of GRA until Brownlow dramatically withdrew its services at the GRA conference, was appointed the first secretary of ASPA with his salary paid by PACH.

The factors contributing to this outcome included Brownlow’s opposition to Rockefeller funding an independent GRA secretariat, the careful maneuvering by the CPA/SSRC about a study of governmental research to document the limitations of BMR research, the growth in the number of government agencies engaging in research during the New Deal, the growth in the number of public administration faculty, Mosher’s duplicitous role as GRA chair advocating behind-the-

scenes to dismantle the association, and Brownlow's dramatic telegram withdrawing PACH free secretariat services. The new academic public administration establishment got its way.

Gill's Fate

What of Gill? After his employment by the CPA/SSRC ended in December 1938, he was a researcher for the National Resources Planning Board in Washington. Continuing with his hoped-for academic career, over the next few years, he published one of his research projects for the Board in the *Journal of Politics* and wrote a book review in *APSR* (Gill 1940, 1943).

In 1939, he notified the Chicago Political Science Department that he had changed his dissertation topic to "The Governmental Research Association" (Pfankuchen 1939, 740). According to one non-academic source, by March 1940 he had submitted the dissertation. It was a revised version of his December 1938 report to the CPA/SSRC, focusing mostly on the factual data he had collected in the field and through mailed surveys (Gruenberg-Gill Report 1940). But then nothing happened. There is no archival record to fill in the blanks. The most plausible explanation would be that his dissertation supervisor (probably Merriam) asked for changes or at least insisted that Gill get formal written approval from CPA/SSRC to use publicly the data he had collected while under contract. Also in early 1940, Gill repackaged his dissertation into a book manuscript. Titled "The Municipal Research Bureau Movement," it was largely supportive of BMRs, and he dedicated it to the three founders of the New York BMR.⁶³ In the preface, he did not mention that the manuscript was related to a dissertation.

By now, Gill's position at the Planning Board was ending. He sought a research fellowship at the Brookings Institution and requested a letter of recommendation from Merriam.⁶⁴ He apparently did not receive the appointment. Lacking an approved dissertation, his path toward an academic career was, at least temporarily, blocked. Not finding another research position in Washington, he was out of options. He returned to his hometown of Milwaukee in mid-1940 to a civil service position, as the city government's Municipal Research Librarian.

Other impediments to his academic career were piling up. Merriam retired at the end of the 1939-40 academic year (Karl 1974, 284), leaving Gill somewhat stranded without an ally on the faculty. He did not receive formal clearance from CPA until late 1942 to use publicly the confidential data he had collected and then only "if the PA Committee were kept free of responsibility."⁶⁵ In 1944, he apparently (re)submitted his dissertation, this time with the modified title of "Municipal Research Bureaus: A Study of the Nation's Leading Citizen-Supported Agencies." He appeared to be confident that it would be approved, noting in *APSR* that it was "completed, but not previously listed" (Fellman 1944, 771). He even began referring to himself as "Dr. Gill" (Ogg 1945, 120; Short 1945, 319). It was not to be. Again, there is no archival source to explain these developments. A plausible explanation is that a Merriam-less dissertation committee felt that Gill's research was neither rigorous nor empirical political science, rather too close to old GRA-style governmental research. The members might also have felt that his data was too old to be relevant – OK perhaps as history, but not as good political science.

Even though apparently rejected as a dissertation, Gill's manuscript was published in mid-1944 (Gill 1944). By now it had morphed into a mostly laudatory report praising the beneficial role of BMRs. This was indicated by its subtitle: *A Study of the Nation's Leading Citizen-Supported Agencies*. As another signal of its mostly positive depiction of BMRs, GRA leader Upson wrote a complimentary Foreword (Gill 1944, 7-8).

The book received unenthusiastic reviews in two leading political science journals. In *APSR*, Sayre called it an "interesting and instructive story" but found "no convincing evidence in Mr. Gill's study that the traditional municipal research bureaus" were still relevant and at the cutting edge of public administration (Sayre 1945). Ascher reviewed it for the *Annals*. Cautiously, he used almost no adjectives – positive or negative – to characterize the book. Rather, after neutrally summarizing its contents and the implications of the subsequent creation of ASPA, he depicted Gill's vision for a revitalized role of BMRs in American democracy and public administration as a "dream" that "is not likely to be soon realized" (Ascher 1945). Surely it was a conflict of interest for Ascher, former CPA staff director, to review the very study the Committee had rejected and abandoned without even disclosing that connection to readers.⁶⁶

Gill's academic career now in ruins, in 1945 he was named head of the BMR in Milwaukee and served in that role until his retirement in 1984. He died in 2005. Through no fault of his own, he had gotten caught in the middle of the governmental research controversy. CPA/SSRC refused to defend his report to GRA critics, even though Gill's final product had been closely supervised and approved by Harris. His report was abandoned and suppressed by the CPA as a tactical concession to the GRA. These events had apparently been a fatal blow to his incipient academic career. Gill was collateral damage in the larger cause of professionalizing public administration. *C'est la vie* seemed to be the view of ASPA's founders who declined to protect him. They made him look like the heavy in the eyes of the GRA and then abandoned him. ASPA was born in original sin.

Declaration of Conflicts of Interest

Based on standard academic definitions, I declare that I had no conflicts of interest regarding this article. Gill and I were casually acquainted during the period he headed the Milwaukee BMR and I was a Wisconsin state legislator (1977-84). I had no motive in researching this article other than curiosity about a relatively unknown aspect of ASPA's creation in 1939.

The first time we met in 1977, it turned out he had known my father in high school. For that get-acquainted meeting, he asked me to bring my dissertation. He opened it up to the last page, read the last paragraph and then closed it. He explained that he liked to read the final paragraph of dissertations because they gave him a good sense of the topic and what the author's conclusions were. He did not tell me then or ever that he was ABD nor that he had published a book about BMRs. After that initial meeting, he occasionally called to my attention local public administration matters that could be addressed by the legislature and I sometimes asked him for help when doing policy research. During that time, I was unaware of his aborted academic career and he never mentioned it to me. I only became aware of his book when researching bureaus of efficiency in the Progressive era (Lee 2008). Due to these modest interactions, I attended his funeral

in 2005. For this article, I was in touch with two of Gill's daughters. Both said that he almost never talked about his years as a doctoral candidate at Chicago and hence neither of them was in a position to help me reconstruct the story. They had no role in the preparation of this article and bear no responsibility for my conclusions.

The University of Chicago confirmed Gill's bachelor's degree and post-graduate attendance. However, it would not release his transcript. Because no dissertation was ever approved, it had no information about who his dissertation supervisor was and if the dissertation had been submitted and rejected or had not been submitted. Hence, I had to engage in some conjecture about those events.

Finally, I had no hostility toward ASPA. I first joined in 1970, while working on my MPA at Syracuse University. I have enjoyed being a member since then, including publishing in *PAR* and *PA Times* (without negative experiences), attending annual conferences (sometimes presenting papers, sometimes chairing sessions), and co-chairing the program committee for the 2003 annual conference.

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Notes

¹ When founded, its name was the *Association of Individuals Professionally Engaged in Governmental Research*, later the *Governmental Research Conference*.

² The institute was an organizational successor to the New York BMR, but with a national focus and promoting more rigorous research.

³ Five years after Gaus's 1930 critical report on BMR research, in a report to APSA he reiterated the need for quality public administration research that was comparative, complementary, and cooperative. He praised the evolution of the CPA/SSRC into a more active sponsor and funder of a comprehensive program of "fresh and original research," praised it providing "direct service" to researchers, and welcomed the creation of a new staff position of research director (which went to Joseph Harris) (Gaus 1935).

⁴ One of the few faculty to dissent from this conventional wisdom was Pfiffner, who wrote that criticism of BMR research methods "is probably too severe" (1940, 6).

⁵ Entry for November 27, 1934. Folder 11, Box 1, Louis Brownlow Diaries, Special Collections Resource Center, Regenstein Library, University of Chicago.

⁶ Entry for April 26, 1935, *ibid*.

⁷ There was some truth to that, with Brownlow arguing to Rockefeller grants officers that a decision on such an application was premature and should await a more comprehensive study of the governmental research movement.

⁸ Entry for November 28, 1935, *ibid*.

⁹ Minutes, Meeting of April 17-18, 1937, p. 7 (p. 410 of bound volumes of minutes and status update reports). Folder 1487, Box 253, CPA/SSRC, Rockefeller Archives Center. Henceforth Rockefeller Archives.

¹⁰ Ascher letter to Gruenberg, April 22, 1937. Folder: Official Correspondence: Public Service Commission, 1934-1937, Box 2; Gruenberg Papers, Historical Society of Pennsylvania. Henceforth, Gruenberg Papers I.

¹¹ Ascher letter to Gruenberg, April 20, 1937, Gruenberg Papers I.

¹² APSA's Political Methodology Section presents an annual Gosnell Prize for the best paper in methodology.

¹³ Gruenberg letter to Ascher, May 25, 1937, Gruenberg Papers I.

¹⁴ Its first working title was "Public Service Personnel in the Metropolitan Region of Chicago" (Kirk 1936, 818), later revised to "Public Personnel Problems in Metropolitan Chicago" (Wengert 1937, 779).

¹⁵ Gill letter to Ascher, October 26, 1937, Gruenberg Papers I.

- ¹⁶ Gruenberg and Gill, "Interim Report." Minutes, Meetings of December 3-5, 1937, CPA/SSRC, p. 2 (464 of bound volumes), Rockefeller Archives.
- ¹⁷ Ibid, p. 3 (465 of bound volumes).
- ¹⁸ Gruenberg letter to Ascher, November 8, 1937, Gruenberg Papers I.
- ¹⁹ Ascher letter to Gruenberg, November 4, 1937, *ibid*.
- ²⁰ Minutes, Meetings of December 3-5, 1937, CPA/SSRC, pp. 11-12 (479-80 of bound volumes), Rockefeller Archives.
- ²¹ Harris memo to CPA members, Re: Progress report on research studies under way, February 23, 1938, CPA/SSRC, p. 2 (487 of bound volumes), Rockefeller Archives.
- ²² Harris letter to Gruenberg, April 6, 1938, Gruenberg Papers II.
- ²³ Gruenberg letter to Harris, April 1, 1938, *ibid*.
- ²⁴ Progress Report [to CPA members], May 26, 1938, CPA/SSRC, p. 1 (506 of bound volumes), Rockefeller Archives.
- ²⁵ Minutes, Meeting of June 4, 1938, CPA/SSRC, p. 2 (538 of bound volumes), *ibid*.
- ²⁶ Gruenberg letters to Harris, May 19, June 1 & 9, 1938, Gruenberg Papers II. The Gruenberg manuscript could not be located, except the foreword. Based on research by an archivist at the Rockefeller Archives, all files related to the study were eventually transferred to Gulick's Institute of Public Administration (IPA) in New York (Memo from Paul Webbink to Donald Young, Subject: Committee on Public Administration Materials, May 7, 1947, p. 6; Folder 5095, Accession 2, SSRC Archives, Rockefeller Archives). Baruch College recently acquired the archives of the Institute comprising several hundred boxes, but has not yet had the funds to process them and open them to researchers. Gruenberg's version is likely there.
- ²⁷ Foreword, p. 2, attachment to Gruenberg letter to Harris, June 9, 1938, Gruenberg Papers II.
- ²⁸ Harris letters to Gruenberg, April 14 and May 10, 1938, *ibid*.
- ²⁹ Harris letter to Gruenberg, May 10, 1938, p. 4, *ibid*.
- ³⁰ Minutes, Meeting of June 4, 1938, CPA/SSRC, pp. 1-2 (537-38 of bound volumes), Rockefeller Archives.
- ³¹ Progress Report [to CPA members], October, 1938, CPA/SSRC, p. 2 (546 of bound volumes), Rockefeller Archives.
- ³² Minutes, Meeting, October 15-16, 1938, CPA/SSRC, pp. 3-4 (563-64 of bound volumes), *ibid*. Leonard White, a Chicago political science professor who had just completed a term on the US Civil Service Commission, had recently been appointed to the Committee. He attended this meeting, expressing an interest in Gill's work.
- ³³ GRA usually published its conference proceedings, but did not for 1938. A photo of the attendees was in the September-October issue of its newsletter.
- ³⁴ "WPA Held Creating 'Class of Paupers'," *New York Times*, September 9, 1938. The *New York Herald Tribune* editorialized approvingly about a presentation at the conference which opposed New Deal ideas such as cutting the hours of the work week to create more jobs ("The Parents of Prosperity," September 11, 1938).
- ³⁵ "Better Service, Lower Costs Aim of Governmental Study," *Christian Science Monitor*, September 8, 1938.
- ³⁶ "Nation Told How to Plan," *Los Angeles Times*, October 28, 1938.
- ³⁷ Mosher letter to Ascher, November 8, 1938. GRA Correspondence folder, Box 2087, Papers of William Mosher, Papers of Maxwell School, Syracuse University Archives. Henceforth, Mosher Papers.
- ³⁸ Harris letter to Gruenberg, December 8, 1938, Gruenberg Papers II.
- ³⁹ Harris, "Letter of Transmittal," n.d. (about mid-January 1939), Gruenberg Papers II. Gill's December 1938 manuscript could not be located. USC was listed in OCLC/WorldCat (Accession #711778650) as the only library having a copy. However, in response to my inquiry, USC declared the volume missing. Presumably, the Gill report is in the IPA archive (see note 26).
- ⁴⁰ Gruenberg letter to Harris, January 19, 1939, Gruenberg Papers II.
- ⁴¹ "Progress Report," February 1939, CPA/SSRC, p. 4 (594 of bound volumes), Rockefeller Archives.
- ⁴² Minutes, Meeting, May 20-21, 1939, CPA/SSRC, p. 8 (643 of bound volumes), *ibid*.
- ⁴³ J. M. Leonard (Detroit BMR) "Strictly Personal" letter to Loren Miller (Newark BMR), cc to Mosher, April 14, 1939, Mosher Papers.
- ⁴⁴ Harris letter to Mosher, March 25, 1939, *ibid*.
- ⁴⁵ "Progress Report," May 1939, CPA/SSRC, p. 4 (610 of bound volumes), Rockefeller Archives.
- ⁴⁶ Mosher letters to Loren Miller, April 20, 1939; Frederick Bird, April 22, 1939; J. M. Leonard, April 25, 1939; Lent Upson, April 29, 1936, Mosher Papers.

- ⁴⁷ Upson memo to GRA leadership on meeting with CPA, May 8, 1939, GRA #1 1939, Mosher Papers. Minutes of GRA Executive Committee meeting, May 6-7, 1939, and Mosher letter to Loeffler (Boston BMR), May 15, 1939; both in GRA Executive Committee 1939-1940, Mosher Papers.
- ⁴⁸ Minutes, Meeting, May 20-21, 1939, CPA/SSRC, p. 8 (643 of bound volumes), Rockefeller Archives.
- ⁴⁹ "Progress Report," May 1939, CPA/SSRC, *ibid*.
- ⁵⁰ Minutes, Meeting, May 20-21, 1939, CPA/SSRC, *ibid*.
- ⁵¹ *Ibid*, p. 9 (644 of bound volumes).
- ⁵² "Explanation," n.a. (probably Upson, based on other sources), n.d. (probably summer, 1939). Folder: Addresses and Articles: Committee on Public Administration Interim Report, 1937, Box 5, Gruenberg Papers.
- ⁵³ Upson, Minutes of GRA Executive Committee, September 6, 1939, p. 4. GRA Correspondence, Mosher Papers.
- ⁵⁴ Mosher letter to Harris, May 17, 1939. Mosher Papers.
- ⁵⁵ Mosher letter to Dodds, June 6, 1939, Mosher Papers. Dodds could not attend.
- ⁵⁶ Entry for May 23, 1939, File: Daily Memoranda, Box 1, Harold Smith Papers, Franklin Roosevelt Presidential Library.
- ⁵⁷ Entry for June 26, 1939, *ibid*; Mosher letter to Mayor Fiorello LaGuardia, July 3, 1939, Mosher Papers.
- ⁵⁸ Email to author from Susan M. Hughes, Archives and Records Management, Syracuse University, May 24, 2013, author's files.
- ⁵⁹ Loren Miller letter to Mosher, June 12, 1939, Mosher Papers.
- ⁶⁰ "Seeks Fixed Crime Views," *New York Times*, September 10, 1939.
- ⁶¹ September 7, 1939: "Split is Proposed in Research Group," *New York Times*; "Good Government, Using Research, Goal of Meeting," *Christian Science Monitor*.
- ⁶² "Society Would Promote Art of Administration," *New York Herald Tribune*, December 25, 1939. There was some initial confusion about the formal title of the new organization with APSR calling it the "Society for Public Administration" (Colegrove, 1940, 118).
- ⁶³ Box 198, Public Policy Forum of Milwaukee archives. It was 293 typescript pages, quite close to his 304-page *Preliminary Draft*.
- ⁶⁴ Folder 20, Box 48, Merriam Papers, University of Chicago Archives.
- ⁶⁵ Memo from Paul Webbink to Donald Young, *op. cit.*, Rockefeller Archives.
- ⁶⁶ Tellingly, ASPA's new journal, *Public Administration Review*, did not review Gill's book.

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Applying Existential Philosophy and Popular Culture Images to Ethics: The Case for *Fullmetal Alchemist*

Arthur J. Sementelli

Introduction

Understanding ethics and ethical dilemmas is central to the theory and practices of public administration and public affairs. Some presume that ethics, like so many other things, progresses to a point where people become ethical (i.e. Kohlberg), which was eventually challenged by Kohlberg and Kramer (1969) in their evaluation of ethical regression (or erosion) and by others, including Lind (1985). The concept has not been adequately discussed in public administration. Kass and Zinke (1989, 836) called for a greater emphasis on structured reflection, critique, and conceptual analysis on the study of ethics in public administration, highlighting issues emerging from focusing on codification and morality while neglecting the *social, political and organizational dimensions* (emphasis added). Some scholars including Box (2009) begin discussing some of the implications of ethics in the context of these three neglected areas, while Greenberg (2003) and Lawton (2005) highlight some of the problems of ethical erosion in practice. As we are now more than 70 years removed from the Friedrich –Finer debates, we have not become that much closer to understanding why some arguably “upright” citizens and officials commit breaches of ethics including malfeasance, nonfeasance and overfeasance, or limiting it in practice.

This piece argues that a primary issue with our understanding of ethics and ethical erosion lies in the way we understand ethics itself (Greenberg 2003; Lind 1984). The ethics literature often points to ethics as a *process* (Cooper 1991) that often conflicts with political processes (Vigoda-Gadot 2006), and is sometimes grounded in discussions of leadership (Vance & Trani 2008). In practice, the profession tends to cling to notions of “the” individual a la Rawls (1971), codes, and morality (Kass & Zinke 1989). To address this gap in our understanding, it becomes imperative to reflect and reconsider existing ethical processes within an alternate context—within the literature of existentialism (Stack 1977). More specifically, this piece argues that Karl Jaspers’ existential thought can provide us with such a process based context, encompassing elements of individuality while embracing the social, political, and other experiences of life (1954, 1955, 1971). This is an ambitious undertaking, and this piece is only useful if understood. So, it is

helpful to employ a storyline as a pedagogical tool to understand *changes* in ethical behavior (rather than simply ethical development and erosion) in public administration.

To help make an argument for a process-based, existential approach to ethics in public administration, this paper employs the Japanese anime¹ *Fullmetal Alchemist* as a tool to bridge the existential work of Karl Jaspers to ethics using the concept that storytelling can be used for sensemaking (Boje 2008). *Fullmetal Alchemist* was chosen because the anime storyline consistently demonstrates most if not all the major concepts being articulated by Jaspers' discussion of "*existenz-philosophie*," which is a key component for understanding a process-based, existential context for ethics based on experience rather than "the" individual, some linear progression or code (1955, 1971). This allows for multiple possibilities for ethical changes, including both development and ethical regression (arguably driven by experiences in social, political, organizational contexts). Put simply, we need an uncommon story to see how this is possible, and that is where *Fullmetal Alchemist* helps.

Fullmetal Alchemist: Overview

Imagine a world not that different from our own, a fictional world very much like industrial revolution Europe, but with a single exception—the addition of alchemy as one of the scientific disciplines instead of being a pre-enlightenment myth. This is the setting for *Fullmetal Alchemist*. For our purposes, we will focus on the anime series which is more accessible than the manga.² In the world of *Fullmetal Alchemist*, alchemy is one of the most advanced scientific techniques of all, and is governed by scientific laws (akin to the law of gravity). The storyline itself is best described as an existential morality play. Each character examined in this paper reflects aspects of ethical development, moral regression, and experience, making it an ideal tool to understand both ethics and philosophy.

The story follows two young brothers (Edward and Alphonse Elric) who want their dead mother back and are willing to do whatever it takes to achieve it. They attempt human alchemy, a forbidden discipline violating most ethical codes for alchemists. It results in Edward losing both an arm and a leg, and Alphonse losing his body entirely. Alphonse, from this point on, exists only as a sentient suit of armor. Not only did both boys suffer extreme physical losses, but they also failed to resurrect their dead mother. This story emphasizes the boys' process of atoning for their sin/crime of performing human alchemy while learning all they can to possibly restore their bodies to normal. Edward becomes a state alchemist—a public administrator of sorts, while Alphonse might best be described as an outside governmental contractor. Both are employed by the government. Later the boys learn about the philosopher's stone, which is a legendary tool that could restore them. They also learn how it is made (through genocide) and wrestle with the associated ethical dilemmas surrounding the creation of a philosopher's stone as well as its use.

The consequences of their attempt to revive their mother "ripple" throughout the series showing the direct impacts of each ethical choice. Over time, the boys discover other consequences of their attempt at human alchemy (other than the loss of body). One of the most sinister is the side effect of creating "homunculi" when anyone in the series attempts human alchemy. Each homunculus resembles the dead person who was supposed to be revived, but the resemblance is

superficial, since each is a diabolical, soulless entity coordinated behind the scenes by Dante (the chief antagonist of the series). The homunculi regularly “confront” the boys indirectly, tempting them with knowledge about the philosopher’s stone but most often impeding their tasks.

Over time, the boys change their views on what is good, right, and proper, moving from black and white views of the world to views that are mature and complex. In their naiveté, they attempted resurrection using human alchemy and failed at the beginning of the series. Toward the end, as both matured ethically, Alphonse becomes part of a philosopher’s stone through governmental action. Neither boy is willing to use its power until Edward is killed. Alphonse, grief stricken, revives his brother using the stone and sacrificing himself in the process to save his brother.

Fullmetal Alchemist: Links to Jaspers and Ethics

This series, though animated, offers a rich description of the interrelatedness of ethics, existentialism, and its applications to public administration. While the experiences in the story tend to mature both Edward and Alphonse, they often have different impacts on other characters. These differences can help us to explain and understand the phenomena associated with ethical erosion and why ethical codes alone remain insufficient to ensure ethical public service (Lind 1985). Considering the role that life *experience* plays in the process of ethical change in the story, it becomes interesting and useful, if not important, to begin considering ethics within the context of existential philosophy.

Focusing on experience, rather than the individual his or herself, can be a fruitful “unit of analysis” for understanding ethics in public administration more generally. This section uses the work of Jaspers to help ground Kohlberg’s stages of ethical development and later studies of moral regression. The anime is a fruitful vehicle, since it suggests how we might consider existential philosophy as a tool to help both scholars and practitioners make sense out of ethics by linking it to Jaspers’ discussion of lived experience (1955, 1971).

Jaspers’ work is most useful here since it maps logically to familiar ideas of body, mind, and spirit. He expressed these ideas as immanence, consciousness in general, and existenz (Jaspers 1955, 1971). *Immanent existence* (body/ pre-conventional morality) is understood as a basic life, focusing on “getting by.” Critical theorists might further identify such an existence as the life of “the masses” or possibly the Lumpenproletariat (Marx & Engels 1998). Others experience life as *consciousness in general* (mind/conventional morality), often framed within certain technical and analytical language and practices. Jaspers (1955, 1971) argues this is the experience of empiricism, trades, and science. This is a life of “skilled” or “professional” labor that typically remains unreflective, making it immanent. The third, *existenz* (spirit/post-conventional morality), is understood to be a transcendent experience, one where a spiritual awakening occurs. This awareness is not necessarily “good” or “evil”—a person just becomes aware. To understand how these can play out in practice, it is necessary to return to our story.

Immanence

Edward: *Did I mention all those ingredients I read off? Down at the market, a kid could buy every one of them for the spare change in his pocket. As it turns out, humans are pretty cheap.*

Rose: *No, that's blasphemy...! People are—We're all children of God... created in his image!*

The majority of characters in *Fullmetal Alchemist* operate within an immanent mode of existence (Jaspers 1955, 1971). This also indicates that ethically, these same characters are operating most likely at either the pre-conventional or conventional stages of moral development (Kohlberg 1981, 1984). In most episodes, there are impoverished, often nameless “background” characters living from hand to mouth. Many are refugees, and are illustrated as a peasant or working class. Throughout the series, members of this class are most often abused, used, and otherwise subjected to the will of the powerful. In one early episode these background people are duped by a charlatan.

This charlatan, named Cornello, is an alchemist with a fake philosopher’s stone. He uses the stone for power and profit, as he presents a combination medicine show/revival. This ruse is ultimately exposed by Edward and Alphonse. The boys also meet Rose, a peasant who becomes very important later in the series. The boys express conventional morality in both logic and action. They focus on upholding the law, but remain unreflective and do not realize the long-term social consequences of their actions.

Another interesting character is the main antagonist, Dante. She is in the background throughout the series, and is not revealed until the end. Dante unnaturally extends her life with philosopher’s stones and victims. Her singular focus is to keep living, so she fosters conflict at regular intervals to get the raw materials for a philosopher’s stone. In the anime, Dante targets Rose as the latest tool to extend her life. She also uses Rose’s infant as a tool to destroy Hohenheim (the father of the Elrics and Dante’s former partner). She is self-interested and only fears death. Dante is a prototypical example of someone who might be seen as operating at a pre-conventional stage of moral development by some (Kohlberg 1981, 1984) or as a post-conventional societal “outsider” by others, depending upon how closely you examine her actions.

Some characters and themes place ethical dilemmas at the forefront of the story. A common theme throughout *Fullmetal Alchemist* is that these alchemists serve the military primarily as human weapons, rather than as professionals or researchers. An example of this human weapon in practice is the character Solf Kimblee, who appears to be a “good soldier” while being primarily responsible for the genocide at Ishval. The professionals and researchers experience ethical dilemmas as well. Shou Tucker, a “bio-alchemist,” finds that his continued employment is entirely dependent upon his progress in making chimeras (a compound being, or mutant animal) capable of speech. Tucker breaks under the pressure on two separate occasions. First, to earn his professional license, he makes a chimera that can speak out of his wife. Second, to try and keep his certification, he repeats the experiment with his daughter and family pet.

Consciousness in General

Humankind cannot gain anything without first giving something in return. To obtain, something of equal value must be lost. That is alchemy's first Law of Equivalent Exchange.

—Alphonse Elric, *Full Metal Alchemist*

Most of the named characters in the anime are operating at Kohlberg's "conventional stage." The conventional stage maps nicely to what Jaspers called empirical life or consciousness in general. In the series, they include most of the state alchemists that interact with Edward and Alphonse. They have a clear understanding of their duties and specific skills that they use to undertake them. These characters include Col. Mustang, Alex Armstrong, Jean Havoc, Kain Fuery, Vato Falman, and Riza Hawkeye.

Some characters including Mustang and Armstrong appear to be shallow, cocky, or self-absorbed yet all are loyal military personnel and skilled albeit unreflective professionals. For much of the series, they follow orders. Each pursues what is considered to be conventionally right— at least until they face ethical dilemmas later in the series that challenge their assumptions. These decisions are especially interesting when they focus on how to respond to Edward and Alphonse when they no longer follow orders or conventional wisdom.

Some of these characters begin to flash moments of reflection pointing toward momentary shifts toward post conventional morality. Mustang and Armstrong in particular, uncover ways to help the boys, circumventing their orders while balancing their decisions against long term career advancement. It is important to realize that not all the alchemists flash these moments of post conventional development.

Rose is arguably the most interesting non-alchemist character in the story. During her interaction with the Elric brothers, she demonstrates some of the reflective thought the boys were lacking. At one point she demonstrates anticipatory thought about consequences, mentioning that exposing Cornello could do more harm than his deception ever did. Rose does not maintain this level of reflection/development as experiences change her. She has a number of troubling experiences including assault and rape. She loses the ability to speak and tends to disappear into the background until late in the story, where she is treated like a raw material by Dante.

One character consistently embodies both the ideas of consciousness in general and conventional moral development. Winry Rockbell, a main supporting character in the anime series, is Edward's automail mechanic and lifelong friend. She crafts and maintains the artificial limbs used by Edward throughout the series. She provides emotional support and, along with Pinako (her grandmother and caretaker), provides home and hearth to the boys throughout the series. Winry is the prototypical "good girl," operating as an engineer, exhibiting conventional moral development throughout the series. She does not get directly involved in the boy's adventures, nor does she stray from her role as mechanic.

Transcendence – Existenz

But the world isn't perfect, and the law is incomplete. Equivalent Exchange doesn't encompass everything that goes on here. But I still choose to believe in its principle: that all things do come at a price. That there's an ebb, a flow, and a cycle.

—Alphonse Elric, *Full Metal Alchemist*

There are a few characters in the series that appear to be living in Jaspers' (1955, 1971) transcendent state while exhibiting post conventional morality (Kohlberg 1981, 1984). Izumi Curtis, the alchemy “teacher” of Edward and Alphonse after their mother's death, is the clearest expression in the anime series. She operates in a maieutic state fostering the boys' development emotionally, personally and professionally, trying to make them into “proper” alchemists and decent people (Sementelli 2012). Izumi eventually realizes the boys conducted the forbidden practice of human alchemy and attempts to correct their behavior and help them understand why certain practices are forbidden.

Izumi discovers their secret easily, since she also conducted human alchemy to try and revive her dead child. Similar to the Elric brothers who lost limbs and an entire body, Izumi lost some of her internal organs, making her cough up blood after any exertion. Despite this debilitating sickness, she continues to live, to reflect, and atone for her actions. Rather than falling to an immanent state, she instead chose to focus on ideas like hard work and discipline. Izumi eventually trains the boys further while living as a butcher's wife and ultimately aids them on a few separate occasions later in the series.

Another transcendent/ post-conventional character in the anime is Van Hohenheim, the estranged father of Edward and Alphonse. Hohenheim is ancient, using a philosopher's stone to periodically move from body to body. For much of his “life” he operates at an immanent bordering on pre-conventional mode. However, when he meets Tricia (Edward and Alphonse's mother), Hohenheim displays real growth and reflection. He changes his practices and perspective, remaining in his current body until death. The “reformed” Hohenheim appears as a kind person who is focused outwardly and pacifistic. He becomes involved late in the storyline to try and prevent Dante's plot to create another philosopher's stone through genocide and political manipulation.

Late in the anime series, Edward and Alphonse experience what can best be understood as a spiritual awakening, moving them into a state of existenz, albeit temporarily. They begin to understand what is truly needed for them to regain their bodies. However, neither is willing to conduct the genocide necessary for them to gain a philosopher's stone. Despite their best efforts to prevent the creation of a philosopher's stone one is created and fused with Alphonse, driving the plot forward to a final confrontation with Dante and her minions. By the end of the series both of the boys act altruistically. Each of the boys, on a consistent basis, demonstrate a developed concern for ethical processes and actions culminating with Alphonse sacrificing himself while Edward, taking responsibility not just for his actions but those of society, becomes a statesman in both thought and action (Downs 1967; Vickers 1995).

As Edward develops through the series, he follows the pattern often discussed in the ethical development literature. It also represents an existential shift where Edward adopts a set of post-conventional ethics. His choice to defeat the homunculi is not simply atonement for his action but a mechanism to repair damage caused by others. Edward and Alphonse have several epiphanies, allowing them to eventually lead authentic lives aware of the ethical consequences of process and outcomes (Jaspers 1971). What is most remarkable is that the path to this realization happens very quickly in the story. The boys achieve this while still in their teens, while their father begins understanding it at an advanced age.

The Role of Experience

By now the reader should understand the importance of linking ethical development and experience. It is not a linear progression; instead, it expresses movements ranging from stagnation and regression to epiphanies. The experience of *living* is what drives both the intensity and direction of these changes. Everyone has the potential to progress and regress. This can be best understood through an existential lens. In the story, many characters have potentially transformational experiences. Some change, some stagnate, others endure, but there is no guarantee that any will become more or less ethical. The “best” one can hope for is the sort of existential awakening presented by Jaspers (1955, 1971) where individuals can confront their own freedom to act, to understand universal principles, and their consequences. In public administration in particular, this can help us to both understand and explain the continuing need for both ethical training and codes of conduct, since both are incomplete mechanisms to address fluid processes.

Ethical Dilemmas in *Fullmetal Alchemist*

Probably the biggest, most serious ethical dilemma in the series comes from the creation of a philosopher’s stone.³ All the alchemists in the story understand this is a powerful artifact that can be used to achieve both great and terrible things. Governmental actors see this item as a mechanism for control, to maintain or establish order, and to eliminate rivals. Discussions about the philosopher’s stone tend to mirror those tied to discussions of nuclear deterrence in policy discourses (Finnis et al. 1988), discussions of normalization and conformity in sociology and governance (Foucault 1977, 1980), and other justifications for governmental action. Almost no one who wants to use the philosopher’s stone really understands the consequences of creating it. It requires the ritualized execution of scores of people to create. The primary “material” for its creation ends up being the unnamed characters in the background. Sometimes, they are depicted as the poor or downtrodden, while other times they are the Lumpenproletariat (Marx & Engels 1998). Using these groups to create a philosopher’s stone achieves multiple social and political ends. Targeting these often infantilized (Berlant 1993) groups that do not vote, that are often dehumanized and exploited, achieves operational efficiencies, reducing the need for social safety nets and other public services. It also undermines social contracts, prevailing beliefs about democracy, and conceptions of the public trust.

Links to Public Administration

There are numerous links among the concepts presented thus far and public administration. The discussion informs practice by examining and explaining conceptions of ethical erosion. By presenting them in the context of *Fullmetal Alchemist*, it becomes possible to visualize and link the ideas to cases and practices. The framing of such a discussion within the context of existential philosophy in general, and Jaspers in particular, opens the possibility to understand ethics as both an *experiential* and dynamic process.

Many students in public administration get their first exposure to the field with Stillman's (2009) text. For decades, it has included the Centralia No. 5 mine case, which outlines a series of events that ultimately led to the death of dozens of workers while illustrating the tension existing among personal ethics, position, and action. Normally presented as a failure to act, one might also view this case as evidence that experiences can change the behavior of professional administrators in a variety of ways. As information revealed itself, we find some actors behaving as the protagonists in *Fullmetal Alchemist*, while others in the Centralia case simply cannot or do not process the information as a dilemma at all.

There is also a commonly held assumption, especially in the new public management (NPM) literature, that responsible professional managerial practices must not "interfere" or encroach upon the decisions or actions of political decision makers (Amosa 2008; Overeem 2005; Weller & Wanna 1997; Williams 1985). Practitioners soon discover this is incoherent with practices raising questions of how and when one might act appropriately (Thomas & Davies 2005). Some scholars allude to certain dire consequences that might emerge as a result (Kataoka 2000).

Consequently, we are left with an unmet need to understand the ethics in our professional experiences and the sort of pressures that might lead to ethical erosion. Since we can no longer subject people to the sort of tests that might reveal these phenomena easily and ethically, the value storytelling (Boje 2008; Garrett 2013; Hummel 1991, 1994) and simulation has increased. *Fullmetal Alchemist* presents a number of situations where political decision makers are wholly disconnected from the professionals (alchemists), who undertake and execute "the will of the state," though sometimes against the best interests of citizens, particularly in the case of the creation of philosopher's stones.

In these brief examples from the public administration literature we find this "morality play," which takes the form of an animated series, allows us to observe, to viscerally understand the pressures, processes, and experiences that can create situations where some "bad" people can act "good" while other "upstanding citizens" can display coarse acts of administrative evil both at the executive and street levels (Adams & Balfour 1998).

Links to Existentialism

There are a number of connections we can draw among public administration, ethics, and existential philosophy. Scholars have been wrestling with notions of irrational behavior for decades (Akerlof & Yellen 1987). Others have attempted to address why some engage in resistance

movements within legitimate institutions (Alvesson & Wilmott 1992; Thomas & Davies 2005) often in the face of formal sanctions (Foucault 1977). Some have expressed interest in these phenomena within the purview of critical theory, yet in each case our understanding remains fragmented, and often limited.

The benefit of including aspects of existential philosophy in the discussion comes from the idea of experience. Experiences of life (Heidegger 1962; Husserl 1970; Jaspers 1955, 1971) open the possibility to more adequately conceptualize a number of ethical questions including: when and why does ethical training fail (which remains understudied in public administration), what makes a “bad” person reform (if only momentarily), and what makes a “good person act unethically? There is a great deal of literature that has described the phenomena, but we still lack the sort of frames needed to bridge theory to practice.

Bridging theory and practice through the application of storytelling in general, and the selection of *Fullmetal Alchemist* in particular, allows us to link these seemingly disparate elements, public administration, ethics (including ethical erosion), and existential philosophy. This creates both a frame and bridge, theorizing that modes of life (Jaspers 1955, 1971)—that living itself— can be enough of an influence on someone’s professional behaviors, ethical perspective, and choices in both the short and long term.

The possibility for such potentially catastrophic ethical erosion elevates the importance of questions raised both by the neo-constitutional movements (Rohr 1986; Spicer & Terry 1993, 1996; Terry 1994) and by the new public management (NPM) (Hood 1995; Kaboolian 1998; Lynn 1998). To work consistently, both require a static notion of ethics, or at least the sort of ethical development or progression originally posited by Kohlberg (Kohlberg & Kramer 1969). Once we include the possibility that ethics can change with experiences, once we include aspects of existential philosophy, we can then appreciate and potentially discuss some of the measured concerns each movement has about the other.

Interestingly enough, simply contextualizing the neo-constitutional and new public management movements using Jasper’s (1955, 1971) understanding of existential philosophy can help scholars and practitioners of public affairs and administration to understand some of the underlying differences that exist between the two schools of thought. With a cursory examination of the logic and concepts presented by many NPM theorists we can uncover that it assumes people are consistently operating within a state of immanence, specifically consciousness in general, implying at least a conventional state of morality. In contrast, we find that some expressions of the neo-constitutional schools assume someone in a state of transcendence, specifically existenz, implying at least a post-conventional morality.

Now it is possible to drill down on some of the critiques of each movement. As stated by Nietzsche (1978), Jaspers (1955, 1971) and others, living in a transcendent state, a state of existenz, in no way implies a “good” person. In the context of this ethical argument, adopting a post-conventional approach in no way guarantees what society might understand as “good” behavior. Though it is often assumed such individuals would value justice, liberty, and equality, there is no societal or existential *guarantee* this will happen. The element often ignored is that these states

of being are quite personal and abstract, possibly allowing such a person to violate societal, civil, and other laws because they no longer see them as right or proper.

Tying this back to our story, if we assert that Dante has in truth adopted a post-conventional ethic, then her transcendent existence becomes not just a bane to people, but to the society as a whole. It is this potential disregard for institutions, mores, and other societal structures that often gives NPM scholars pause.

Operating in the context of a conventional ethical framework, in a state of immanence, is likely and quite achievable through normal socialization and development. The challenge sometimes levied by neo-constitutionalists comes from NPM scholars' emphasis on micro-level processes, the empirical aspects of administration, while potentially ignoring or avoiding thorny political issues that might be greater than their position, yet are important enough to warrant action by professional administrators seeking to protect the public interest. In brief, some neo-constitutional scholars have a tendency to view people (read as: professional administrators) as good, while scholars of NPM tend to work from the assumption that people cannot as a rule be trusted to be good. The reality of the situation lies somewhere in the middle.

Some scholars have challenged both sides of this discussion. Terry (2003) begins to wrestle with Rohr's (1986) notion of oaths, raising questions about whether or not the swearing of an oath is sufficient, while implying that the inculcation of values, consistent with the work of Selznick (1984) would help better justify such a position. In contrast, Karl (1987) focused on issues emerging from what would become the NPM literature, making an interesting distinction between "public needs and popular desires" (32). This point of discussion highlights both the "best" elements of NPM (focusing on public needs with limited or no political engagement), along with its greatest flaw, the conflation of public needs and popular desires which tend to leave administrators quite vulnerable to the whims of politics.

Consider once more the roles that ethics and administrative responsibility play in this discussion. Oaths and other external guides can help, but only under certain circumstances. Oaths can be violated (and are frequently enough by both administrators and politicians), as can codes of ethics. We also find often enough that situations can drive otherwise "upright" citizens to unethical behavior. It is the failings of these approaches that drive the question "why does this happen?" Why do some politicians and administrators act unethically? Tying it back to our story, what makes two innocent boys violate the greatest taboo in the land (trying to resurrect their mother)?

One powerful way to begin making sense of this comes from linking discussions of administrative ethics in general and the work of Kohlberg in particular to the existential philosophy of Karl Jaspers. We can uncover first that the dynamic process of life can and often does change how people react to internal and external ethical controls. Integrating existential philosophy, though daunting at first, becomes less controversial considering the work of Stack (1977) and others who have written extensively on the ethical applications of existentialism. Stack, in particular, focuses on the work of Kierkegaard. Consider that Jaspers drew inspiration from both Nietzsche and Kierkegaard, and it becomes less of a reach to frame administrative ethics using the work of Jaspers.

There is an often implicit assumption that internal ethical approaches are more desirable and that people reaching such an advanced state (ala Kohlberg) of moral development have somehow *progressed* rather than simply *changed* (Sementelli 2007), reaching an apex of ethical development, that makes them some sort of moral exemplar that is above reproach. Such an assumption often fails to explain how societal moral exemplars sometimes “fall.” Including Jaspers philosophy into the discussion of ethical regression encapsulates the dynamism of life, raises the possibilities that these developed moral individuals can in various stages in their lives “fall” or regress, and that the fallen or downtrodden have the possibility of ethical development despite their prior experiences.

Rather than making the discussion more turgid, the inclusion of Jaspers adds a level of refinement that better encompasses the lived experiences of people illustrating and discerning their lives as is rather than how they ought to be, making it a practical way to extend scholarly discussions. Considering further that the mainstream literature on administrative ethics in public administration typically advocates for both moral development and external ethical controls as a profession (ICMA, ASPA codes of ethics), it becomes easier to justify why additional research is necessary in both ethics generally and ethical administration in particular. Using the anime *Fullmetal Alchemist* enables us to communicate these possibilities effectively.

Furthermore, including Jaspers into broader discussions of public administration allows for the development of another perspective on the theories and practices of public service. By turning our attention a bit more to the whys of administrative processes, we can get some perspective on public administration and its roles in society. Overtly linking Jaspers to ethics can elevate the discussions of what is good, right, and proper to when and why it is good, right, and proper. On a purely descriptive level Jasper’s work helps to explain the seemingly confusing situations where previously ethical individuals behave unethically. Conversely, it also helps to explain why in certain situations unethical people can act as “model” citizens.

Concluding Remarks

Sometimes life imitates art (Wilde 2010), and in the case of Jaspers (1955, 1971) there is a strong, descriptive link between his conception of life as existence, as consciousness in general, and as existenz and the anime *Fullmetal Alchemist*. This piece has demonstrated how it can specifically inform our understanding of ethics in public administration. Furthermore, it becomes easier to apprehend some of the nuances of Jaspers’ ideas by visualizing them through the lens of this anime and contextualizing it within a discussion of ethics and public administration.

As the administrative professions continue to experience change, the need for tools for understanding becomes increasingly important. Alternative expressions of ideas become essential, and visual representations of these complex themes become quite valuable. One likely avenue for further inquiry might be to expand upon the work of Hummel (1994) and others who consistently rely on ideas from Heidegger (1962), from Gadamer (Jaspers’ successor at Heidelberg), and Paul Ricoeur (Jaspers’ student).

At some level, people can and often will remain suspicious of anyone employing pop culture imagery as a tool to better understand ideas. Consider that on a daily basis we employ news bites, contemporary themes, simulations, case studies, and historic elements as a way to help us understand the profession. The anime series *Fullmetal Alchemist* is not in and of itself a philosopher's stone that automatically augments our understanding of ethics and existential philosophy, but it does afford us an avenue to consider, reconsider, and debate theory and practice of administration.

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Notes

¹ Anime is a style of Japanese film and television animation, shortened from *animēshon*, based on English word animation (O.E.D.,2004).

² Manga is a style of Japanese comic books and graphic novels, typically aimed at adults as well as children (O.E.D., 2004)

³ The assumption is that creating a philosopher's stone would allow the Elric brothers to regain their bodies, childhood, and possibly their innocence.

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Global Concern and Local Practice: An Interdisciplinary, Empowerment Collection of Immigrant/Migrant Hispanic Voices Used to Implement Community- University Collaborative Actions in Suburban Settings

Sister Angela Kim and Stephen C. Burke

The Problem under Study

A recent report by the League of United Latin American Citizens (LULAC) indicates that the migrant trend now seems to be shifting as a growing number of Hispanics reside in suburban areas and/or in small communities (LULAC 2003). Historically, Hispanics have been America's most urbanized ethnic or racial group (Fussell 2003). A decision by national corporations to shift operations from urban settings, however, is reflected in Hispanic population growth in rural communities, and this shift influences the shape of the national and global economy (Popke 2011). Hispanics are willing to take the unattractive work that native workers apparently avoid, and Hispanic growth, in rural communities (Farmer & Moon 2009), is linked directly to industrial restructuring for nondurable manufacturing including food, which leads to a globalizing agro-food system (Broadway 2007; Kandel and Parrado 2005).

With the influx of Hispanics, small suburban towns are facing challenges when addressing the social and economic needs of immigrant/migrant Hispanic newcomers. Historically, culturally, racially exclusive small towns have not seen it as a priority to invest in human capital development by offering basic education, job training, language acquisition (ESL classes), and health care services for the Hispanic immigrants in their communities. The combination of an increased need for immigrant/migrant Hispanic residents' health care, ESL classes and other social services and the suburban town's reluctance and/or inability to address these needs speaks directly to social, political, cultural, and economic justice concerns and jeopardizes the viability of relocation policies for emergent Hispanic immigration/migration populations while undermining the social fabric of the community overall.

The primary purpose of this study is to discover the subjective view of Hispanic residents about their living experiences as related to access to local social services and the health care system as well as to the community at large through a community based participatory research (CBPR) model: an Interdisciplinary, Empowerment Need Assessment and Community-University Action Plan. As a result of the study's findings, the Hispanic community leaders initiated a Free Health

Clinic committee and they invited university researchers to join the committee and later to become Board members of the Free Health Clinic. This community-based participatory research model was the instrument used to develop community capacity and to build a community-university collaborative partnership. The university researchers have been attending the committee meetings regularly, and they have been actively exercising partnership with the rest of the board members: bilingual (English & Spanish) local doctors, local hospital administrators, service providers of the Catholic Social Services as well as other community members. The mission of the free health clinic is to provide health services for uninsured community residents. The clinic was scheduled to open in the spring of 2013.

Literature Review

The literature has suggested that for suburban Hispanic immigrant and migrant populations the commonly challenging issues include: (1) the English language barrier, (2) the health care service disparities due to low insurance coverage and the high cost of health care services, (3) the lack of trained bilingual (English & Spanish) interpreting services, (4) inadequate public transportation systems, and (5) the need for bilingual social worker/bilingual mental health professionals.

The English Language Barriers: Language and cultural barriers complicate the ability of Hispanic immigrants to effectively navigate service systems. Language barriers are frequently cited as a predominant cause of inefficient patient-provider encounters (Carrasquillo et al. 1999) resulting in a lack of access to social services and financial assistance (Shobe et al. 2009). Hispanics with limited English skills and non-English speakers are more likely to have a poor health status compared with English-speaking Hispanics (Kirkman-Liff & Mondragon 1991). Cristancho, Garces, Peters, and Mueller (2008) and Akincigil, Mayers, and Fulghum (2011) reaffirm how emergency room use by undocumented Mexican immigrants resulted from a lack of health care access, social support, knowledge of resources, and language barriers.

The Disparities in Health Care Services: Disparities are defined as an “inequality or gap that exists between two or more groups” in their access to and the quality of health care received compared to that of the general population (DHHS 2001, 3). The National Healthcare Disparities Report (NHDR) states that under the age of 65 more than one third of Hispanics lack health insurance (AHRQ 2006). Additionally, noncitizen Hispanics are far more likely to be uninsured than citizens. When compared with other ethnic groups living in rural areas, Hispanics are more likely to be uninsured (Baker, Shapiro, & Schur 2000) and to underutilize health care services (Brown et al. 2000) due to limited opportunities to acquire health insurance in rural settings. This might contribute to their poorer health status. Barriers to access and utilization of health care include health insurance status (Riffe, Turner, & Rojas-Guyler 2008), availability of programs, workforce issues, health care cost, communication, and transportation. Furthermore, studies report a major barrier to accessing health care among Hispanic adults and children, when compared with non-Hispanics in the U.S., because of a lack of insurance availability (Aguirre-Molina, Molina & Zambrana 2001). Hispanic workers in rural areas are often employed without health insurance benefits (Blewett, Davern, & Rodin 2005). Among Hispanics who have some type of health insurance, the high-cost health care associated with obtaining the benefits is not

affordable based on limited income from low wage employment (Documet & Sharma 2004) and the copayment policy that discourages the full use of health insurance. In some cases, employee coverage might be offered only to the employee and, in addition, many health insurance programs limit coverage for preventive care, so this limitation might contribute to poor health as well (Documet & Sharma 2004).

The Lack of Trained Bilingual (English & Spanish) Interpreting Services: Even though the rural health care system has increased bilingual interpretation services for Hispanics, the availability of adequately trained bilingual medical interpreters remains limited (Casey, Blewett & Call 2004). Furthermore, when trained bilingual medical interpreters are not available, relatives, friends, family members, or clerical staff with limited bilingual skills are often utilized. As a consequence, untrained interpreters might omit 50% of the providers' questions to their patients and are more likely to make clinical errors (Flores 2005). This can be a huge liability issue for medical professionals and institutions.

The Inadequate Public Transportation System: Local government infrastructure and systemic barriers negatively interfere with Hispanics' opportunities to access services in suburban and/or rural settings (Furman et al. 2009). Transportation related issues such as geographical isolation, limitation of public transportation hours of service (Lukes & Miller 2002; Probst et al. 2002), and the excessive distance from clinics result in underutilized health care services and may contribute to Hispanics' poorer health status (Brown et al. 2000) and the inability to search for social benefits and maintain their employment.

The Need for Bilingual Social Workers and Mental Health Service Providers: A current deficiency of bilingual social workers remains another need among the immigrant population. Furman et.al. (2009) highlight the lack of Spanish-speaking social workers as a barrier for Hispanic clients in accessing services and getting certain needs met. Strug and Mason (2002) suggest that a lack of coordinated services and a perception that social services cannot meet their needs are barriers to service. Arizona State University developed a partnership between the university and the city to provide services that bring health care and the development of an ESL program (Friedman 2009) to meet the needs of the Latino population in Phoenix as well as to enrich the education of social work students.

Weine (2011) points to the prevalence of mental health problems and the need for mental health intervention for immigrant families during the resettlement process in the U.S. Gonzales-Ramous & Sanchez-Nester (2001) also illustrate the current mental health needs of immigrant children with a program focused on mental health service during the pre-migration, transition and resettlement stages.

Research Study Preparation

Using Saleebey's (2006) strengths perspective and Shulman's (2012) empowerment approach, the university's research team members, directors of Nursing and Physician Assistant program, a Nutrition & Dietetic faculty member and two faculty members of the School of Social Work, took leadership roles for various project tasks over a period of six months. The pre-research

field work consisted of community networking, such as meetings with the ESL instructors, bilingual (English & Spanish) community leaders and service providers who are working with the Hispanic populations in Northeast Pennsylvania, and instrument development, methodology issues, sampling activity, and data analysis preparation.

Conduct of the Study

To address the influx of Hispanic growth in three suburban communities in Northeast Pennsylvania (see table 1), Marywood University’s nursing, nutrition & dietetics, physician assistant, and social work faculty formed an interdepartmental team to develop an interdisciplinary, empowerment need assessment to collect the community residents’ voices. This model, guided by a community-based participatory research approach, utilizes a partnership which emphasizes a number of principles: (1) viewing the community as the unit of identity that is involved in a co-learning process; (2) focusing on systems development while, at the same time, fostering community capacity building; (3) balancing research with action; and (4) promoting activities that are participatory, cooperative, empowering, and evidence-based (Israel et al. 2003). Connor et al. (2007), de Hames and Kilty (2007), and Kennedy et.al. (2011) stated that when dealing with community issues, utilizing an interdisciplinary approach along with a CBPR model creates collaborative and community-driven problem solving strategies between agencies, organizations and communities.

Table 1
U.S. Census Data: Growth of Hispanic Populations in Three Communities in Northeast, PA

Populations in Communities	Year, 2000	Year, 2010
Community # 1	1,999	7,532
Community # 2	683	3,461
Community # 3	1,132	7,846

Data from: <http://www.votespa.com>, <http://datacenter.kidscount.org/data/bystate>, <http://quickfacts.census.gov/>, <http://portal.state.pa.us>, <http://censtats.census.gov>

Design

Utilizing the qualitative methodology of an interdisciplinary, empowerment need assessment and community-university action model included individual interviews with community-based Hispanic community leaders and service providers and focus group sessions for Hispanic residents. For this study, the primary purpose was to discover the Hispanic residents’ subjective view of their living experiences related to access to local social services and the health care system and to the community at large.

The Samples

The study samples were chosen using a purposive sampling method, a process that encouraged the participation of individuals who have experiential knowledge related to the focus group ques-

tions (Patton 2002). Included in the sampling frame were: eighteen English-only or bilingual (English/Spanish) service providers, including a social service administrator, case workers, medical professionals and a nutritionist; nine bilingual (English/Spanish) community leaders including local church pastors, a community activist, faith group members; and one hundred fourteen Hispanic community residents who participated in twelve focus group sessions. The bilingual (English & Spanish) Hispanic community leaders and service providers recruited focus group participants from their communities who self-identified as Hispanic and were 18 years of age or older.

The Focus Group Session Interviews

Acknowledging that the university researchers are viewed as “outsiders” in the communities, whenever convenient dates and times for community-based service providers, Hispanic community leaders and Hispanic community residents offered their willingness to participate in the study, university researchers accepted their invitations and conducted the study. The university researchers were aware that the focus group discussions with the participants would create trusting relationships between the participants and the research investigators that are critical for the community-university interdisciplinary implementation phase.

The focus group question protocols for the Hispanic community residents, once developed by the researchers, were reviewed by two independent researchers in the university before their use. The focus group members were asked to complete a fifteen-item Spanish language demographic profile. The Hispanic community resident participants’ average length of time in the U.S. was 18.2 years. The majority, 52%, was between 31 and 50 years old; 60 % were married, and the dominant language of 70% was Spanish. The majority, 54%, were high school graduates; 61% had full-time jobs and 37% earned between \$10,000 and \$20,000 annually; the average family size was four. (For *demographic information* on the focus group participants see *Appendix 1*.)

A Collaborative Institutional Training Initiative (CITI)-certified bilingual (English and Spanish) moderator facilitated each focus group session, lasting between 40 and 60 minutes each. Each participant received a copy of the Spanish language consent form which explained the nature of the study, indicated the voluntary nature of their participation, and cautioned participants not to use identifying information during the discussion. The researchers were sensitive about the possibility of undocumented participant involvement in the focus group discussions. In fact, one of the participating Hispanic communities was severely targeted by a local politician with anti-immigrant ordinances designed to encourage Hispanics to move out of the community by discouraging unauthorized workers from settling in the community (O’Neil 2010). The focus group interview sessions focused on the following questions: (1) What were your most needed services when you immigrated to the U.S.? (2) What services do you receive now? and (3) What are the barriers to access services (private/public) in the communities? (See *Appendix 2*). A fifteen dollar incentive gift card was given to focus group participants upon the conclusion of each session. The incentive gifts were from the university’s initiative research grant.

Data Analysis

The focus groups produced rich data detailing participants’ life experiences and beliefs in their own words and context (Fern 2001).

In this study, each focus group session was audio taped and transcribed by two bilingual (English and Spanish) transcriptionists, then translated into English for its accurate data analysis. The researchers then identified service needs through qualitative analysis of the shared data of the community-based service providers, the bilingual (English and Spanish) Hispanic community leaders, and all the focus group participants.

The Hispanic community residents who participated in the focus groups identified the following as the top five community needs: (1) ESL-related issues, (2) lack of health care access, (3) inadequate medical interpreter services, (4) unavailability of bilingual social workers/mental health professional, and (5) inadequate public transportation systems. These data serve to highlight the participants' lived experiences and to illustrate the context for priority needs categories identified in this study. The data were collected over a period of six months.

Theme 1: ESL-Related Issues

Language issues were identified as one of the major barriers in all the focus group sessions. The participants agreed that their limited English proficiency had a negative impact on their ability to seek and access any social services, to get information about local health care or job training, obtain employment or the social service benefits available to them. Most difficult of all, the participants shared painful personal experiences in their job settings related to the language barrier.

“When I had just arrived (in U.S.), at my job, they made me feel really bad. They blamed things on me, but I was not able to defend myself because I did not know how to say things back in English.”

“This is something very personal. Even though this is a country where English is the first language, we have the right to come here looking for progress. We need more understanding and help so that people can have access to progress, learn the language and have a chance to improve themselves. Not all come to this country with bad intentions. There are people that come to improve their lives.”

Theme 2: Lack of Health Care Access

The participants expressed frustration and concern about the lack of health insurance, which emerged as a contributing factor that limited access to health care services. Newly arrived, low-income Hispanics with limited English speaking ability were most likely to be uninsured and under-served. In addition, the undocumented status of many focus group participants and their subsequent lack of knowledge about how to navigate the health care system hindered utilization efforts. Furthermore, participants said that they wouldn't be able to afford to pay the fees, so some participants neglected their chronic diseases and doctors' appointments, and in the end they ended up in an emergency room. Pharmaceutical assistant programs were also an issue, since access is very limited and it is especially difficult to qualify for these programs when a person has an issue over legal documents for the U.S.

“Right now we are looking for some place to get help. We do not have social security, so they have not helped us at all. We went to a clinic with a pregnant woman, and because of her legal issue they did not give any services. It is hard when you need that kind of

help and you are not helped. We have a little clinic that helps us. It is located around here and it is cheap, but they do not have the right equipment to help with a pregnancy.”

“During a hospital visit, I am asked for my immigration status. I don’t know why they asked me whether I am a resident or a citizen. I don’t know why they asked for that.”

Theme 3: Inadequate Medical Interpreter Services

The common need experienced by participants across all communities surveyed was the lack of trained medical interpreters in local hospitals, clinics, emergency rooms, and other health-related or non-health related agencies. In some instances patients’ families were encouraged to bring their own interpreters during medical appointments, creating an issue of doctor-patient confidentiality and resulting in lowering the quality of medical services to at risk patients.

“People in the public institutions are not bilingual. Bilingual people in the public institutions especially in the hospitals are needed.”

“I believe that one of the services that are most needed in our community is to have bilingual translators in different places like hospitals, courts and other places where both languages are needed. A lot of people ask me for help by translating for them. When this is regarding legal problems or medical problems, it needs to be explained in detail exactly what that person needs or has, so this is one of the greatest needs.”

Theme 4: Unavailability of Bilingual Social Workers/Mental Health Professionals

Another common concern among the participants was not having trained bilingual (English and Spanish) service providers in the local service agencies or/and mental health service providers. The English only speaking mental health counselors provided counseling sessions with the help of bilingual (English and Spanish) staff interpreters. Obviously, client privacy and confidentiality issues were in serious jeopardy. As a consequence, clients either withdrew from counseling sessions prematurely or were reluctant to seek mental health counseling sessions.

“My concern is about the well-being of people with the mental health service. We have many people suffering from depression because of the issues of immigration, fleeing countries where they were tortured and raped.”

“Many people have to deal with emotional issues because they are living for a long time in this country. Because their family is in Mexico or because somebody passed away and they can’t go, because if they go, they can’t come back (reenter the U.S.), and this is a huge issue, and I have been trying to handle and help all the people I can, but I think we need help in this area through a bilingual mental health provider.”

Theme 5: Inadequate Public Transportation Systems

Living in suburban communities, participants expressed frustrations regarding limited public transportation, which significantly restricted their ability to access needed social services, medical appointments, and obtain employment. Low-income Hispanics might be most affected by

inadequate public transportation systems as a family's only single car is available to meet the entire household needs, thus oftentimes their children missed doctors' appointments or they arrived late. In this case, doctors would not see them, even though they explained their local transportation problems. The participants also expressed their concerns that some of them have jobs in isolated locations and, when they either missed a day of work or arrived late due to transportation issues, employers fired them from their jobs. They have tried to organize car-pooling services to report to their work places, but this was not always successful. Sometimes, they had to take a taxi to their workplaces, but this was too expensive a way to get a ride to/from work.

"If one lives in Philadelphia or New York City, you don't really need a car because public transportation is everywhere. However, here it is a necessity; you need a car because the city is small."

"If you have a job, you want to get there on time, or else they might fire you. If we miss a bus, we have to wait at least an hour for the next one." "The last bus, I think, goes by around 6 p.m. and then there are none. Then you have to walk home, whatever the condition. During winter time, it can be fatal because of snow and ice."

Contributions to the Literature

This study reaffirms the literature in regard to identification of barriers for Hispanic populations to access health care, bilingual (English & Spanish) translation, transportation, and bilingual social services. Additionally, the research highlighted the value of using a qualitative approach to document and contextualize barriers unique to the communities surveyed. This study supports a community-based participatory research model of collaborative and interdisciplinary roles for universities as they initiate need assessment and service development activities with Hispanic communities. Empowering Hispanic communities to build capacity ensures not only their survival but creates sustainable growth for succeeding generations.

Using "comfort-zone" locations, such as churches and service agencies, and listening attentively to Hispanic populations' life experiences during interview sessions, the researchers utilized the opportunities to build partnerships that empowered community residents. Upon completion of the study, researchers went back to the communities and reported the study findings in order to launch collaborative actions between community and academia.

The Community & the University Action Plans

The Action Plan Outcome 1: The Opening of the "Free Health Clinic"

Consistent with principles of a CBPR approach, researchers went back to the communities and reported the study findings. One of the communities, where their priority need was identified as health care service, is in the process of opening a community-based free clinic. This is a community initiative and action project where the community committee has: (1) identified bilingual health care providers within the community, (2) contacted local Catholic Social Services to give a rent-free space for the free clinic, (3) recognized interdisciplinary health care needs and so invited the collaboration of the university's social work, nursing, physician's assistant, and educa-

tion faculty, and (4) searched for possible grants to address their financial needs. This type of community-academia collaboration could provide an effective and efficient “one-stop” service model for immigrant and migrant Hispanic populations in suburban settings. The free health clinic team is composed of ten people: bilingual (English and Spanish) Hispanic community leaders, service providers of the Catholic Social Services, local hospital administrators, doctors, a nurse practitioner, and two social work faculty members from Marywood University. The free clinic team has been meeting monthly to organize the structure of the clinic, create the mission statement and search for grant opportunities. This free health clinic would provide medical services for uninsured community residents. Two MSW students from the researcher’s university were placed at the Catholic Social Services as their field placement, and their primary work was searching for community resources and publicizing the free health clinic establishment in the community. The university researchers volunteered to write the history of the free health clinic, participated in the mission statement development and engaged/met with various community organizers in order to increase the free health clinic’s visibility. In addition, the local newspaper publicized the opening of the free health clinic. A holistic team of nursing, nutrition and dietetics, physician assistant, education, and social work faculty and MSW students developed a community-academia collaborative (Burg & Waddell 2003) intervention strategy for immigrant/migrant populations which is consistent with the interdisciplinary model (Kisser, McFadden & Belliard 2006). The team of the free health clinic continues to meet monthly, and the clinic is in the process of opening in the spring of 2013.

**The Action Plan Outcome 2:
*A Bilingual (English and Spanish) M.S.W. Scholarship Foundation***

Since the focus group participants identified the language barrier as the predominant cause of their inability to access social welfare and other service sectors, and the service providers and indigenous leaders reaffirmed the necessity of bilingual social workers/mental health counseling services, the university initiated the bilingual mental health Masters of Social Work (M.S.W.) scholarship foundation. This program is directly responding to the needs of the community by educating a bilingual (English and Spanish) student. Upon graduation with an M.S.W. degree, a bilingual (English and Spanish) student will be placed in the local Catholic Social Service Agency for a period of five years as a mental health professional. The university is in the process of contacting possible scholarship donors to establish the Bilingual (English and Spanish) M.S.W. Scholarship Foundation.

Limitations of the Study

Even though the three Northeast Pennsylvania Hispanic community populations had increased over 50% from 2000 to 2010, the study findings may not be generalized to other suburban Hispanic populations. Every city or town has their own unique needs and qualities based on the composition of their own population. Furthermore, the small sample size, along with the non-random nature of the sample itself, does not claim to be representative of the larger population. However, the information gleaned from the qualitative data provides an in-depth view of barriers and their effects on Hispanic residents’ attempts to access social and health services.

Implications for an Interdisciplinary Interdepartmental (Nursing, Nutrition & Dietetics, Physician Assistant & Social Work) Team

Several implications emerged from the study: (1) a recognition that a long-term commitment is required for community-university collaboration opportunities to increase ES- related education, health and social services, (2) increased opportunities for nursing, nutrition and dietetics, physician assistant and social work students and faculty for scholarly collaborations that will inform the next generation of curricula in allied social science and health disciplines, and (3) the development of culturally diverse venues that will enrich the professional practica for education, nursing, nutrition and dietetics, physician assistant, and social work students and faculty, (4) creating cross-cultural courses with other disciplines such as education, nursing, nutrition, physician assistant, and social work programs to promote the development of an interdisciplinary global education, and (5) special efforts on the part of admissions to recruit bilingual students and that of the administration to recruit bilingual faculty.

Discussion & Recommendations

The purpose of this research was to discern the subjective view of Hispanic residents about their living experiences as related to barriers to local social services and the health care system and at the same time to empower the local community to take ownership and address possible solutions. This research study was possible when the bilingual (English and Spanish) Hispanic community leaders and the local service agency providers actively recruited one hundred and fourteen community residents (self-identified as Hispanic 18 years of age or older) and empowered participants to join twelve focus group interview sessions. All of the volunteers demonstrated stakeholding qualities of advocating the needs of community for the common good as they enthusiastically participated in the focus group interview sessions.

The growth of Hispanics in small towns links in a much larger set of substantive issues: the globalization of labor, agro-food systems, loss due to community, social, economic, and cultural change, rural children and adult's health and nutrition development, crime and deviance, rural poverty, racial discrimination and economic injustice, among other issues. From this study, a number of barriers were identified at both the individual and system levels. The Hispanic resident participants identified the areas of health care, ESL education, and social services as well as the lack of bilingual social workers/mental health staff and bilingual interpreter staff in service agencies as major barriers to service provision and access. The researchers were surprised to learn of the lack of medical interpreter services and, particularly, a need for bilingual (English and Spanish) mental health providers in local service agencies in the communities. This lack of bilingual (English/Spanish) medical interpretation service could result in medical error or compromise patient safety and potentially jeopardize medical practice and the quality of patients' health care. In addition, current mental health counseling sessions utilizing a bilingual staff interpreter may jeopardize client-therapist confidentiality, a client's right to privacy, and quality mental health services for an agency client. Furthermore, the lack of an adequate public transportation system is a huge set-back for people's social-medical-education and economic mobility. Currently, the local bus runs from 6 a.m. to 6 p.m. and the bus route does not reach rural/small towns. Consequently, workers at times were unable to report for their work places on time and thus were let go from their employment or had to quit their jobs because paying for taxi services to get to and from work was prohibitive.

The intention of utilizing a CBPR model for this study was to provide a safe place for the community residents to express their collective life experiences and empower them to take the ownership to create community-driven problem solving strategies among agencies, organizations and communities. The positive outcome of the opening of a free clinic should be a replicable model when it links to developing partnerships between the community and academia and sustains local leadership capacity building within the community (Conner et al. 2007; McGarvey 2005; Clarke-Tasker 2009; Danis 2006; Amey & Brown 2004; Farquhar & Dobson 2004; Motes & Hess 2007).

Montero-Sieburth (2007), examining how Mexican immigrants are organizing in the New England region, concluded that the best option to empower the community is to identify and nurture community leaders, oftentimes through church-sanctioned activities. In addition, enhancing social networking and relationship-building skills were key elements of community capacity-building in many of the studies reviewed. For example, creating relationships between agencies and organizations resulting in an interdisciplinary approach to community issues were the foci of articles by Connor et al. (2007) and de Hames and Kilty (2007).

Another community-university collaborative action plan calls for establishing a bilingual M.S.W. scholarship foundation as an incentive for the Hispanic residents' access to social service needs, preventing medical error or compromising patient safety during medical practice and preserving the quality health care of patient and client-therapist confidentiality, a client's right to privacy during mental health counseling. Also, reducing the language barrier would increase the opportunity to develop human, social, and financial capital for Hispanic immigrants and positively affect their mental and physical health (Shobe, Coffman & Dmochowski 2009). Language is an impediment for Hispanic clients who need to access services in order to fully engage in community life (Furman et al. 2009).

The study findings also point out that the community infra-structure such as the inadequate public transportation system limits the economic, social and political mobility and vitality for the Hispanic residents as well as the general population in a suburban city. For example, the participants' average length of stay in the States is eighteen years, and sixty percents stated that they have obtained full-time jobs. With an average family size of four, seventy-four percent of the participants reported their household income as less than \$30,000 a year (see *Appendix 1*). This is lower than Federal poverty income guidelines. Perhaps, the unstable rural or small town economy has faced high competition from a cheap global labor market, with a large number of undocumented Hispanic immigrants possibly over-represented in the rural job market, has the potential for them to have a permanent underclass status.

Pennsylvania Governor Tom Corbett announced his plan to fix the state's inadequate transportation infrastructure: "Transportation is the bloodstream of our economy. If it fails, our economy fails." (PRNewswire, February 5, 2013).¹ Adding hours and extending bus routes calls for unifying working relationships with stakeholders as well as the governor, mayors, local politicians, business owners, the education system, and citizens in the community in order to revitalize stagnated community mobility and predictability.

The language barrier and mental health needs may be due to Hispanic immigrants/migrants' cultural and linguistic isolation in the influx of first-generation immigration from Latin countries and elsewhere and the geographical isolation of living in rural or small town communities (Donato et al. 2007). In addition, the experience by Hispanics of ethnic and racial prejudice and job discrimination from long time small town residents and local politicians,² who have limited exposure to minorities who are physically, culturally and linguistically different than the American main culture further disadvantages them from social, cultural, economic and political sustainability.

In conclusion, with the growth of Hispanic immigrants in both rural and suburban communities, additional studies could build on this study to: (1) revise social work curricula and the field practica (de Hames & Kilty 2007) and to build knowledge and skills around interdisciplinary and interdepartmental (nursing, nutrition & dietetics, physician assistance and education) collaboration in the field to reflect on what content should be taught and how these competencies are going to be measured by an inter-departmental disciplinary team; (2) continue tending the services provided by the free clinic and the bilingual M.S.W. scholarship program; and (3) explore whether a collaborative model of planning and community-university action implementation can be adopted for use with other ethnic immigrant/migrant populations, especially those populations who do have the inter-structure of ethnic community organizations in a small town community.

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Notes

¹ Pennsylvania Governor Corbett announces his plan to address decades of underfunding for the inadequate transportation infrastructure. His plan estimates \$ 2 billion additional funding for PA. It is estimated that it will provide \$250 million for transit, \$200 million for locally owned roads and bridges and \$80 million for improving bicycle and pedestrian facilities, ports, airports and railways.

² Rep. Lou Barletta (R-Pa.) was a small-town mayor of Hazleton, PA with a population of about 25,000. Hazleton, located in Northeast Pennsylvania's coal region, hit the national news in 2006 when Barletta pushed through one of the nation's strictest anti-illegal immigration ordinances, including a provision that penalizes landlords who knowingly rent to illegal immigrants.

Appendix 1**Demographics of Focus Group Participants: Latino (N=116, Male=32 Female=82)**

Demographic	Age	Number	Percentage
	18-21	7	6.30%
	22-25	6	5.40%
	26-30	12	10.80%
	31-40	28	25.20%
	41-50	30	27.00%
	51-60	18	16.20%
	61 and over	10	9.00%
Marital Status	Single	20	17.24%
	Married	69	59.48%
	Living together	7	6.03%
	Separated	7	6.03%
	Divorced	7	6.03%
	Widowed	6	5.17%
Primary Language	Spanish	81	69.83%
	Bilingual	33	28.45%
Years of Education	Elementary	26	22.40%
	High school/GED	62	53.40%
	Some college	14	12.10%
	2year college	4	3.40%
	4year college	8	6.90%
	Master	1	0.90%
	Other	1	0.90%
Annual Household Income	Less than \$9,999	24	20.70%
	\$10,000-\$19,999	42	36.50%
	\$20,000-\$29,999	21	18.30%
	\$30,000-\$39,999	22	19.20%
	\$40,000-\$49,999	1	1.00%
	\$50,000-\$59,999	2	1.90%
Employment Status	Full-time	70	60.34%
	Part-time	11	9.48%
	Self-employed	3	2.59%
	Looking for work	10	8.62%
	Not looking for work	2	1.72%
	Homemaker	1	0.86%
	Retired	5	4.31%
	Unable to work	9	7.76%
	Student	-	-

Appendix 2

Interdisciplinary Team Project Focus group questions for the Immigrant participants

1) a) When you immigrated to the U.S., what were the most important services for you and your family? Such as,
Housing,
Social services,
Employment,
Health care services,
Local school registration,
Transportation,
Ethnic grocery shopping,
Language and cultural barriers, and
Other _____

b) What person or organization supported you and your family in addressing these challenges?

2) What services or programs are assisting you now? Such as,
Social services
ESL program
Health care services
Job training program
Transportation
Other: _____

3) Are there any services you or your family need that are not available?

4) Are you able to save some money every month?
If yes, how do you intend to use these savings?

5) What are your motives for living in the U.S.?

6) In what way, do your family relationships affect your living here?

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State Religious Exemptions and Child Medical Neglect: Ambiguity in Child Welfare Policy and Procedures

Ariel Alvarez

Introduction

One of the greatest challenges facing child welfare policy makers and state child protective services agencies is balancing the constitutional rights of parents to raise and control their children according to their beliefs and states' duty to protect children from abuse and neglect. In order to protect parental liberty interests, states have included in their statutes¹ religious exemptions against prosecution for parents using spiritual healing in lieu of medical treatment for their ill child. Religious exemptions for the present article refers to state statutes that supply limited or absolute immunity from prosecution to parents, guardians, or caregivers for religious based refusal to provide medical treatment for an ill child.

Under U.S. law, persons deemed incompetent to give legally binding consent regarding their health care must have this right exercised for them by others: children fall into this category (see *Cruzon v. Director, Missouri Department of Health* 1990).² As legal guardians of their children, parents are empowered to make health care decisions on their behalf. The underlying presumption is that parents understand the unique needs of their children and want what is best for them; as such parents are given wide latitude in child rearing decisions (DeVille and Kopelman 1999; Hanisco 2000). However, parents and caregivers do not always do what is in the best interest of their children resulting in child neglect and abuse.

Child neglect is defined in the Child Abuse Prevention and Treatment Reauthorization Act of 2010 (CAPTA) as "An act or failure to act which presents an imminent risk of serious harm."³ State definitions of child neglect vary but typically include failure of a parent, guardian, caregiver, or custodian to ensure a child's health, safety, and well-being by providing needed food, clothing, shelter, or medical care (Children's Bureau 2011). Medical neglect in state laws often are defined as failure of parents to provide a child with needed medical, dental, optometric or mental health treatment (Children's Bureau 2011). For the purpose of this paper, medical neglect is defined as "a type of maltreatment caused by failure of the caregiver to provide for the

appropriate health care of the child although financially able to do so, or when offered financial or other means to do so” (Children’s Bureau 2012b, 120).

Child neglect accounts for three-fourths of confirmed cases of maltreatment in the U.S. (Children’s Bureau 2012a). In 2011, among the 676,569 child victims of abuse and or neglect, 531,413 children (78.5%) were victims of neglect and 15,074 (2.2%) suffered medical neglect with 34.6% of these victims under 3 years of age (Children’s Bureau 2012b, 44). Among the 1,258 child fatalities in 2011, 96 (7.6%) children died as a direct result of medical (Children’s Bureau 2012b, 44). It is estimated that between ten and twenty children die each year from parental religious based use of spiritual healing in lieu of medical treatment (Asser and Swan 1998).

For state child welfare agencies and workers, the ability to respond effectively to child medical neglect cases is complicated and often hampered by state statutes allowing for religious based medical neglect. As publicly administered institutions, state child welfare agencies must develop policies and practices that adhere to state and federal law. Child welfare policies vary by state concerning investigating and responding to suspected or observed religious based child medical neglect due to parental refusal to provide medical treatment for their ill child. Differences are due in part to variations in state legislation that prescribe the policy framework used by child welfare agencies in drafting policies and procedures. Therefore, in developing state child welfare policy models it is important to understand the similarities and differences in child welfare policies and procedures related to religious based child medical neglect. This study addressed this issue by examining state child welfare agency policy and procedures as presented in state child welfare policy manuals.

The aim of the study was to use a comparative analysis method to examine state child welfare agency/child protective services policy and procedures manuals of 16 states that provide only a parental liberty interest provision in state religious exemption statutes against prosecution for religious based child medical neglect. The focus of the comparison was on policies and procedures for investigating and responding to cases of religious based child medical neglect. Two research questions were used to guide the focus of the study:

RQ1: Among the study sample, which state child welfare/child protective services policy and procedures manuals provide specific guidelines for investigating and responding to religious based child medical neglect cases?

RQ2: Among the study sample, what investigation and intervention guidelines are provided in child welfare/child protective services policy and procedures manuals for responding to religious based child medical neglect?

Religious Prohibition against Medical Treatment

Some form of spiritual healing has been a part of the beliefs, tenets, and practices of many religious groups and churches in the United States. The reliance on spiritual healing can include the use of prayer, laying on of hands, anointing with oil, and a variety of other spiritual based prac-

tices used in conjunction with or in lieu of medical treatment. Churches with doctrines against the use of medical treatment often base these tenets on a belief that reliance on medicine serves Satan and moves the believer away from a reliance on God (Schoepflin 2003). Christian Science and Jehovah's Witness churches are the most widely recognized churches that prohibit all or some forms of medical treatment. Other denominations or religions that practice spiritual healing in whole or part include: The Followers of Christ, Church of the Firstborn, End Time Ministries, Faith Tabernacle, and Faith Assembly Church (Hughes 2004).

The Christian Science Church has been the most active and successful in lobbying to get religious exemption legislation enacted in state civil and criminal codes and to get spiritual healing practices accepted by insurance companies as a viable alternative to medical treatment for illness (Howell 2012). Smaller and more isolated churches (predominantly Pentecostal) that exclusively practice spiritual healing have been the beneficiaries of legal gains obtain by the Christian Science Church: mainly the right of parents to use spiritual healing in lieu of medical treatment and religious exemptions from prosecution for parents who deny their children medical treatment (Hughes 2004).

The number of children lacking sufficient medical care due to parents' religious objections to its use is difficult to assess because members of religious groups with doctrines against medical treatment are very secretive about their practices in the exclusive use of spiritual healing for fear of interference from governmental agencies such as child protective services (Asser and Swan 1998). The number of child fatalities due to medical neglect is probably 30-50% higher than known cases because of the underreporting of deaths determined to be from natural causes or other reasons that are in fact deaths from medical neglect (Asser and Swan 1998; Douglas and McCarthy 2011).

Among child fatalities, the majority of religious based child medical neglect fatalities were avoidable if medical treatment had been provided (Asser and Swan 1998; Douglas and McCarthy 2011). Asser and Swan (1998) evaluated child deaths involving reliance on spiritual healing exclusively in lieu of medical treatment. The authors computed the probability of survival for a sample of 172 child fatality cases occurring between 1975 and 1995, comparing the outcomes of children who only received spiritual healing treatment with the probability rates of children with similar illnesses who received traditional medical care. Over 80% or 140 of the 172 cases reviewed had an expected 90% survival rate and 10% had a greater than 50% survival rate had the children received traditional medical care. It was determined that only in 3 cases (2%) the child would not have benefited from medical care (Asser and Swan 1998). These findings provided evidence that spiritual healing was not comparable to medical treatment and that existing state laws were inadequate to protect the health and welfare of children suffering from religious based medical neglect (Asser and Swan 1998; Diekema 2004).

Religious Freedom, State as *Parens Patriae*, and Parental Rights *Concept of Rights*

The concept of rights is the foundation of the United States Declaration of Independence and Constitution; rights are inalienable and the cornerstone of a democratic society. However, the

interpretation of rights and their protections under the U.S. Constitution is not without disagreement and controversy, especially where individual rights and social obligation to protect its citizenry come into conflict.

The concept of rights is so much a part of the U.S. culture that our relationships with one another, with our community, state, and federal government are defined and discussed in terms of these rights. Rights represent a specified relationship between two entities; the duty-bearer and the right-holder (Woodhouse 1999). The right-holder exercises a right as a protected entitlement guaranteed by the duty-bearer (Hinman 1998).

Many of the rights contained in the U.S. Constitution involve protecting the right-holder's exercising of rights without governmental interference (Hinman 1998). This includes the unfettered right to follow the tenets and practices of any religion. The exercise of a right by the individual right-holder cannot not infringe on the ability of others to exercise their rights or when the exercising of the right by the right-holder imposes a danger to others or society (Hinman 1998). The rights of the U.S. Constitution are debated continually in efforts to balance the rights of the individual (the one) with the rights of society (the many). This has been true in defining the limits to which parents have had control over the rearing and care of their children within the parent-child relationship (Gaithings 1988).

Religious Freedom

The Establishment and the Free Exercise clauses of the 1st Amendment of the U.S. Constitution define religious freedom protections in the United States. The Establishment Clause "Congress shall make no law respecting an establishment of religion" prohibits the government from establishing a state religion or giving preference to one religion over another. The Free Exercise Clause "or prohibiting the free exercise thereof" protects the liberty interest of citizens to follow the tenets and practices of any religion (Howell 2012). When the practice of one's religion is in conflict or violation of the law, adherents are exempt as long as the violation is committed based solely on religious grounds (McConnell, Garvey, and Berg 2002).

Prior to the 1963 Supreme Court case of *Sherbert v. Verner* (1963),⁴ following a statutory exemption model, religious exemptions only existed to the extent they were written into state statutes. In the 1878 bigamy case of *Reynolds v. United States*,⁵ the Supreme Court ruled that there were limits to the extent a person or persons could violate the law based on religious liberty. The Court ruled that the 1st Amendment guarantees religious belief but not actions that flow from those beliefs stating "to permit this would be to make the professed doctrines of religious belief superior to the law of the land, and in effect to permit every citizen to become a law unto himself" (*Reynolds v. United States* 1878). In *Cantwell v. Connecticut* (1940),⁶ the Court also made a distinction between religious belief and practice and that religious motivated actions were "subject to regulation for the protection of society."

In *Sherbert v. Verner* (1963), the Court adopted the constitutional exemption model which provided a presumptive constitutional right to a religious exemption upon strict scrutiny. Religious exemption was provided if the tenets and practice of the religion were demonstrated to conflict with the actions prohibited or mandated by the law. However, the rights of religious objectors

were weakened in the 1990 case of *Employment Div., Dept. of Human Resources of Oregon v. Smith*⁷ when the Court rejected the constitutional exemption model in favor of the statutory exemption model.

Child Welfare Public Policy: State as *Parens Patriae*

Child welfare policies and procedures vary by state in terms of reporting, identifying, and intervening in cases of child medical neglect. These differences are attributed in part to varying state legislation that provides the framework from which child welfare agency procedural guidelines are developed and followed by child protective services caseworkers, supervisors, and other ancillary support involved in child protection activities.

The federal government and states attempt to balance respect for religious beliefs and parental rights while protecting children against harm and neglect. Under the principle of *parens patriae* (parents of the country), states have authority to take actions to ensure children are provided with necessary shelter, food, and medical care when parents are unable to or refuse to do so (Goldstein 1982). Religious groups, most notably, Christian Science, have argued their religious practices are guaranteed under the U.S. Constitution and have successfully lobbied states to include religious exemption statutes that severely limited the ability of the state as *parens patriae* to intervene in cases of child medical neglect (Hughes 2004).

The 1944 case of *Prince v. Massachusetts*⁸ is a seminal case addressing the conflict between parental liberty interest rights in raising their children and the state as *parens patriae*. The court case involved a Jehovah's Witness mother violating Massachusetts' child labor laws by allowing her 9-year old daughter to distribute religious materials in public (Kearney 1986). The mother's defense rested on her belief that she had a religious duty to engage in this activity and this was protected based on religious freedom (Kearney 1986). The case involved the Supreme Court deciding which had greater weight, the mother's religious freedom to engage in an activity that violated child protection laws or the interests of Massachusetts as *parens patriae* to protect the welfare of children. The Court gave greater weight to child welfare over religious freedom. The Court based its ruling on the argument that no person or persons based on a religious liberty interest claim are exempt from any law that serves the public interest of the state related to a child's well being. The Court asserted that "The right to practice religion freely does not include the liberty to expose the community or the child to communicable disease or the latter to ill health or death" (*Prince v. Massachusetts* 1944). However, *Prince v. Massachusetts* (1944) did not expressly address or prohibit the use of faith-based spiritual healing in lieu of medical treatment for an ill child (Hughes 2004).

In terms of child welfare, the *Prince v. Massachusetts* (1944) decision gave states the ability to limit religious exemption in cases dealing with the health and welfare of a child; however, the state had to produce compelling evidence that justified limiting the free exercise of religion (Hughes 2004). In compelling interest cases, the denial of religious liberty must be administered in a manner that is least restrictive to religious beliefs or practices while achieving the intended result of protecting the child. The 1990 ruling of the *Employment Division, Department of Human Resources of Oregon v. Smith* essentially eliminated the compelling interest test and critics

argued the decision essentially stripped citizens of their religious liberty protections (Eisgruber and Sager 2007). The Court ruled that related to the free exercise clause,

If prohibiting the exercise of religion is not the object of the [law] but merely the incidental effect of a generally applicable and otherwise valid provision, the First Amendment has not been offended. . . . To make an individual's obligation to obey such a law contingent upon the law's coincidence with his religious beliefs, except where the State's interest is "compelling," permitting him, by virtue of his beliefs, "to become a law unto himself," contradicts both constitutional tradition and common sense. To adopt a true "compelling interest" requirement for laws that affect religious practice would lead towards anarchy. (*Employment Div. Dept. of Human Resources of Oregon v. Smith* 1990)

Ultimately state policymakers have been left to determine if and to what extent states must allow for law violation exemptions for faith-based actions (Eisgruber and Sager 2007). Some states include limits to the religious exemption in their state statutes protecting the fundamental interest of parents in the upbringing of their children but also providing authority for the state as *parens patriae* to intervene and provide medical treatment when the welfare of the child is seriously endangered (see *State v. Perricone* 1962).⁹ The New Jersey Supreme Court ruled in *State v. Perricone* (1962) that even absent a specific statutory provision, "common law courts could act to protect the interests of the child, take custody from the parents and appoint a guardian when the parents had failed in their duty or were unfit to be entrusted with the care of the child." A similar ruling was handed down by the Illinois Supreme Court which upheld a lower court ruling that when a child's life is endangered by refusal of parents to provide medical care (even for religious reasons), the state as *parens patriae* could intervene on behalf of the child to prevent serious harm or death (see *People ex rel. Wallace v. Labrenz* 1952).¹⁰

Role of the Federal Government in State Religions Exemption Statutes

In 1974, Congress enacted the Child Abuse Prevention and Treatment Act (CAPTA)¹¹ with oversight responsibility given to what is now known as The Department of Health and Human Services (DHHS). DHHS interpreted CAPTA to require state exemptions from prosecution for child medical neglect related to faith-based treatment provided to a child in lieu of medical treatment. Receipt of Federal CAPTA child protection funding was made contingent on states enacting this religious exemption (Asser and Swan 1998; Gaithings 1988). Faced with heavy criticism, a decade later in 1983, the CAPTA religious exemption requirement was removed by DHHS leaving the decision to include a religious exemption at the sole discretion of the states (Hughes 2004). Thirty years later, child neglect religious exemptions remain in one form or another in all states, Puerto Rico, and the District of Columbia (Asser and Swan 1998).

In 1993, Congress enacted the *Religious Freedom Restoration Act* (RFRA)¹² which provided a presumptive entitlement to religious exemption if it was demonstrated that the tenets and practices of one's church or denomination were counter to the law. However in *City of Beorne v. Flores* (1997),¹³ the Supreme Court ruled that the Federal government did not have the power to require states to include the RFRA in state statutes and codes. As a result, some states followed the statutory exemption model and others included RFRA (1993) type codes that followed the

constitutional exemption model. States following the constitutional exemption model have a greater burden to demonstrate a compelling government interest in denying religious exemptions.

Three Broad Approaches to Dealing with Conflicts between Parental Liberty and Child Interests Related to Child Medical Neglect

The challenge for states is to determine the limits of the free exercise of individual rights, especially when the exercise of certain rights affects the health and well-being of others. In state statutes, the expectation that parents will provide minimal subsistence needs of food, shelter, clothing, and basic health care are positive rights with the parent as the duty-bearer and the child as a right-holder (Hinman 1998; Howell 2012). The free expression of religion and the use of spiritual healing in lieu of medical treatment is a negative right with the duty-bearer (the state) not interfering with the right-holder's (parents) adherence to the tenets and practices of the right-holder's religion (Hinman 1998; Howell 2012). States have addressed the negative and positive rights in the child-parent relationship in three broad approaches; parental liberty interest, best interest of the child standard, and the harm standard (Diekema 2004).

Parental Liberty Interest

In the U.S., the parent-child bond is given great weight. In *Meyer v. Nebraska* (1923),¹⁴ the Supreme Court held that the liberty interest of parents is recognized as fundamental to their pursuit of happiness." Parents have the right to the companionship, care, custody, and management of their children as a fundamental right (see *May v. Anderson* 1952),¹⁵ and this parent-child relationship is a constitutionally protected liberty interest under the 1st Amendment and the Due Process Clause of the 14th Amendment (see *Bell v. City of Milwaukee* 1984; *Kelson v. Springfield* 1985; *Delaney v. State* 1980).¹⁶ Because the parent-child relationship is considered a fundamental liberty interest, a child has a constitutionally protected liberty interest in the maintenance of the parent-child relationship (see *Ward v. San Jose* 1991).¹⁷ The forced separation of children from their parents is considered an unconstitutional infringement of parental liberty rights (see *J. B. v. Washington County* 1997),¹⁸ and parents can assert their child's 4th Amendment liberty interests on their behalf (see *Malik v. Arapaho County Department of Social Service* 1999)¹⁹ and assert their own 5th and 14th Amendment liberty interest claims in the parent-child relationship (see *Doe v. Irwin* 1985; *Matter of Gentry* 1983).²⁰

To protect the parent-child relationship against government interference, child protective services workers are subject to the 4th and 14th Amendments of the U.S. Constitution against unreasonable search and seizures during investigations of alleged child abuse or neglect (see *Walsh v. Erie County Department of Job and Family Services* 2003)²¹ and must have a warrant to enter a home (see *Calabretta v. Floyd* 1999),²² interview a child (see *Doe et al. v. Heck et al.* 2003),²³ or remove a child (*Brokaw v. Mercer County* 2000)²⁴ without parental permission. Parents have the right to make medical decisions for their children (see *Parham v. J. R.* 1979).²⁵ The child welfare agency as a government representative bears the burden of proof to show that the violation of parental liberty interest rights is vital to the best interest of the child (see *Elrod v. Burns* 1976).²⁶ The mere possibility of danger such as overhearing information of neglect does not constitute an emergency or exigent circumstances that would justify a warrantless entry to a home or seizure

of a child (see *Hurlman v. Rice* 1991).²⁷ Absent a court order after parents have been heard, parental consent is necessary to conduct a medical exam of a child (*Wallis v. Spencer* 1999).²⁸

Best Interest Standard

When parental authority and actions toward a child is deemed to place the child's life in jeopardy, the state as *parens patriae* can intervene for the purpose of looking after the best interest of the child (Knepper 1994). The concept of best interest was developed in the context of family and divorce law to assess competing interests for a child and to assign risks and costs to the set of decision options and possible/probable outcomes. The decision that is most favorable to the welfare of the child is the choice supported (Diekema 2004). The best interest standard has been applied in child welfare laws in determining the conditions under which state intervention is warranted and authorized in cases of medical neglect of a child (Kopelman 1997). However, the concept of best interest is open to wide variations of interpretation so courts have to decide which conception of the best interest standard to use (Diekema 2004). In medical neglect law, most state statutes give greater weight to the interest of the parents over the best interest of the child in the state's determination of best interest (Flamm 1995).

States drafting laws from a best interest standard have placed a high burden of proof on child welfare agencies to demonstrate the need for intervention in medical neglect cases. Child protective services must demonstrate a condition of imminent danger to a child from a potentially life-threatening illness before the court empowers the state to act in the child's best interests by providing medical treatment over the parents' objections (Hanisco 2000). States have differing thresholds of when to intervene and encroach on parental decisions about their children.

The best interest standard is based on the foundational premise that children are vulnerable both to their environment and the people who care for them in that environment (Hall et al. 1996). In using the best interest standard, courts often take into consideration case law and precedent. A significant weakness of the best interest standard is lack of clarity in the guidelines and consistency in how these guidelines are translated from policy to practice. Application also is hampered by the lack of uniformity among the states on the definition of the best interest standard and how it is to be applied in child medical neglect cases. This lack of uniformity makes it difficult to use case precedence from other states in case proceedings (Hall et al. 1996).

Harm Standard

Another decision making approach to state intervention in cases of religious based medical neglect is the harm standard. Foundational to the harm standard is the idea that interference of parental liberty interest must be restricted to instances where intrusion would result in the effective prevention of harm. The decision to interfere with parental rights is based on level and likelihood of harm to the child and not on the best interest of the child in terms of maintenance of the parent-child relationship (Diekema 2004). Each state establishes a minimum level of care by parents and threshold of harm tolerated (DeVile and Kopelman 1999).

The *parens patriae* doctrine reflects the obligation of society to protect its most vulnerable members. In terms of children, some states empower entities such as child protective services to act

in loco parentis (in the place of parents) in cases where the child's parents have been deemed by the court to have failed to provide for the health and safety needs of their children (Diekema 2004). Based on *parens patriae*, the state gives authority for child protective services to take into consideration the liberty interest of the child against harm and to intervene in those instances in which parental decisions against providing medical treatment violate this liberty interest (Diekema 2004).

The challenge for policymakers is to define the threshold of tolerance before the state steps in and takes action. In a model of constrained parental autonomy, the state gives parents leeway to a point, even when there is the potential for non-life threatening harm to the child. Typically the state limits intervention only in cases where there is a threat of serious harm or imminent death (Miller 2003). In the case of medical neglect from a harm standard, interfering with parental liberty interest in the parent-child relationship must result in a net benefit from the preferred course of action desired by the parents (Diekema 2004). States place the burden on the child protective services to prove the net benefit offered to the child by interfering with the parent-child relationship (Diekema 2004).

Methods

A review of state statutes and civil child welfare laws addressing the problem of child medical neglect was conducted. These laws varied considerably in their focus and scope concerning legal protection against prosecution for religious based child medical neglect. Religious statute exemptions from the 50 states, District of Columbia, and Puerto Rico were obtained from the National District Attorneys Association's National Center for Prosecution of Child Abuse *Religious Exemption Statutes* (Aug. 2010). Based on definitions of parental liberty interest, best interest, and the harm standard, state laws were examined to determine whether the religious exemptions statutes for child medical neglect contained elements of parental liberty interest, best interest, or the harm standard. The following definitions were used in the examination and study sample selection process:

1. Parental liberty interest: The "interest of a parent in the companionship, care, custody, and management of his or her children" (*Stanley v. Illinois* 1972).²⁹
2. Best Interest: "The deliberation that courts undertake when deciding what type of services, actions, and orders will best serve a child as well as who is best suited to take care of a child" (Children's Bureau 2010, 2).
3. Harm Standard: "Clear and convincing evidence that parents' actions or decisions represent likely and serious harm to the child" (DeVile and Kopelman 1999, 335).

Fifteen states and the District of Columbia were identified as containing provisions only for protection of parental liberty interest in state medical neglect religious exemptions statutes and included: Alaska, Connecticut, District of Columbia, Georgia, Illinois, Maine, Mississippi, New Hampshire, New York, Oregon, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

After screening the relevant state provisions, a comparative analysis of states' child welfare policy manuals pertaining to each of the study research questions was conducted. Comparative

analysis in the present study involved the systematic analysis of a small number of cases to understand better the the behavior of institutions (Collier 1993). The cases were matched based on religious exemption state statutes and civil laws that only included references to the liberty interest of parents. This provided for a more conotrolled comparison and deeper level of analysis (Collier 1993). Keyword searches were conducted at state websites in order to find relevant policies and procedures in state child welfare or child protective services policy manuals for provisions concerning investigation and intervention with child medical neglect. Examples of search terms included: (a) medical neglect, (b) religious, (c) spiritual, (d) prayer, (e) witholds, (f) imminent death, (g) removal, (h) custody, and (i) medical treatment. All provisions brought up with the keywords were examined for relevance to the study research questions.

Results

State Child Protective Services Policy Manual Specific Provisions for Religious Based Child Medical Neglect

A review of child welfare agency policy manuals and/or policy information posted on state agency websites revealed differences in the specificity of information provided to agency workers in dealing with cases of religious based child medical neglect. Among the 15 states and Washington D.C. in the study sample, only Connecticut, Maine, New York, Texas, and Virginia include specific actions to take in cases of religious based child medical neglect (see Table 1). Among these, Maine, Texas, and Virginia included provisions in the procedure guidelines that a child cannot be removed from parents' custody for suspected or observed medical neglect solely on parental refusal of medical treatment. Investigators are required to provide additional evidence to support a substantiation of child medical neglect for the removal of the child into temporary custody of the state for the purpose of providing medical treatment for a child determined to be in imminent danger of serious harm or death. Texas was the only state in which no information was found in the child protective services manual that provided for the emergency removal of a child in imminent danger of serious harm or death due to religious based denial of medical treatment prior to a court hearing or obtaining of a court order for temporary custody.

State Child Protective Service Investigation and Intervention Policy and Procedural Guidelines for Child Medical Neglect

While all policy manuals included procedures for the immediate removal of children observed to be suffering from medical neglect, Texas, Vermont, and Washington D.C. policy manuals lacked specific information regarding providing for immediate removal of a child observed in need of urgent medical treatment prior to a court hearing or court order for emergency removal or temporary custody for the purpose of providing medical treatment. Policy manuals provided guidelines for the emergency removal of children from the home observed to be suffering from medical neglect in order to prevent serious harm, disfigurement, impairment, or disability if the child's medical condition was left untreated. Alaska, Washington D.C., New Hampshire, Oregon, and Vermont did not have procedures clearly outlining for the removal of children observed to be in a life-threatening condition and in danger of death if not provided immediate medical treatment. Finally, the policy manuals for Washington D.C., Mississippi, and Vermont did not provide spe-

cific guidelines for removal of children observed to be in a life-threatening condition due to parental religious based medical neglect.

Table 1
Summary of State Child Welfare Policy Manual Guidelines on Removal of a Child from the Home for Suspected Medical Neglect against Parental Consent

	Specifically Addressed in Manual	Provides for Immediate Removal Prior to Court Hearing	Removal to Prevent Serious Harm or Disability	Removal for Life-threatening Condition	Cannot Remove Solely on Parental Refusal of Medical Treatment
Alaska		X		X	
Connecticut	X	X	X	X	
District of Columbia					
Georgia		X	X	X	
Illinois		X	X	X	
Maine	X	X	X	X	X
Mississippi		X	X		X
New Hampshire		X		X	
New York	X	X	X	X	
Oregon		X		X	
Tennessee		X	X	X	
Texas	X		X	X	X
Vermont					X
Virginia	X	X	X	X	X
West Virginia		X	X	X	
Wisconsin		X	X	X	X

In terms of removal of a child into state custody, guidelines often required assistance from law enforcement to enter a home and place the child into protective custody. Policies varied on this process with three basic procedures most commonly followed: (a) caseworker directly petitions law enforcement for assistance after first consulting with a supervisor (GA, NY, TX, WV, WI); (b) caseworker required to obtain supervisory approval prior to requesting law enforcement assistance (CT, IL, ME, NH, OR, VA, MS); and (c) caseworker required to confer with a child protective services investigative team prior to requesting law enforcement assistance (TN, VT).

Once an emergency removal was made, the time a child could be held in custody without parental permission, court hearing, or order for temporary custody ranged from 6 hours (ME) to 24 hours (MS, NH), 72 hours (GA, ME), and 96 hours (CT). During the temporary custody hold, a child could be given a medical examination and medical treatment without parental consent. In Connecticut, prior to the provision of medical treatment, the child protective services investigator is required to consult with a minimum of two physicians and obtain an assessment of the critical need for treatment and the risk to the child if recommended treatment was not provided.

Finally, six state child welfare policy manuals (ME, MS, TX, VT, VA, and WI) included a statement that a child could not be removed from a home solely based on parental refusal of medical treatment for a child. These states required child protective services workers to cite other reasons for emergency removal of a child from a home when the child was observed to be a victim of medical neglect.

Discussion

Contained in every state's civil or criminal code are requirements for the provision of the necessary shelter, food, education, and medical care of children. Failure to comply with these laws often result in removal of the child, fines, and/or jail time. The purpose of these laws is to demonstrate the seriousness of the state in protecting vulnerable populations, especially children. Yet, despite states' insistence on the vital importance of these laws to serve the best interest of children and the community, they are ignored in deference to the liberty interests of a few. States provide a specific statutory immunity from prosecution for religious based medical neglect of children even in cases of child fatality. Religious exemptions fail to protect children because they place the liberty interest of parents over the liberty and best interest of the child.

Inherent in religious exemption statutes and codes is a faulty assumption that there is a uniform understanding of what is meant by religion and how religious beliefs and actions are manifested. Exemptions are provided only to parents or caregivers belonging to recognized denominations or religious groups thus giving preferential treatment to one form of religion (institutionalized) over another (Hughes 2004). Thus parents who practice non-institutionalized or unrecognized religions or those who practice no religious faith are held to a different level of accountability and conduct under the law (Hughes 2004). The Ohio case of *State v. Miskimens* (1984)³⁰ addressed this inequity in the law. The Ohio Court of Common Pleas ruled that Ohio violated the First Amendment Establishment Clause because it, in a sense, established a religion in its religious exemption statute by being vague and giving preferential treatment to one group over another based on self-described religious beliefs and practices. Along the same line, basing religious exemptions for denial of medical care to children on the Free Exercise Clause requires religious neutrality and spiritual exemptions fail that test because they are enacted specifically to provide protection against criminal prosecution for parents who withhold medical care from their children for religious reasons.

Religious exemption laws promote the idea that parents have a liberty interest right to withhold medical treatment from their children on religious grounds. While the U.S. Supreme Court has upheld constitutional rights of adults to exercise their liberty interest and individual autonomy to refuse traditional medical treatment, parents do not have the right to override the liberty interests of their child. While parents have the right to be martyrs refusing medical treatment on religious grounds, they do not have the right to make martyrs of their children (see *Prince v. Massachusetts* 1944). Yet the best interest standard and harm standard often are set aside in cases of religious based medical neglect with the liberty interest of the parents protected against the best interest of the child, even when the interests of the parents place the health and well-being of the child in serious jeopardy.

Conclusion and Recommendations

Each state conceptualizes and treats religious freedom in the context of child welfare differently leading to differences in how child protective services and state courts treat religious based medical neglect child welfare cases where the child's health and safety are at serious risk. The vagueness of religious exemption statutes leaves open a high degree of interpretation and to some extent confusion by child welfare agencies in creating and implementing policy and practices. State child welfare agencies weaken the protection of children by the lack of clarity and consistency in the application of the law through policies and procedures specific to religious based medical neglect of children.

Religion should not be treated as different from other forms of conduct and should not be given across the board special treatment in the law. The liberty interests of children and application of the harm standard should take precedence over religious liberty that infringes on the rights of children to be protected from harm (Hamilton 2005). Current religious exemption statutes: (a) promote undue suffering and needless death of a child as a result of denial of medical treatment and reliance solely on spiritual healing; (b) impede discovery and thus severely limits courts' ability to order medical treatment in time to prevent serious harm or death of a child; (c) shelter parents or other guardians from criminal prosecution in cases where the child died as a direct result of denial of medical care; and (d) deny children equal protection from harm under the law and their Constitutional right to life. The ability of states to balance parental liberty rights and the duty to protect children from medical neglect is best achieved by including greater specificity related to religious exemptions in child welfare or child protective policies and procedures. Guidelines in dealing with religious based medical neglect must delineate thresholds of intervention when a child is identified at serious risk for harm or death if medical treatment is withheld. Use of the harm standard in lieu of the best interest standard would better achieve this goal.

Policy based on the harm standard for state intervention should clearly outline thresholds for intervention from which procedural guidelines are created. Second, any exclusive use of spiritual treatment through prayer must be demonstrated to have equal efficacy to medical treatment in similar situations. Third the benefits of the state's intervention must outweigh the benefits of the parents' treatment options and be appropriate in similar cases. Finally, the medical treatment action taken by the state in the given circumstance would be accepted as appropriate and reasonable by the majority of parents and health care professionals.

A guideline often used by state legislators in drafting child protection laws in regard to religious based medical neglect is the best interest standard as a threshold of state intervention. However, parents, for a variety of reasons that include religious beliefs and practices, may not make decisions that are in their child's best interest. Therefore, application of the harm standard provides a more accurate threshold for state intervention to protect the health and well-being of the child. The harm standard should be applied without considerations to the religious nature of the decision. State intervention should be guided not on the basis of the religious objections by the parents but on the refusal to provide the child with life-saving medical treatment; religious motivation should be treated as an irrelevant issue in the state's duty to protect its vulnerable citizens.

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Notes

¹A statute, chapter law, or session law is an individual state law similar to a Federal public or private laws; these statutes are often codified and included in states' codes of laws.

²*Cruzan v. Director, Missouri Department of Health*, 497 U.S. 261 (1990).

³*Child Abuse Prevention and Treatment Reauthorization Act of 2010*, P.L. No. 111-320. § 3 (2010).

⁴*Sherbert v. Verner*, 374 U.S. 398 (1963).

⁵*Reynolds v. United States*, 98 U.S. 145, 164 (1878).

⁶*Cantwell v. Connecticut*, 310 U.S. 296 (1940).

⁷*Employment Div., Dept. of Human Resources of Oregon v. Smith*, 494 U.S. 872 (1990).

⁸*Prince v. Massachusetts*, 321 U.S. 158, 166 (1944).

⁹*State v. Perricone*, 37 N.J. 463, 181 A.2d 751 (1962).

¹⁰*People ex rel. Wallace v. Labrenz*, 411 Ill. 618, 104 N.E.2d 769, 30 A.L.R.2d 1132 (1952).

¹¹*Child Abuse, Prevention, and Treatment Act of 1974 (CAPTA)*, P.L. 93-247 (2010).

¹²*Religious Freedom Restoration Act of 1993 (RFRA)*, 107 Stat. 1488, 42 USC § 2000bb (1993).

¹³*City of Boerne v. Flores*, 521 U.S. 507 (1997).

¹⁴*Meyer v. Nebraska*, 262 U.S. 390 (1923).

¹⁵*May v. Anderson*, 345 U.S. 528, 533 (1952).

¹⁶*Kelson v. Springfield*, 767 F.2d 651 (9th Cir. Or. 1985); *Bell v. Milwaukee*, 746 F.2d 1205 (7th Cir. Wis. 1984); *Delaney v. State*, 617 P.2d 886 (Okla. 1980).

¹⁷*Ward v. San Jose*, 967 F.2d (9th Cir. 1991).

¹⁸*J. B v. Washington County*, 127 F.3d 919, 925 (10th Cir.1997).

¹⁹*Malik v. Arapahoe County Department of Social Services*, 191 F.3d 1306 (10th Cir. 1999).

²⁰*Matter of Gentry*, 369 NW.2d 889 (MI App. Div.1983); *Doe v. Irwin*, 441 F.Supp. 1247 (U.S. D.C. of Michigan 1985).

²¹*Walsh v. Erie County Dept of Job and Family Services*, 240 F.Supp.2d 731 (N.D.Ohio 2003).

²²*Calabretta v. Floyd*, 189 F.3d 808 (9th Cir.1999).

²³*Doe v. Heck*, 327 F.3d 492 (7th Cir. 2003).

²⁴*Brokaw v. Mercer County*, 235 F.3d 1000 (7th Cir. 2000).

²⁵*Parham v. J.R.*, 442 U.S. 584 (1979).

²⁶*Elrod v. Burns*, 427 U.S. 347, (1976).

²⁷*Hurlman v. Rice*, 927 F.2d 74 (2nd Cir. 1991).

²⁸*Wallis v. Spencer*. 202 F.3d 1126 (9th Cir. 1999).

²⁹*Stanley v. Illinois*, 405 U.S. 645 (1972).

³⁰*State v. Miskimens*, 490 N.E.2d 931, 934 (Ohio Ct. Com. Pl. 1984).

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Lo, the Poor Volunteer Manager: Hollywood's Nonprofit Volunteer and Volunteer Manager

Jeffrey L. Brudney and Mordecai Lee

In 1984 historian Barry D. Karl published an article “Lo, the Poor Volunteer: An Essay on the Relation between History and Myth,” in which he reflected on the dynamic between myth and reality in understanding the nature of U.S. volunteerism. He was interested in how we understand volunteers in American society over time, especially the historical transformation of the provision of social services from volunteers to professionals (Karl 1984).

In this article we have a similar, though more limited, focus: How does popular culture, as reflected in major motion pictures, conceive and present volunteering and volunteer management in nonprofit organizations? The answers are potentially consequential, because cinematic depictions may affect individuals' attraction and willingness to volunteer, and perhaps influence career paths as well. A stirring film portrayal of investigative reporters, as in *All the President's Men* (released in 1976), for example, likely channeled some young people toward such a career, just as the devastating job portrait in *Wall Street* (released in 1987) probably repelled a generation of future financiers. Our review of films reveals that volunteering is depicted favorably in Hollywood's nonprofit organizations, but not the volunteer manager. Hence, our findings suggest a variation on Karl (1984): “Lo, the Poor Volunteer Manager.” Even when volunteering plays a considerable part in a movie, volunteer management is not usually shown and, when depicted at all, is often portrayed in an unflattering light.

Nonprofit Management Film Studies

In this media-drenched era popular culture is a powerful social force that defines reality for the public. For example, the news media created a narrative concerning the heroism of firefighters after the 9/11 attacks that transmuted into the accepted truth about what had occurred (Monahan 2010). Movies are a nearly universal medium presenting ostensible reality at 24 frames a second. As a reflection of the growing importance of motion pictures in society and culture, film studies have gradually emerged as a distinct academic field. In addition, film studies within the traditional academic and professional disciplines have become established with literatures on the screen images of their area of activity. Book-length studies of film images have examined such

diverse professional and academic fields as politics (Coyne 2008; Booker 2007), organization studies (Rhodes and Westwood 2008), journalism (Langman 1997; Ness 1997), philosophy (Gilmore 2005), mental illness (Zimmerman 2003), medicine (Dans 2000), and American history (McCrisken and Pepper 2005).

In public administration many articles have been published about cinematic depictions of the profession, especially in *Public Voices*, beginning with its debut issue in 1993 (Larkin 1993). A few years later the journal dedicated an issue to the subject (Holzer and Gabrielian 2000). More recent examples of articles on movies about the public sector, all published in *Public Voices*, include Pautz and Roselle (2009), Schwester (2009) and the co-author of this article (Lee 2009; 2012). Although public administration journals continue to publish articles and even symposia on “Administration, Government, and Public Service in Popular Culture” (*Administrative Theory & Praxis* 36:3, September 2014), with the exception of Lee’s (2004) article reviewing screen images of US-based nonprofit CEOs, little attention has been devoted to film depictions of nonprofit management.

To ignore the role of the media in the creation of nonprofit “reality” is an oversight we seek to overcome. The study of the images projected by pop culture and the arts is valuable not only because of the insights it may provide about any particular profession, its standing in society and the values it projects, but also because the arts offer a pedagogic tool that educators can use to add to the traditional teaching techniques inside and outside the classroom. In disciplines allied with nonprofit studies film is routinely suggested for teaching and training purposes, including in the fields of management (Bumpus 2005), public administration (Chandler and Adams 1997), political science (Van Belle and Mash 2010), and business administration (Champoux 2001).

This inquiry focuses on images of volunteering, and volunteer management, in American feature films. After extensive search, we are convinced that this subject has received little, if any, study. For example, VolunteerLog.com included a 2007 entry from Kate (no last name listed) stating, “If you’re looking for movies about volunteering...good luck! There don’t seem to be a whole lot about volunteering.”¹

Scope of the Study

Our goal is to identify movies depicting volunteers at work and to analyze the images presented. Based on the literature this depiction generally meant: private citizens voluntarily donating time to a social purpose or cause, usually with the intention of helping clients; mediated by a formal nonprofit agency overseeing and coordinating their roles; sometimes with a staff member designated with volunteer management responsibilities, sometimes not (Cnaan, Handy, and Wadsworth 1996). Given this broad definition of volunteering, what films would qualify?

First, we limited the inquiry to English-language feature films about American society in general release. This criterion excludes documentaries relating to volunteerism, shorts, promotional spots, YouTube videos, made-for-TV movies and episodes of TV series. It also excludes films in languages other than English that would have been oriented to specific ethnic audiences. Sometimes these depictions of volunteers were coupled with depictions of volunteer managers.²

Second, we concentrated on people who volunteered freely to provide a service to a third party or clients. This restriction excluded volunteering to amateur theatres and hobby clubs, church choirs, and the like, or people active in civic and membership groups, organizations, and associations such as Kiwanis or Rotary. Thus excluded are the series of movies in which Judy Garland and Mickey Rooney and their screen friends volunteer to clean up a barn or factory to stage their own show. Also excluded are involuntary or mandated volunteers, such as court-ordered or community service volunteering as part of a legal sentence or judgment in lieu of incarceration (such as *Role Models* [released in 2008] and *Home Team* [released in 1998]) or student interns (college or high school) earning educational credit.

Third, we focused on depictions of volunteers and volunteer managers in the nonprofit sector, rather than in government agencies, such as the Peace Corps (*Volunteers* [released in 1985]) who in any case are paid, non-conscription army (*Stripes* [released in 1981]), also paid, or volunteer fire departments. This criterion also excluded volunteers and volunteer managers in political campaigns because that role is so distinctive and different than conventional service volunteers in the nonprofit sector. In that setting the work is intense, short-term, and high-profile in popular culture.³

Fourth, given our goal of identifying average rank-and-file volunteers, we excluded show-business celebrities who volunteered (*Stage Door Canteen* [released in 1943] and *Hollywood Canteen* [released in 1944]), regardless of whether their motivations were selfless or self-serving. This criterion excluded leaders and activists in labor unions, in part because an economic cause and benefits are at stake (*Norma Rae* [released in 1979]). The goal of these restrictions was to hold firm on the definition of volunteers to allow conclusions about images of volunteering and volunteer management in the American nonprofit sector.

Based on these selection criteria we identified eight feature-length fictional films that depicted volunteering by ordinary citizens, and in some of them, volunteer management, to assist clients in American nonprofit organizations.⁴ Table 1 presents the essential details of the films with their artistic lineage. Although most of the films are classified as comedies, they show volunteers in “serious” social service domains where their involvement is typical, such as homelessness, elder care, disability, and youth services (Roeger, Blackwood, and Pettijohn 2012). We bring consistent analytic foci to our examination of these films.

Analytic Foci

We examine these eight movies in relation to the research literature on volunteers and volunteer management. We crystallized four research subjects to be used for analyzing each film.

1. Depiction of the Volunteer: Was the depiction of the cinematic volunteer generally positive or negative? Was the work the volunteer engaged in viewed as consequential or frivolous? Was the motivation of the volunteer self-serving and for ulterior motives or client-serving?

Table 1: Films of Volunteers and Volunteer Managers in American Nonprofits

Film	Release Year	Type	Artistic Lineage
<i>Mister Scoutmaster</i>	1953	Comedy	Directed by Harry Levin. Screenplay by Leonard Praskins and Barney Slater. From the book by Rice E. Cochran (1953).
<i>Slender Thread</i>	1965	Drama	Directed by Sydney Pollack. Screenplay and novelization by Sterling Silliphant (1965, 1966). Inspired by a non-fiction article by Shana Alexander (1964).
<i>Follow Me, Boys!</i>	1966	Family drama	Directed by Norman Tokar. Screenplay by Louis Pelletier. From the novel by MacKinlay Kantor (1966 [1954]).
<i>Mr. Mom</i>	1983	Comedy	Directed by Stan Dragoti. Original screenplay by John Hughes.
<i>Scrooged</i>	1988	Comedy	Directed by Richard Donner. Screenplay by Mitch Glazer and Michael O'Donoghue. Updating of <i>A Christmas Carol</i> by Charles Dickens.
<i>Troop Beverly Hills</i>	1989	Comedy	Directed by Jeff Kanew. Screenplay by Pamela Norris and Margaret Oberman. From a screen story by Ava Ostern Fries.
<i>Clueless</i>	1995	Comedy-romance	Directed and written by Amy Heckerling (1995). Novelization by H. B. Gilmour (1995).
<i>Please Give</i>	2010	Comedy-drama	Written and directed by Nicole Holofcener (2011).

2. Impact on the Volunteer: The research literature shows that volunteering has a high turnover rate, perhaps as much as one-third from one year to the next (Eisner et al. 2009). Was uncertain commitment a feature among the movie volunteers? Whether involvement was short-term or longer-term, did the experience of volunteering affect the volunteer's life perspective and values? If so, was the impact to enhance the volunteer's commitment to serving others, or to reinforce the ulterior motives that triggered the decision to volunteer? Was volunteering a transformational experience or a forgettable one?

3. A Volunteer Manager on Staff? The research literature also shows that many organizations cannot identify anyone with specific responsibility for the volunteers/volunteer management (Hager 2004; Brudney 1990). Did the nonprofit organization depicted in the film have a paid staff member on-hand responsible for management of the volunteers? Or, was the role of volunteer manager absent from the movie?

4. Depiction of Volunteer Management: If such a depiction occurs in the movie, how was the volunteer manager portrayed? The literature often complains that this role is overlooked and not compensated very well so that the manager has to work to persuade even the nonprofit CEO of its importance (e.g. Ellis 2010). Is this image borne out with the Hollywood volunteer manager as well? Was she or he depicted as a professional, aware of the managerial imperatives associated with overseeing volunteers? Was the volunteer manager selective about potential volunteers, screening them for appropriateness? Did she or he convey to potential volunteers what was expected of them, and that volunteering entailed a serious commitment? Did the volunteer manager appear to have any special training in volunteer management?

The Cinematic Images of Volunteers and Volunteer Managers in American Feature Films

Inevitably in such exploratory research, results cannot be presented as definitive. It may be impossible to identify every feature film that might plausibly fall within the scope of our inquiry. Thus, our results must be considered tentative, a sampling of major films we were able to find meeting our selection criteria that provide relatively substantial representations of volunteers, and in some cases volunteer managers, in nonprofit organizations. We present the results in chronological order so that any trends over time in volunteer film images will be more readily apparent.

Mister Scoutmaster (1953, comedy)

Robert Jordan (Clifton Webb) is the writer and star of a weekly TV program on a national network. His ratings show that the program appeals more to “highbrows” and less to juveniles. The program’s sponsor, a cereal maker, has threatened to cancel its sponsorship (and therefore the show) unless his ratings with younger audiences significantly improve. Jordan is a stuck-up snob and misanthrope who dislikes being around children. (He and his wife have no children.) In a desperate effort to learn “what the youngsters of today are interested in” he agrees to be a scoutmaster of a church troop that has gone through several leaders in short order. At first, predictably, he is unable to communicate with the children and largely looks down his nose at them. Gradually, in heart-warming developments, he thaws and comes to appreciate them and vice versa. He especially develops a protective relationship with a cub scout who is a foster child of a poor family which neglects him. Jordan and his wife eventually adopt the boy.

Jordan volunteered for an ulterior motive, to enhance his professional career and income from it. Yet, thanks to his volunteering, he learns to appreciate children and garners satisfaction from this activity. Volunteer work has transformed him. His reward is not only economic (the sponsor renews) but also emotional and psychological. He wants to continue working with the Scouts and continues to do so. Volunteering has become an important and valuable part of his life. This evolution also led to a deep and long-term commitment to the nonprofit.

The scout troop operated under the auspices of a local Protestant church, and no evident volunteer manager was on hand. The clergyman’s responsibilities included an ancillary and tangential

role to oversee the scout leaders. The clergyman's approach to volunteer management was grandfatherly and with a light touch, letting volunteers learn from their mistakes and difficulties.

Slender Thread (1965, drama)

Alan Newell (Sidney Poitier) is an undergraduate student hoping to major in psychology. He volunteers one night a week at a suicide hotline in Seattle. Most nights are quiet, giving him a chance to read his course textbooks without any interruptions. But one night, all alone, he gets a call from a woman (Anne Bancroft) who has taken an overdose of barbiturates and is waiting to die. He is flummoxed:

I'm not a psychiatrist, lady, I'm a student at the U. I come here one night a week. I sit by the phone and when the phone rings, I answer it. I'm a volunteer, you understand that, lady? You understand the irony of that? On the most important night of your life, when you need somebody who really knows, you had to pick me.

The nonprofit agency had given Newell training, posted guidelines for talking points, and listed emergency telephone numbers. Still, he feels overwhelmed. The woman on the telephone says he sounds nervous and asks why:

Because I don't know what to say to you. I mean, up here they give us lectures on how to handle people in trouble. We're supposed to gain their confidence – they call it rapport. It's just words. Look, lady, you sure you wouldn't just...just tell me where you are.

Using a second line, Newell calls the police and the clinic's psychiatrist who oversees the volunteers. The volunteer supervisor hurries to the office, but upon arrival declines to take over the call, saying that the woman has developed a connection to Newell, and that this link should not be interrupted. After a protracted effort by the phone company to locate the source of the phone line while Newell keeps her talking, the police find the woman in a hotel room just in the nick of time.

After what felt like the longest phone call of his life, Newell finally is able to put the phone down. He takes a deep breath and says, "Man, I feel good." He stands up, throws his head back, pounds his chest like Tarzan and lets out loud hoots. His joy is the satisfaction of volunteering. He had saved a life.

In this film the volunteer is presented in a positive light, with a role that was integral to the functioning of the nonprofit organization. Newell was important. Although not spelled out, his motivation was mixed, partly to help in his professional training as a psychologist and partly for the self-satisfaction of volunteering for a good cause.

As a result of the hotline telephone call and the happy ending, the volunteer feels an enormous burst of joy. The hotline apparently expected its volunteers to make a commitment to volunteering for a long enough period to justify training them. Newell seems to have made that commitment for at least a semester, and the film implies for an even longer time while he works toward a psychology degree.

The volunteers are supervised by a full-time employee of the hotline, a psychiatrist (and the film implies, the agency director). Given that the hotline is staffed by volunteers 24/7/365, the agency understands the need for volunteer management and training.

Yet, the psychiatrist apparently does not have any training in volunteer management per se but is very professional in working with the volunteers, including providing training before they can staff the hotline. When Newell was in the middle of the call, he wanted to hand it off to the psychiatrist. The psychiatrist declined, understandably explaining that the caller might be spooked by a new person on the line. The subtext is that the psychiatrist does not want to play “parent” and instead chooses to trust the volunteer to learn to do the right thing – as fortunately happened in this case. The nagging concern, though, is that the woman might have killed herself, perhaps due to the amateurishness of the volunteer. The movie, thus, raises the question of the appropriate training and professionalism of volunteers, and the amount of trust and responsibility that ought to be extended to them.

Follow Me, Boys! (1966, family drama)

This family movie by Disney centers on a musician Lemuel Siddons (Fred MacMurray) who settles in a small town. To attract the attention of a woman, he volunteers to create a scout troop for the town's boys, who have little to do and border on juvenile delinquency. Siddons gets the girl but also derives so much satisfaction from being a scout master that he continues in the role after getting married, for the rest of his life. Upon his retirement, a new campground for the scouts is named for him. At the ribbon-cutting ceremony, Siddons says he wants to “thank all of you who have made my life the happiest life a man could have.”

Volunteer Siddons is presented in a very positive light. The original motivation for his volunteering was selfish, to impress a young woman, but Siddons is transformed by the experience and makes a life-long commitment to the nonprofit. Volunteer manager/management is not depicted.

Mr. Mom (1983, comedy)

In a reversal of then-gender stereotypes, after he was laid off from work, husband Jack (Michael Keaton) and wife Caroline (Terri Garr) decide that she should go back to work and he should be the stay-at-home parent. Jack is self-centered and cynical, impatient with the duties of parenting. When he drives his children to school, he is annoyed with the parent-volunteer directing traffic at the drop-off location. Jack goes through some ups and downs in his new stay-at-home role, eventually adapting to it with gusto. He accepts the duties expected of parents at his children's school, to volunteer for some service activities. In a role reversal, he now serves as the traffic monitor at the school's driveway. He efficiently directs traffic and forcefully tells a parent-driver who is coming in from the wrong direction to enter and exit in a pre-determined direction so that the traffic flows smoothly: “North to pick up, south to drop off – MORON” [emphasis in original].

The movie presents volunteering as an obligation that parents have to their children's school. The movie reveals a certain amount of subtle peer pressure involved, for example, parents' desire to maintain good relationships with the parents of their children's classmates and to maintain school services. The specific volunteering role, depicted in both scenes, places the responsibility

for directing traffic on the parent-volunteer for the smooth functioning and safety of the school. Despite the importance of this function, no volunteer manager appears in the film and the parents are apparently self-organized and cooperatively take on the volunteer responsibilities.

Jack's learning progresses from the first scene in which the volunteer seems to him to be a mini-dictator to the last when Jack performs the same role and comes to appreciate its importance to the school. Much as the literature suggests, volunteering is presented as a consequential activity that has value, resulting from a mix of self-regarding and other regarding motivations (for example, Wilson 2008). In fact, volunteering undergirds Jack's transformation in the film from a cynical person to one who values other people.

Scrooged (1988, comedy)

Claire Phillips (Karen Allen) is the Director of Operation Reach Out, which operates a temporary shelter for the homeless in Manhattan. Her cynical ex-boyfriend is a successful corporate executive (Bill Murray) in the cut-throat world of TV network programming. She had broken up with him because he put his career ahead of their relationship. On Christmas Eve, he visits the homeless shelter, says he regretted what had happened, and asks to resume their relationship. But, as would be expected on that day, the shelter is full and busy. Two volunteers interrupt the conversation between Phillips and her ex-boyfriend:

Volunteer #1 [Hazel, African-American]: *Claire, we've got some huge problems this time! There ain't a fuse in the whole joint.*

Phillips: *Oh, no. There are fuses. I'll show you where they are in just a second, Hazel.*

Volunteer #2 [unnamed white woman]: *The A&P didn't send any turkeys!*

Phillips: *Oh, no! They were supposed to be here hours ago.*

Volunteer #2: *Not one!*

Phillips: *OK. Well, I'll call them in just a second. [To boyfriend:] Can you wait for me?*

Boyfriend: *They can handle this. It isn't a big deal. It's just some fuses. You go down to the hardware store and buy fuses.*

Volunteer #2: *What about the turkeys?*

Boyfriend: *And the turkeys are at the A&P. Look it up in the phone book. It's under "A." And if you can't find it there, it's under "P."*

Phillips: *I have to call them myself. I'll call them in just a second.*

Boyfriend: *You don't have to call them. They're big girls. Very big girls. And they can do it! Atta girl!*

Phillips: *I'll be right there.*

Boyfriend: *No, Claire, please. Fire these people!*

Phillips: *Fire them?*

Boyfriend: *Yeah, you fire them.*

Phillips: *They're volunteers. They're here out of the kindness of their hearts.*

Boyfriend: *They're volunteers because no one will pay them! They are incompetent.*

Phillips [plaintively]: *It's Christmas Eve.*

Boyfriend: *They're like this every day of the year, I guarantee it!*

Phillips: *Look, if you'll just wait one minute. I just gotta make a phone call.*

Boyfriend: *No. Don't bother.*

As he walks out, he turns to her and utters the classic line, "Bah humbug."

The scene is significant in its depictions both of volunteers and volunteer management. The two volunteers are infantilized, bringing their problems to an agency employee like children to a parent. They are passive and do not try to solve problems on their own or even make suggestions for potential solutions. The volunteer manager (and executive director of the agency) enables that behavior by accepting the problems and assuming responsibility for solving them. When her ex-boyfriend, with his corporate culture management style, points out that truth, she conveys that she has to accept volunteers without conditions or expectations because they are not paid staffers.

Although not stated in the film, the two volunteers appear to be clients of the homeless shelter. As such, they demonstrate the act of giving as well as receiving. This depiction is a useful antidote to more patronizing views in which the volunteer is seen in a "superior" position to the client who needs her or his help. Yet, the portrayal of volunteers is still largely negative, for the volunteers bring their problems to the volunteer manager, who is left to solve them by acting in their place.

The movie conveys a respect for the worth of each person and empowers people with the satisfaction of being able to serve. However, the way the volunteers are treated by the volunteer manager suggests that they are being infantilized, and such treatment further encourages dependency instead of autonomy or independence.

Although a volunteer manager is on-site (Phillips), her responsibilities for the volunteers appear to be a relatively small part of her overall position as the executive director of the homeless shelter. This cinematic depiction is remarkably consistent with the scholarly literature, which finds that

employees with responsibilities for volunteers usually have many other duties in the organization and very rarely are full-time managers of the volunteers (Hager 2004).

Moreover, Phillips lacks training or preparation for the volunteer management position. She does not demand or expect anything from the volunteers beyond what they are willing or able to do, and she buys into the discredited chestnut that volunteers cannot be fired for poor performance (Ellis 2010; Brudney 2002). As a result, Phillips is harried and overwhelmed with activities that were supposed to be performed by the volunteers themselves. The picture of the volunteer management profession emerging from the film is one of disorganization, even chaos.

Troop Beverly Hills (1989, comedy)

Beverly Hills shoppingista Phyllis Nefler (Shelley Long) is facing divorce and an empty future. Nefler already has had a series of short-lived volunteering projects that she abandoned, and her husband does not hesitate to remind her.

Husband: *What about the PTA? You quit!*

Nefler: *Well, that's because I thought Hands Across America was more important.*

Husband: *I rest my case!*

Nefler's daughter, a member of a nearly inactive post of Campfire Girls, pleads with her to try to revive the troop before it would be deactivated by the headquarters office. Nefler agrees. At first she views her volunteer work as something of a lark and bends the troop's activities to her own interests: shopping, dressing, comfortable living, etc. The volunteer manager for the district, Velda Plenor (Betty Thomas), approaches the role as a caricature of a military drill instructor, barking orders at the mothers who volunteer to lead each "squad," demanding discipline and obedience to the rules. Plenor tries to have Nefler either fired or compelled to resign. She sabotages Nefler's activities to try to assure either of those outcomes.

At first, Nefler is inclined to follow her previous track record as a volunteer by giving up. But the girls (including her daughter) beg her not to: "You gave us a renewed sense of self-esteem," and "You made us like ourselves," they importune. As the conflict with Plenor escalates, Nefler finds meaning and satisfaction in leading the troop. She is determined to overcome all the obstacles that Plenor puts in her path. In the end Nefler and the girls triumph.

The film conveys the message that volunteering can be fun and satisfying, but that it also can be hard work and that the benefits accrue to the volunteers who stick with it. With respect to volunteer management, it suggests that volunteers cannot be "bossed around" like employees, and that latitude must be given to the volunteers to accomplish the goals the organization sets for them.

The organization is not selective about accepting volunteers, acceding to the offers of all, regardless of experience, talent or commitment. In that respect, the volunteer is not valued and left to her or his own devices. As reflected in Nefler's experience, volunteer turnover is an ongoing challenge for many organizations (Eisner et al. 2009).

Like other cinematic volunteers, Nefler's initial motivation for volunteering is not fueled by an imperative to help others. The leading character has a track record of volunteering and not staying long with the cause. Partly guilty by her daughter (and already guilty due to an impending divorce), Nefler tries at first to be something that she is not. But, like other movie volunteers, the experience helps transform her from self-centered and materialistic to a more giving person who helps others and gains satisfaction from doing so. The cinematic transformation of the character suggests that she is likely to continue volunteering in the future.

Contrary to many of the films in which volunteer management plays a small, if any, role, in this film the manager of volunteers is a force. However, the portrayal is very negative. Plenor is depicted as a military-style drill instructor treating the volunteers as "privates" to be ordered about. She insists on compliance with her orders and actively seeks to undermine a volunteer who bucks the system. She wants the volunteer to fail. Not only is the depiction of volunteer management highly unprofessional but also antagonistic to volunteers. The message to potential volunteers and future volunteer managers is to beware of the profession.

Clueless (1995, comedy-romance)

Cher Horowitz (Alicia Silverstone) is a spoiled and superficial Beverly Hills high school student who cares only about fashion and looks. She falls in love with her ex-step-brother who has continued to be on good terms with her lawyer father. The boy is in college, with an interest in public affairs, and hopes to become a lawyer too. He hangs around the house, helping the father, who is involved in a major lawsuit. Cher wants to capture his fancy.

Cher usually day-dreams though her social studies class, taught by an idealistic social activist, Miss Giest, who constantly tries to involve her students in do-good projects. One day, Giest shows a short video about her latest cause, the Pismo Beach disaster:

Miss Giest: *Oh, it's just, that doesn't even show... you know, every single possession, every memory, everything you had your whole life... gone in a second. Can you imagine what that must feel like? ... We'll be collecting blankets, disposable diapers, canned goods...*

(Cher raises her hand.) Cher: *Miss Giest?*

Miss Giest: *Cher?*

Cher: *I wanna help.*

Miss Giest: *That would be wonderful.*

Cher (voice over): *I felt better already.*

Cher becomes the captain of the Relief Committee. Due to her popularity, she is able to recruit many more students to volunteer than is typical at the school. She organizes a collection at school for donated items. Somewhat to her surprise, she gets emotional satisfaction from the ef-

fort: It helps transform her to a more caring person. And, Hollywood being Hollywood, at the end of the movie she gets the boy, who has come to see her in a new light as a result of her volunteering.

This film depicts volunteering as an unserious, almost flighty activity. Similarly, Cher's motivation is to impress a boy. To her surprise, though, Cher gets satisfaction from her volunteering (and the boy). Although the disaster relief effort was a one-shot and reactive volunteer activity, the movie implies that volunteering contributed to a transformative experience for Cher. It played a central role in her authentic conversion from a material girl to one who (also) considers the outside world and her civic role in it.

The movie shows some signs of a volunteer manager. High school social studies teacher Miss Giest is always urging her students to volunteer for various do-good projects but, as a teacher-advisor to the school clubs conducting these volunteer projects, she apparently does not play a role in their activities or self-governance. Although Miss Giest is herself a volunteer as the outside adviser to the students' volunteer activities, it is not unusual empirically to have a volunteer assigned formal responsibility for a volunteer program (Ellis 2010; Hager 2004). However, volunteer management is not one of Miss Giest's primary duties, and she apparently has no important role in the work of the student volunteers or the requisite training.

Please Give (2010, comedy-drama)

Perhaps the most self-conscious depiction of volunteering and volunteer management is also the most recent, *Please Give*. Kate (Catherine Keener) is an upper middle-class Manhattanite who feels guilty about her material success. She is always quick to give money to panhandlers. Her daughter, Abby, exasperated with her behavior, says of her, "She wants to save the world" (Holofcener 2011, 55). Kate is seeking more outlets for her guilt. She surfs the web to find volunteer opportunities in Manhattan. "She reads the different situations, each sadder than the next" (16).

Kate's first choice to volunteer her time is a seniors' residential center. She meets with Carrie-Anne, the volunteer manager, in Carrie-Anne's office. Carrie-Anne asks her point blank, "What makes you feel like this would be a good time to volunteer? I mean, in your life." Carrie-Annie is seeking volunteers to visit with the residents, some of whom rarely have visitors and would welcome the chance to talk. Kate brightens, assuring Carrie-Anne that she's "good at keeping company" (58).

Carrie-Anne: *They love conversation. Of course we keep it light. Always try and cheer them up.*

Kate: *Oh. Why?*

Carrie-Anne: *Well, we just don't want to bring them down. Sometimes all they can think about is dying, so they'll inevitably talk about it.*

Kate (confused): *Shouldn't we?*

Carrie-Anne: *Better if you steer them away from the topic. It just makes them sad* (58).

Then Carrie-Ann and Kate go for a tour of the facility, starting in the lobby. The place is depressing and dark. Old people mill about, lost and confused. Kate's positive demeanor is starting to sag.

Carrie-Anne: *This is the common area. We watch movies here on Saturday nights. Residents play cards, or just hang out. You could play games with them.*

Kate: *Uh huh.*

(Carrie-Anne approaches an old woman, Maureen, bent in half, slowly walking along.)

Carrie-Anne: *Maureen, this is Kate. Kate's going to be volunteering here.* (Maureen just keeps going, as if she did not hear.)

Kate (concerned): *She's very bent over.*

Carrie-Anne (cheerful): *Yes, she has rheumatoid arthritis!*

Kate: *How awful for her.*

Carrie-Anne: *Well, we try to stay upbeat and positive as much as we can!* (58-59).

Kate escapes the place. Next she tries volunteering at a home for the physically disabled. The volunteer manager, Mrs. Melnick, gives her a tour. Standing in the gym, they watch the residents engaging in physical activities.

Mrs. Melnick: *This, obviously, is the gym where they can work out. The patients come in here once a day, for about an hour. This is something you could actually help out with!*

(Kate looks at the faces of the struggling patients. Some are more severely disabled than others, barely able to move their limbs with any control.)

Kate: *It looks like it's painful.*

Mrs. Melnick: *Oh, no. They look forward to this all day! Let me introduce you to someone.*

(She walks her over to a severely disabled young girl with a sweet face.)

Mrs. Melnick: *Sweetie, this is Kate. She's going to be helping out.* (The girl smiles and holds out a twisted hand.)

Mrs. Melnick: *Kate, this is Abby. Abby, this is Kate.* (Kate is startled by the girl's name [the same as her daughter's].)

Mrs. Melnick: *Abby here is one of our most athletic. Aren't you Abby?*

Abby: *Yes I am.*

Mrs. Melnick: *Would you like to show Kate how well you can do a cartwheel?*

Kate: *Oh, no, she doesn't have to.*

Mrs. Melnick: *I think you'd like to, wouldn't you, Abby?*

Kate: *No, really – it's okay.*

(Abby goes to the mat and does a very clumsy, spastic cartwheel. When she has finished, she looks over at Kate, beaming with pride. Kate starts to cry and hides her face.)

Kate (whispering to Mrs. Melnick): *Oh my God, it's just so sad.*

Mrs. Melnick (beat): *Please stop.*

Kate: *I don't mean to – I'm so sorry. I don't know how you can take it –*

Abby: *Bye lady!!*

Kate: *Bye! That was really good!* (Kate turns, unable to hide her tears. A sob escapes.)

Mrs. Melnick: *You're going to have to leave.*

Kate: *I know, I know – I'm so sorry, so sorry...*

Kate flees to a rest room and cries. Abby follows her, concerned. She asks Kate, "Do you need help? Do you want someone to help you?" (90-92).

Please Give is notable in its examination of the motivation of the potential volunteer. Kate wanted to do good or help others, the most common professed reason for volunteering. However, she felt pity for her potential clients and was unable to get beyond that initial reaction. She was not good material for a volunteer in this venue, who must look the clientele in the eye and accept them as they are.

The bathroom scene between Abby and Kate is significant. Abby's concern for Kate reflected the two-way relationship that is a hallmark of the bond that can develop between volunteer and client, a marked contrast to one-dimensional cinematic portrayals of volunteers (for example, in *Scrooged*). Abby gives as much as she potentially gets, here more than she gets. Kate is the person needing help, and Abby offers it. Their interaction demonstrates the widely noted phenomenon of volunteers gaining emotional and psychic satisfaction from their involvement and feeling like they have benefited in ways they never anticipated.

That Kate does not serve as a volunteer in the movie presents the inverse of the usual discussion of the impact of volunteering. In this case she is unable to find a volunteer role that fits her stereotype of pitying clients and doing something that she views as meaningful. She merely *wants* to do good or help, but she is incapable of being the kind of volunteer that contemporary agencies seek in the areas she thinks she wants to participate. Kate is an example of a new “reflexive” volunteer, with little allegiance to any one agency, trying them out, instead, to write her own life biography (Hustinx and Lammertyn 2003; Hustinx 2010). She has no staying power so that even the normalcy of high volunteer turnover is precluded for her; she just cannot do it.

Both agencies Kate visits have employees who are formally volunteer managers. It is not clear if these staff members (both women) have other work responsibilities, but apparently their role in recruiting and supervising volunteers is at least a major portion of their job duties. They give Kate a tour of the facilities and are so familiar with the programs that they recognize clients by name.

Several elements in the scenes at the two agencies seeking volunteers suggest the professionalization of volunteer management. Both agencies were seeking volunteers through online sites. Both had volunteer coordinators who were professional in appearance and work styles (The volunteer managers were described in similar attire. One was “well-dressed” and the other “in a suit” [57, 90].) The volunteer managers were welcoming but specific about the jobs or tasks they were trying to place. They would not take all comers, examining each volunteer for appropriateness and fit to the job. In both cases the screening interview in an office went well but the potential volunteer failed during a realistic job preview with the client population. Thus, the movie shows major facets of professional volunteer management in place.

Detracting from the otherwise professional depiction of volunteer management, though, was the volunteer manager's artificial effort to deny reality and project a fantasy world of happiness around their clients. This viewpoint was paternalistic and treachery. In the real world, it would not do.

Summary and Conclusions

Our analysis aimed to uncover over-time trends and changes in the cinematic portrayal of volunteers, and volunteer management when depicted. Although nonprofit organizations and their volunteer base and involvement have changed over the period spanned by these movies (1953 through 2010), in these films we do not find evidence of change in the way volunteers are presented. We do find evidence, however, of a change in the way the management of these human resources in nonprofit organizations is portrayed. Among the earliest four films (through *Mr. Mom*, 1983) just one, *Slender Thread* (1965), showed any volunteer oversight (although it appeared in psychological services where this instructional/supervisory model is the norm). By contrast, among the more recent four films beginning with *Scrooged* in 1988, all films show strong evidence of volunteer management (with the exception of *Clueless* in 1995, which has a volunteer in nominal charge, which is not uncommon to nonprofit organizations). Brudney and colleges (in press) date the roots of the literature on volunteer service programs and volunteer

management to the late 1960s and early 1970s. Perhaps Hollywood has caught up with this development.

Volunteers, though, seem to have changed but little over this period. In the eight Hollywood feature films depicting volunteering to nonprofit organizations that we were able to identify, nearly all volunteers began with self-interested (Robert Jordan/Clifton Webb; Lemuel Siddons/Fred MacMurray; Jack/Michael Keaton; Phyllis Nefler/Shelley Long) or even frivolous (Cher Horowitz/Alicia Silverstone) motivations. As a volunteer to a suicide hotline, Alan Newell/Sidney Poitier (*Slender Thread*) had self-interested motivations to further his psychology degree but also an interest in a larger social cause. Ironically, the only volunteer who began with intentions to help others and to give back, *Please Give's* Kate/Catherine Keener, did not make it to the volunteering stage. Regardless of initial motivation, most cinematic volunteers were skeptical of volunteering initially but grew into the experience, investing in it the skills, knowledge, and personal resources that were uniquely their own, such as personal networks (Horowitz/Silverstone) and fashion sense (Nefler/Long). Not unlike real-world volunteers, they were transformed by the experience and broadened both their capabilities and horizons, becoming more concerned and caring people through serving as volunteers. By the closing curtain, all of the Hollywood volunteers emerged as better people. Volunteering in these movies does not insist on a do-gooder mentality but is open to a variety of self-interested motivations and/or other-interested motives. These movies generally succeed in enriching the volunteer (and their clients), making the likely effects on the viewer salutary.

The conception of volunteer management emerging from these eight films is more varied and more negative. As discussed above, in the more recent films Hollywood has at least “gotten the picture” that volunteer management is a nonprofit responsibility. However, four movies suggest that it is not a significant, much less professional, field: Two movies had no volunteer management (*Follow Me, Boys!, Mr. Mom*), and in two others it was a tangential activity (*Mister Scoutmaster, Clueless*). Two film depictions were disparaging: In *Troop Beverly Hills* the volunteer manager (Velda Plenor/Betty Thomas) was determined to undermine the volunteer, and in *Scrooged* the volunteer manager (Claire Phillips/Karen Allen) was under-prepared and overwhelmed in the position. Two depictions were decidedly more positive: The psychiatrist-volunteer manager in *Slender Thread* offered some training to volunteers, although his tense decision to let the volunteer continue on the suicide hotline call gives pause. The two volunteer managers in *Please Give* had the duty to manage volunteers and recruit based on the defined needs of the organization; they interviewed prospective volunteers and did not hesitate to reject them if they were a bad fit for the organization’s culture or job expectations. Undercutting this depiction of volunteer management, though, was their distracting chirpiness that seemed out of sync with their clients’ circumstances. In sum, despite the opportunity for planning, ingenuity, initiative, and autonomy that the field of volunteer administration seems to afford (Connors 2012; Seel 2010), these movies do not expose or invite viewers to a challenging, fulfilling profession.

Nonprofit organizations need these positions filled with qualified, motivated people. If this review of eight movies is any guide, nonprofit officials and their counterparts in nonprofit management education cannot rely on pop culture or media to provide much of an impetus toward stimulating and producing a cohort of future volunteer managers to meet this demand. Accordingly, practitioners and educators in the field need to consider creating themselves more positive

images of this profession not only for the general public but also for nonprofit students and staff, who may be no less misinformed or sidetracked by unflattering media depictions. We cannot match Hollywood's efforts, of course, but new affordable technologies such as digital cameras and film editing software, and even smart phones, have brought some level of film-making capability within unprecedented reach. The resulting images can be used productively in the classroom for instruction, in nonprofit organizations for recruitment and training, and in the community to raise awareness. For example, educators at a University of North Carolina campus have launched a Building a Better Wilmington Campaign (2014) to promote, house, and showcase student-made films on giving, volunteering, and involvement in the community – some of the films have been selected for screening at film festivals, greatly extending their audience and appeal (<http://uncw.edu/bbwc/>).

As would be expected in this first qualitative and exploratory research on volunteers and volunteer management in the movies, future studies are appropriate to overcome present limitations and chart new lines of inquiry concerning popular media conceptions of nonprofit organizations and themes:

- Depictions of volunteerism and volunteer management in non-US movies.
- Depictions of volunteerism and its management in television. Several long-running American television series took place in nonprofit hospitals (*Scrubs*, *Grey's Anatomy*, *House*, and *St. Elsewhere*), and volunteers appeared in many episodes. Episodes of other popular television shows, such as *Friends*, *Seinfeld*, and *Raymond*, saw the central characters experiment with volunteering.
- Development of a pedagogic literature for use in teaching about nonprofit volunteering and volunteer management.

Finally, examination of nonprofit screen depictions should not be confined to volunteers and volunteer managers. Such research should extend not only to other important roles in nonprofit organizations, such as front-line supervisors, fundraisers, and board members, but also to the organizations themselves. How are nonprofits depicted? Are they shown as positive institutions striving to make a difference in society or as less attractive entities? Answering these questions can help nonprofit leaders and managers understand how the public is likely to perceive them and, hopefully, how they can develop strategies to build greater citizen interest and support.

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Notes

¹ Accessed May 29, 2014, at <http://www.volunteerlogue.com/resources/volunteer-movies.html>.

² We did not identify any movies with volunteer managers who had no volunteers to oversee.

³ Since this genre comprises a very large corpus, it would have distorted efforts at generalizations and can and should be considered as a subject of inquiry in its own right. Examples of movies in this genre with political campaign volunteers include *The Candidate* (released in 1972), *The Distinguished Gentleman* (released in 1992), *Primary Colors* (released in 1998) and *Milk* (released in 2008).

⁴ By necessity, the methodology of our study is qualitative. Traditional search techniques and reference sources proved not helpful. Most of the standard print reference guides did not have a subject heading for “volunteers” or “volunteering,” including the American Film Institute’s catalogs of US-made films, *International Index to Film Periodicals* and *Magill’s Cinema Annual*. Similarly, *VideoHound* did not have such a category, although it had a subject heading for “Kindness to Strangers.” However, that listing did not include any movies about volunteering that met our criteria. The *Video Source Book* had a category in its subject index for “Voluntary Services,” but the films were all documentaries (1992, 4039). Although the *Encyclopedia of Film Themes, Settings and Series* did not include a category for volunteers, it had one for “Boy Scouts,” which encompassed girl scouts and other similar groups (Armstrong and Armstrong 2001, 34). This entry yielded several movies for our review. Similarly, searches of online reference sources such as IMDb and TCM.com were largely unproductive, mostly resulting in movies about military themes, volunteers for military service, military units with “volunteers” in their name, and so on. Similarly, the category “Tutors and Tutoring” was not helpful.

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“We’re a Culture, Not a Costume:” Ethical Analysis Of A College Student-Led Organization’s Anti-Racism Campaign

Nathaniel Simmons

Racism in the United States is a public health and mental health illness. It is a mental disease because it is delusional. That is, it is a false belief, born of morbidity, refractory to change when contrary evidence is presented concerning the innate inferiority of any person with dark skin color. Thus everyone in this country is inculcated with a barrage of sanctions which permit and encourage any white to have attitudes and behavior indicative of superiority over any black. Since everyone is involved in this delusion, then by definition it is a public health problem.

—Chester Pierce, 1970.





In 1972, Levy claims, based on his research of polarized racial attitudes, “The prognosis for race relations in the nation [of the United States] is not hopeful” (233). He states that “on attitudes toward race relations, important subgroups in the country are poles apart” (1972, 234). Today, racial tensions still exist. In fact, race and racial issues have received a plethora of attention from communication scholars and other disciplines such as political science and sociology (Orbe 2011; Price 2010; Cheng 2008; Nakayama and Krizek 1995; Taylor 2011; Olson 2008; King and Smith 2008). Much has changed since 1972, or has it?

Orbe (2011) argues, “In the United States, race is a hot-button issue that gains immediate news attention” (214). This attention becomes even more immediate since we now live in a world dominated by the Internet and social networking sites. Such sites offer the potential to connect with a wider audience in an instant. In our age of globalization, we cannot help but be exposed to messages online from various parts of the world. Little did a university student organization know at the time that their anti-racism campaign would reach the eyes (and ears) of countless individuals and organizations throughout the globe.

Campaign Overview

Students Teaching Against Racism in Society’s (STARS) “We’re a culture, not a costume” campaign was funded by the Dean of Students Office at Ohio University. With only ten members, the group created a poster campaign which lasted from October 21st, 2011, to October 31st, 2011. Posters were distributed throughout the dorms and within the university student center on Ohio University’s main campus in Athens (Rivas 2011). Primarily, this campaign’s dissemination occurred online, as the campaign, which began with Sarah Williams’, the president of STARS, personal tumblr account, went viral on tumblr and Facebook pages across the United States (Rivas 2011; Balandis 2011). Williams, a senior at OU majoring in political science, and Taylor See, a junior retail-merchandising and fashion product-development major, co-designed the campaign

(Andrews 2011). The campaign was created to combat racism. The campaign utilized photographs of individuals from various cultures, racial backgrounds, and ethnic identities holding up pictures of individuals “dressed like their culture” for Halloween. The posters read “We’re a culture, not a costume. This is not who I am and this is NOT okay.”

Rationale

This is a particularly interesting campaign for inquiry for at least five reasons. First, the context of the campaign provides multiple levels of inquiry. Ohio University has been ranked as the top party school in the nation which hosts a major block party for Halloween each year (Krier 2011). Due to the popularity of Halloween within Athens, Ohio, the campaign has a potentially large audience which will disseminate the information as visitors return home.

Secondly, race and culture seem to be inherently intertwined in the campaign. In fact, STARS exists to teach society against racism. The extent to which this was accomplished via their Halloween campaign is unknown. Implications from this analysis may assist individual organizations, universities, businesses, and health organizations in the construction of cultural and racial based campaigns consider the ethical implications of their rhetorical choices.

Third, the reduction and elimination of health disparities has “become a priority of the National Institutes of Health and the Department of Health and Human Services” within the United States (Cain and Kington 2003, 191). Additionally, ways in which stigma and discrimination affect one’s health status, physical and mental, is a subject deemed worthy of study by many scholars (Sohn and Harada 2009; Brondolo et al. 2009; Wheeler, Brooks, and Brown 2011). Examining STARS’ campaign will contribute to scholarship and practical underpinnings for groups and organizations that wish to engage in difficult conversations and dialogues about race as well as increase our understanding of ways to minimize health disorders which emerge as a result of “othering.” Intercultural and health communication scholars must weigh the ethical considerations of such campaigns, as they affect one’s sense of self, treatment of others, and health status.

Fourth, the rhetorical choices made by those in charge of STARS’ campaign (i.e. posting it on a social media site) exposed it to a diverse audience, which exposed individuals to viewpoints that may naturally conflict with their own. America is said to be “fragmenting” (Fischer and Mattson 2009), where similar individuals break off with each other. The online world makes fragmenting an easier reality and process. The viral nature of STARS’ campaign both online and offline exposed its message to various fragments of society. Whereas exposure to multiple perspectives has the possibility of increasing diversity, lack of exposure to various perspectives can have the opposite affect: limited worldviews (McPherson, Smith-Lovin, and Cook 2001; Ibarra 1992). Scholars argue that views become more extreme as groups discuss them (Burnstein and Vinokur 1977; Vinokur and Burnstein 1978; Sia, Tan, and Wei 2002). Therefore, utilizing social media sites to “share” the campaign has ethical implications worthy of study.

Fifth, STARS hopes to expand their campaign in October 2012 with additional posters (Andrews 2011). With as much national and international attention that the ten members of STARS received in 2011, it is likely this attention will exceed that year’s expectations. The world will be

watching what STARS does. Therefore, it is vital to conduct an ethical analysis in order to share results and insights with STARS in order to help them better equip and prepare their campaign.

Research Questions

Although this campaign does not directly focus upon minimizing health concerns specifically, mental health implications in particular run rampant throughout it. For example, Wheeler, Brooks, and Brown (2011) claim that discrimination affects mental health and increases health disparities. Therefore, in order to provide a better understanding of the ethical implications contained within STARS' campaign, this analysis seeks to address the following research questions:

RQ1: What ethical dilemmas emerge via STARS' campaign?

RQ2: What values are implicitly and explicitly constructed within STARS' campaign?

RQ3: How might the values and ethical dilemmas embedded within STARS' campaign influence health outcomes?

Methods

Materials and information for analysis were collected via STARS' official website and Google key word searches such as "STARS Ohio University" and "Ohio Halloween campaign." Google searches revealed an array of press coverage, both national and international. Additionally, popular press sources' interviews with campaign developers were discovered, rendering insight into the funding, design, as well as how the campaign was conducted. For example, *The Root* published on their website an interview with Sarah Williams, the president of STARS, and the posters' designer, Taylor See (Andrews 2011). Articles, as well as response comments, were reviewed in order to provide insight into how individuals outside of Athens, Ohio, responded to the campaign.

Analysis

I conducted an ethical analysis of all data collected. First, it is vital that the explicit and implicit problems STARS attempts to solve are clearly defined.

Problem Definition

STARS exists due to the very problem they define, racism. In fact, "STARS exists because racism is only playing dead. It manifests itself not in slurs and exclusion but in stupid jokes and really inaccurate costumes. As a minority, you're a character, not a person. People dress up as you on Halloween. On TV, you're the token black guy, easily replaced by some other black guy after one season." (Bui 2011). The problem of racism within society led to the construction of STARS.

STARS began as a college course in 1988 and has grown to be a national award-winning organization. STARS’ mission is to “facilitate discussion about diversity and all isms (sexism, classism, heterosexism, ethnocentrism, etc.) with an emphasis on racial issues” (STARS 2013). As STARS seeks to raise awareness of social justice issues and promote racial harmony, STARS is guided by the “Each One, Teach One” principle as they attempt to “create a safe, non-threatening environment to allow participants to feel comfortable to express their feelings” (STARS 2013).

Within this particular campaign STARS explains the problem via interviews with the press. The locus of the problem of racism is rooted within culture but manifested within individual behavior. Specifically, STARS claims Halloween costume choices marginalize minority populations. This campaign explicitly values equality and personal responsibility. By depicting individuals as violating a cultural more, STARS is asking students to reconsider their costume choices and to take personal responsibility for their actions.

Implicitly, this campaign embeds values such as social recognition, self-actualization, and power. By depicting the “offender” as a Caucasian the campaign is revealing white privilege and the hold, or power, it has on society members as it marginalizes minority groups. The minorities within STARS’ campaign are attempting to combat white privilege by awakening Caucasians to their costume choices. This campaign is also calling for social recognition of the “atrocities” conducted against minorities during Halloween. STARS is asking us to recognize as a community and society that by dressing as a culture we are not a part of is improper and racist. They are claiming such costumes “cheapen” the cultural experience for the members of the depicted culture.

At the same time, STARS is calling for healing via self-actualization. Once society has recognized the grievances white privilege and the larger hegemonic structures are impeding on minority populations within the United States, particularly by mocking them on Halloween, members of minority populations will be able to gain a sense of self-actualization for the wounds they have (Smith 2005). This self-actualization is a likely step the given members of violated minority populations need in order to cope and heal from the collateral white privilege damage they have received by enduring the larger community’s values and actions throughout the years. The targeted population may also reach self-actualization once they overcome racism. Since STARS defines racism as a problem, it is identified implicitly as being a factor one must overcome before they may attain self-actualization.

Justifications

STARS designed the campaign to help OU students reconsider the political correctness of their Halloween costume choices as well as generate discussion regarding racism in society. Sunstein (2002) tells us, “It is a simple social fact that sometimes people enter discussions with one view and leave with another” (175). After snapping a photograph of someone in black face in 2010 at a Halloween party, Williams decided to take action and find a way to allow people to enter such a discussion (Rivas 2011, October 25). Williams claimed that the photograph and perceived racism not only angered her but was “unacceptable” (Rivas 2011).

Williams justified her anger by explaining historical influences. She said, “There is a historical context to this, a history of white people painting their faces black and imitating black people in a degrading way. The majority culture doesn’t understand that...but look at the history and see how it affects people” (Andrews 2011). At a Halloween celebration in Athens in 2010 white students hosted a “black party.” See claimed, “Attendees painted their skin brown, showed up in ‘grills’ and ‘urban clothing.’ They served chicken and watermelon” (Ibid.). This event in particular urged STARS to respond. They “thought a poster campaign would be an inexpensive way to spread the word” (Ibid.). Williams claims portraying “the negative aspect of the culture or the race” reinforces negative stereotypes (Ibid.). Williams said, “Everyone wants to be ‘a thug’ or ‘a criminal,’ but nobody wants to be Thurgood Marshall, W.E.B. Du Bois or Barack Obama” (Ibid.).

Williams, the student leader of STARS, said, “During Halloween, we see offensive costumes. We don’t like it, we don’t appreciate it. We wanted to do a campaign about it saying, ‘Hey, think about this. It’s offensive’” (Grinberg 2011). Williams believes the “best way to get rid of stereotypes and racism is to have a discussion and raise awareness” (Ibid.). STARS’ campaign efforts not only sought to do just that but justified their actions by doing so.

Due to STARS’ beliefs that racism is a threat to society, the students viewed their actions as “doing good” or beneficence. By starting and facilitating conversations about racism and white privilege, they were acting on their values as they justified their popular course of action. Although well-intended, “it may be difficult to determine what is actually in the client’s or intended audience’s best interest” (Guttman 2000, 43). Therefore, how will STARS know if they truly have “the right to impose or to use persuasive strategies to accomplish the goal of doing good” (Ibid.)? Guttman (2000) tells us that one must carefully weigh the potential harm and risks “against possible benefits to be gained from the intervention” (43).

See created the campaign’s banner and slogan in one night (Andrews 2011). STARS assumed they knew what was best for the Ohio University public. Did they stop to consider the contextual significance of Halloween to Athens, Ohio? In such an economically depressed region, what would happen to local businesses if Halloween celebrations moved elsewhere?

Secondly, STARS’ campaign infringes on an individual’s “right” to autonomy. Asking Ohio University students, and then the larger world via social media sites, to reconsider and not wear specific costumes infringes upon the power of an individual’s decision making processes. By telling someone how to act or what to wear, STARS strips the OU student body of their individual choice.

Third, STARS is enacting what they believe is their personal responsibility for the larger society. The campaign’s actions reveal a deeply-seated moral obligation towards the community of Athens. STARS’ actions reveal what Guttman (2000) calls a “moral duty to protect others” (54). STARS’ actions also bring about the idea of “fairness.” STARS attempts to combat racism in society due to potential “risks that may result in injuries from which others may have to pay in money, time, or effort” (Ibid. 55). By urging students and members of the community to consider their costume choices for the Halloween festivities in Athens, Ohio, STARS is attempting to

call into question costume choice actions which may protect minority racial groups and ethnicities from racism and insensitive portrayals of their various cultural identities.

Next, by posting the campaign posters on tumblr, revealed Williams’ justification for attempting to have the most utility, effectiveness, and maximum good. Guttman (2000) tells us that “society has limited resources, and these should be used to maximize their effectiveness” (57). By utilizing a social media site to share her group’s campaign, Williams, intended or not, maintained a low cost campaign which disseminated the information beyond the boundaries of Athens, Ohio. This strategy proved useful as the message claimed national and international interest, thus increasing the campaign’s audience. At the same time, the targeted audience being Ohio University, it is important to consider that the targeted message for Ohio University may not have been received as well by those outside of the targeted community.

Justice and fairness is dominant throughout STARS’ discourse as it attempts to lessen structural inequalities between members of the minority and majority groups. Evoking those who originally planned to put on an “offensive” costume to consider a costume change prompts the idea of being socially just in one’s Halloween celebration decisions. This sense of justice imposes an ethical obligation onto people who celebrate Halloween. Although the desire was to increase conversation and dialogue, STARS, in a sense, is telling its audience what is “just” or “fair,” thus further lessening the autonomy of the individual. At the same time, STARS’ initiatives are justified by the aim to improve the greater “public good.” Such actions are seen to “benefit the public or the community as a whole” (Guttman 2000, 61). Although individuals may “suffer” by giving up their “preferred” costume, the campaign awakens Ohio University students and others as to the hold that stigma, discrimination, and prejudice have on society. These act as “control measures” which will lessen discrimination and enrich the society as a whole (Ibid.), thus serving the greater “public good.”

Via self-actualization, STARS calls for the enhancement of society potential. A world without discrimination, prejudice, and stereotypes, or defamation of one’s culture, sounds like a nice place. However, are STARS’ values and morals the true standards that society wants and/or needs? On the other hand, STARS is combating racism because it limits one’s ability to become self-actualized. These justifications are both explicit and implicit throughout STARS poster campaign. Such justifications are the ways in which values held by the ten STARS members manifested throughout their “We’re a culture, not a costume” campaign. The action to tell people what is not appropriate does not leave individuals with a sense of what is appropriate.

Solution

The solution is defined by not wearing potentially racist or stereotypical costumes. The locus of the solution lies within the individual, thus highlighting personal responsibility. The implicit solution is that individuals from a differing culture have no right to dress and act as another cultural artifact or icon in which they have no group membership. This reveals values that one cannot understand another culture unless they are a part of it. The fact that all those portraying “politically incorrect costumes” were characterized as Caucasians reveals a “jab” against the dominant group. In fact, an evaluator of the campaign online with the user name “snookifan” picked up on this implicit conclusion and reacted by saying “OK, I think we can all agree that the message is

good. But I can't help but see these posters and see another blatant message – EVERY WHITE PERSON IS RACIST” (Rivas 2011).

Strategies

On October 21st, 2011, senior Sarah Williams' post on her tumblr blog went viral (Balandis 2011). The STARS campaign entitled “We're a culture, not a costume” received instant, immediate attention. When Williams returned to her tumblr account hours after posting images from the campaign, she “received more than 8,000 views” and was “contacted by ABC News, CNN, The Huffington Post, FOX News and NBC” (Balandis 2011). The campaign even received international attention from Germany and Canada (Andrews 2011; Noik 2011). In fact, Canada's CBC news claimed STARS' campaign “started a firestorm of debate in Canada and abroad over whether wearing Arab, Spanish, and other ethnically inspired garb is proliferating stereotypes and feeding racism” (Habib 2011). In addition to sharing the campaign online, posters were distributed throughout the dorms and within the university student Baker center on Ohio University's main campus in Athens (Rivas 2011).

The locus of STARS' strategy focuses upon voluntary practices. Arguably, STARS is not calling for mandatory change of behavior but is rather using strong emotional appeals to encourage voluntary practices. STARS' intervention solutions aim to influence both Ohio University students and the broader world due to their placement on social media sites such as tumblr and Facebook. Targeting college students is associated with STARS' belief that such behavior should be changed amongst this population during this specific period of their life before they get older and move into other parts of the world post-graduation.

Strategies that were not chosen, but could have been, include a greater distribution presence on campus and across the community. In particular, posters could have been placed throughout Court Street, which is where Athens' Halloween festivities take place. As a popular hangout place, both before and after Halloween, students and community members would have seen the posters prior to Halloween. Lastly, STARS could have increased the duration of the campaign thereby expanding its exposure. Ten days prior to Halloween is too late for some, as many may have already purchased their costumes.

The main strategy implored throughout STARS' campaign was an attempt at persuasion and education. Guttman (2000) tells us that “the mere selection of certain facts and their presentational style encompasses persuasive elements” (82). Due to the sad expression within those photographed for the campaign, strong emotional appeals were utilized, as disapproval was shown both in text with statements such as “We're a culture, not a costume. This is not who I am and this is NOT okay” and in the looks of racial minorities holding the photograph of the Caucasian in costume.

In addition to persuasion, educational strategies are present by showing a photograph of the unacceptable behavior as well as stating, “This is not who I am and this is NOT okay.” Making the negative behavior explicit teaches the audience that such behavior is unacceptable. At the same time, raising such appeals restricts the individual's autonomy to determine what is right and

wrong. By doing so, are not the chains of free thought shackled onto the intended and unintended audience of STARS’ campaign?

Role of Personal Responsibility

This campaign encouraged Ohio University students to “think” about their costume choices. This places the role of responsibility onto the individual. STARS places the responsibility on the individual to combat their own racism and discriminatory efforts by not wearing a racist costume. This highlights instrumental values such as responsibility and self-control. By being responsible, or considerate, the individual must also exhibit self-control when selecting a costume for Halloween.

STARS’ campaign falls within what Guttman (2000) calls a deliberative model. The goal of such an intervention “is to get members of the target population to make what the interventionists consider responsible decisions” (117). The belief is that such intervention will lead to better, healthier behaviors. Responsibility within such a framework is high in goal and strategy (Ibid.). However, STARS’ campaign lacks by failing to supply strong case(s) for moral reasoning to the targeted population. For example, besides being told that culture does not equate with suitable Halloween costume choice, the targeted population does not specifically know why, and is left to consider why on their own. The campaign also fails to reveal “why responsibility is so important and what it consists of” (Guttman 2000, 118).

Type/Role of Community Involvement

Ohio University (OU), located in Athens, Ohio and home of STARS, has been deemed the number one party school in the nation by the Princeton Review (Krier 2011). This reputation and the proximity of bars to OU’s campus has made Halloween festivities in Athens, Ohio, one big block party (“Get your spook on,” 2011), attributing to the contextual significance of STARS’ campaign. However, this party town almost never heard STARS’ message. When STARS learned that they would not receive funding for poster printing fees, Williams, the president of STARS, asked the university’s dean for help. Taylor See, designer of the posters, said, “He saved us by agreeing to print 600 copies. This campaign almost never happened, and the fact that it did was a miracle” (Andrews 2011).

This campaign best fits into what Guttman (2000) calls a mobilization model. Although this is not an accurate portrayal of STARS’ initiatives, since the poster campaign does not call for members explicitly to work as partners. However, this could be an implicit assumption that once an individual is aware of racism they will work to combat it within the larger community in which they live. However, STARS, as an interventionist, is acting to facilitate discussions about racism and discrimination.

Communities outside of OU are not involved within the campaign, and there is no appeal to “tell a friend” or to have outside pressure ask you to conform to a certain mold. Similarly, there is no clear strategy in terms of how to be involved within the community unless STARS is hoping for involvement within the larger Halloween community to be made less racist. However, it is not clear in their message to what degree they desire community involvement.

Materials & Messages

The campaign included five photographs of racially/ethnically-diverse individuals holding up images of people in Halloween costumes they deemed inappropriate and racist. The images included: an Arab male student holding a photo of a Caucasian male wearing traditional clothing with bombs strapped to his chest; an Asian female student holding the image of someone wearing a geisha costume; a Latino male student holding an image of a guy in a poncho and sombrero riding a donkey, a Black female student holding an image of a white student in “blackface” paint, and an American Indian male student holding an image of a couple dressed in the modern day Halloween conception of American Indian attire (See Appendix A). Each poster had the statement “We’re a culture, not a costume” bannered across the top. The statement “This is not who I am and this is not okay” is written prominently next to each student. Williams claimed the intent of the campaign was to educate and create dialogue regarding racism (Balandis 2011).

Ethical issues that emerge as a result of message choices involve the rhetorical choices of selecting and privileging specific racial groups and ethnicities over others. For example, Caucasians are not presented as being offended by any Halloween costume within this campaign. In fact, the only point in which Caucasians are visible within this campaign is when they are in the offending role. This leaves us to wonder what racial and minority issues and background are being privileged and what this means in terms of further marginalizing those who are not visible within the campaign. Due to its popularity and viral response, the STARS campaign reached a wider than intended audience. What are the ramifications of this campaign for those cast within the offending role? Images did not have offenders’ faces blocked out, thus leaving them as recognizable to family, friends, and coworkers who might know the individuals characterized as racist. Implications for their social and work relationships exist as supervisors and colleagues may come across the campaign and then perceive them to be racist.

Outcomes and Evaluation

Williams claimed the feedback for the campaign was 80-20; 80 percent was deemed positive and 20 percent negative (Andrews 2011). Positive feedback included support for the campaign and further activism efforts. Williams described the further activism efforts by saying, “We’ve gotten tons of responses about founding satellite STARS groups at different middle schools, high schools and colleges around the country” (Ibid.). Williams said the negative 20 percent of feedback could be broken down further. Ten percent may be defined as, “Hey, what about this costume that’s racist, and what about that? Isn’t that offensive, too?” (Ibid.). Williams responded by saying, “Those are legitimate questions, and we appreciate it. There are tons of offensive Halloween costumes. But we have less than 10 members and less than \$50 in our organization’s account. But they have a valid point” (Ibid.). Williams claimed the last 10 percent was “really negative and rooted in ignorance and white privilege. Those we just delete” (Ibid.).

Williams discredited this feedback and rationalized her feelings by saying, “There’s no way a crazy email can hurt my feelings when CNN is calling. I personally think it’s hilarious that people are that angry at some college kids” (Ibid.). Although 80 percent of the feedback Williams observed may have been positive in her eyes, no criteria of such evaluation is shared or displayed.

Her interviews may have caused multiple unintended effects for the campaign. For example, Williams saying that she finds it humorous people are upset by STARS’ campaign may be interpreted as a challenge to those upset or offended by the campaign. Consequently, online forums resulted as gathering places to discuss the campaign and express one’s thoughts and reactions to STARS’ posters, which pose a space to evaluate the reaction to the campaign as well as its outcomes and effectiveness.

STARS’ campaign received positive feedback from the administrator who funded the campaign. OU’s dean of students Ryan Lombardi said, “I think it’s a clean way of raising awareness of how the costumes you choose might be offensive. In many cases, students aren’t doing it maliciously, but they might not realize the consequences of their actions on others” (Grinberg 2011). Similarly, a senior at OU stated, “A lot of people don’t realize that dressing up as another culture is racist” (Balandis 2011). Online the images are “raising debate over whether it’s ever OK for people to paint their faces black, impersonate a racial stereotype for fun, and where to draw the line” (Grinberg 2011).

STARS hopes to expand their campaign in the future (See Appendix A) with additional posters (Andrews 2011). Williams said, “At the end of the day, I hope the campaign will transcend to be more than just an idea discussed in the context of Halloween, because racism – especially in its subtle forms, like this one – is a problem that we minorities face every day. Hopefully people have learned something from this. Or at the very least have taken the time to stop and think” (Ibid.).

The locus of outcomes for this campaign is likely to impact both minority and majority groups. Minority groups may receive less stigma, ridicule, and discrimination if individuals stop “parading” around as a cultural joke of a marginalized group. Majority groups may feel responsible and even be blamed as the perpetrator of these racist actions. This may lead to a loss of self-esteem, or prejudice against one’s own position within the society which may limit the majority group from using their position of power for the greater good. On the other hand, this campaign may inspire the majority group to use their position of power to give voice to the voiceless and to combat institutionalized racism, thus improving the quality of health for racial and ethnic minorities.

Ethical Dilemmas

The comment section on William’s tumblr post was disabled “due to inappropriate and hateful comments from some visitors” (Cozier 2011). STARS wanted to create dialogue regarding racism and Halloween costume choices but shut down a forum that had potential to allow such conversation to occur. This then led the campaign to be one that read “Yes, we see the message, but what do we do?”

Personal responsibility leads us to the question of: “To what extent is the interventionist obliged to promote certain values and moral frameworks or to actively try to dissuade members of the intervention population from decisions the interventionist believes are irresponsible or immoral” (Guttman 2000, 122)? This raises an important consideration of how this student organization believes they have the right and obligations to tell their peers their costumes are offensive. The campaign tells us what costumes are not allowed, such as going in blackface or dressing as a gei-

sha, but it does not tell us what costumes are appropriate. This leaves the audience with a sense of guilt for potentially wearing or planning to wear the advertised costume but provides no sense of relief or action step of what to wear or how to be personally responsible.

Another concern this raises is “To what extent is the individual responsible for ill-health consequences that result from their own lifestyle-related behaviors” (Ibid., 133)? Is it really the obligation of people who celebrate Halloween to consider how their costume may be potentially offensive? This not only puts a lot of pressure on individuals who enjoy celebrating Halloween, but it might also take away a space in which it is “OK” to make a farce of differences. Does exposing or “poking fun” at differences help society evolve as we work toward a more equitable society? If such a space does not exist to express racial tensions in a “humorous” way, what are the implications? Will we have an increase in racial tensions and hate crimes due to a lack of space in which one is able to let down the “PC” sensitive attitude?

In terms of community involvement, STARS is assuming that “the community needs to solve its own problems using its own resources” (Guttman 2000, 163). This is problematic in the sense of how people should alter their behaviors without the necessary behaviors. Since only a handful of costumes are shown within their campaign, how do participants know which costumes will be acceptable versus racist? This campaign highlights that some cultures may be offended by one’s Halloween costume choices but does not educate the public as to reasons why such a costume may be offensive or how to go about selecting a costume that is “safe” to wear. Due to the duration of the campaign, it is possible many individuals within the community of Athens had already pre-selected or ordered their costume and thus were left with the decision to “wear the potentially racist costume” or “not celebrate Halloween at all.” Due to limited resources it is likely many members of the community were unable to alter their costume choices.

A dominant ethical dilemma contained with the STARS 2011 Halloween campaign is that of the use of persuasion. This is accomplished through emotional appeals such as shame or guilt. The “sad expressions” and lack of eye contact communicate a sense of loss. By using guilt as an emotional appeal it motivates the targeted audience to take corrective action steps to reduce feelings of guilt (Kugler and Jones 1992). Lindsey (2005) found that guilt is most effective if the target audience has interpersonal relationships with someone the campaign targets. In STARS’ case, this would likely result in having a friend or family member from a different racial or ethnic background. Guttman (2000) tells us, “The use of persuasive appeals also raises concerns regarding the extent to which such appeals distort or manipulate information” (176). Is wearing a “traditional” Native American costume for Halloween truly offensive to American Indians? This campaign is making the blanket statement that it is offensive to all racial and ethnic minorities. However, that is not necessarily the case.

STARS’ campaign raises a coercion dilemma. To what extent do campaign efforts have a right to tell people what to wear and not to wear, as well as how to celebrate a well-known holiday? Stressing the morality of costume choices infringes upon an individual’s free choice—a prominent value in western societies such as the United States (Guttman 2000).

STARS’ campaign also has what Guttman (2000) terms an implicit labeling dilemma. Since the campaign is attempting to educate its audience about racist costumes, are they then not labeling

individuals who have worn or plan to wear the “bad costume choices” as racists? This dilemma is likely to affect ways in which the message is received and heard. Additionally, the placement of Caucasians as the offender also labels Caucasians as racist in an inadvertent manner and may contain health implications.

A depriving dilemma is also notable within STARS’ campaign. The campaign is calling for certain costumes to not be worn, which then “deprives” individuals of their freedom of expression and “right” to an event or action they may find pleasurable. If individuals are not allowed to wear their costume of choice, what negative implications might such a deprivation cause? Will this affect the mental health of individuals who are unable to participate in Halloween in their prized way?

Implications & Future Directions

STARS’ “We’re a costume, not a culture” campaign has tremendous implications for health communication scholars. By minimizing the effects of stigma, prejudice, discrimination, and racism, health statuses of minority populations are likely to improve. Racial and ethnic discrimination has shown to be associated with lower physical health levels (Sohn and Harada 2008), risking children’s emotional well-being (Masko 2005; O’Brien Caughy, O’Campo, and Muntaner 2004), negatively impacting mental health, resting blood pressure levels, and cardiovascular reactivity to stressors (Brondolo et al. 2009). Scholars are attempting to alleviate health disparities for minority groups across the globe. For example, Priest, Paradies, Stewart, and Luke (2011) call for addressing racism as a vital health implication for teen Aboriginals in urban areas of Australia. Additionally, racism and discrimination have been shown to have a significant association with poor mental health amongst indigenous populations (Paradies and Cunningham 2012).

Further unintended effects of this campaign must be explored. Similar campaigns may potentially address racism at local, national, and international levels. By targeting a more specific audience, with enhanced input from health campaign and intercultural communication scholars, STARS’ campaign has tremendous implications for combating racism and stimulating conversations on what issues may be culturally insensitive and discriminatory and thus harmful to minority populations’ physical and mental health status.

Since the reduction and elimination of health disparities has “become a priority of the National Institutes of Health and the Department of Health and Human Services” (Cain and Kington 2003, 191) within the United States, conducting further research and campaigns is vital to lessening racism and thus lowering the health disparities caused by racism. Future directions include conducting a longitudinal study and comparing how ethical dilemmas emerge as STARS’ campaign evolves throughout the years. Further, campaigns, such as STARS’, should be examined as means to heal historical trauma caused by sustained discrimination, racism, and oppression on minority groups. National and international campaigns to combat racism and discrimination should be conducted in order to combat globally perpetuated racism that results from and is transplanted via globalization. Such efforts will not only likely lessen health inequalities but will promote a more global harmonious spirit.

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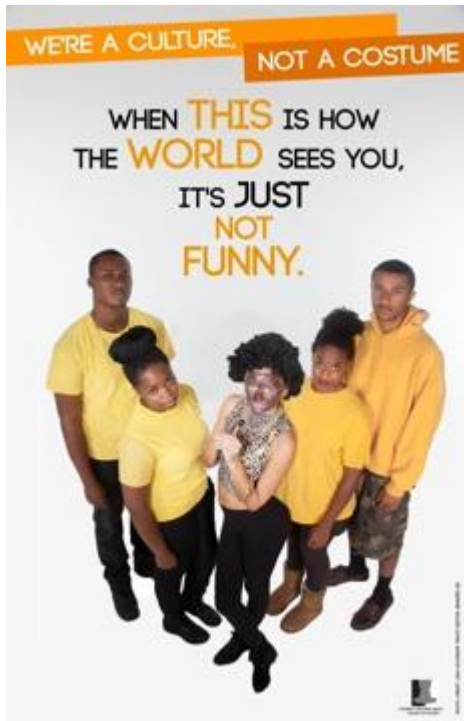
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Appendix A

2012 Campaign



2013 Campaign



Appendix B



Nathaniel Simmons, Ph.D., is an assistant professor at La Salle University within the Department of Communication. He recently graduated from School of Communication Studies, Scripps College of Communication, Ohio University. As part of his research interests, he examines ways in which individuals who hold a local or national “celebrity” status negotiate public-private tensions. Additionally, in his research Nathaniel investigates ways in which cultural identities influence intercultural communication pedagogy.

Winning the Argument and Moving the Fight: The Legacy of a Grassroots Humanitarian

Mary Coleman

When Isaiah Madison returned to Mississippi in 1970 he observed the pernicious impact and politics of Jim Crow on secondary and higher education—the perceived decline in the quality of public elementary and secondary schools, the growth of private largely all-white secondary schools, differently funded and well-resourced historically white universities and under resourced historically black colleges. He vowed then and there to help challenge Mississippi’s system of segregated public post-secondary education. In 1972, three years before *Ayers* was filed, thirty-four percent of all black students in higher education were enrolled in historically black colleges and universities (HBCUs); today that percentage is eighteen. In 2001, the negotiated settlement awarded HBCUs 503 million dollars over a seventeen-year period. As we approach the end of another legal era of *de jure* segregation, racial vestiges linger in higher education. What did Isaiah Madison, the band of lawyers after him, the United States Supreme Court, the District Court and Circuit Court of Appeals, the Justice Department and citizen petitioners accomplish in the 27-year campaign?

Plaintiffs’ lawyers alleged discrimination in the State’s admissions policies, the colleges’ racial composition, the quality and diversity of faculty and their salaries, differential programs, program duplication and differential funding. The plaintiffs’ fight and their citizen petitions were conceived in righteous discontent over the status (disparities) of HBCUs. A small band of African American and Jewish lawyers who understood the promise of equal protection—the capaciousness of the 14th amendment and Title VI, and the example of the NAACP lawyers in the long fight that culminated in 1954 in *Brown v. the Board of Education of Topeka, Kansas*¹—forged a legal battle against those who had fought to maintain legal racism and its vestiges.

Who was the proper party to the suit? Were the students attending historically black colleges or the institutions the injured parties? Was there a judicial remedy sufficient enough to advance or deter the claims of petitioners? Was this a political question better suited for the Mississippi legislature than the courts? I advance two related arguments in this essay. First, I argue that the litigation struggle was necessary to push the State into a more virtuous than vicious political negotiation. The second and related view is that the 1992 United States Supreme Court decision in

Fordice did not provide an adequate legal remedy for erasing the vestiges of legal racism, but the decision was a necessary political predicate to nudge the State of Mississippi toward wholesale removal of those vestiges—it was a necessary but insufficient answer to Madison’s arguments. I suggest lessons learned and trade-offs from that case/negotiation, describing the tradeoffs as part of the political vestiges of legal racism in black public higher education and its intersection with one critical juncture in the future of tuition-dependent colleges and universities in the United States.

The following crucial questions inform my assessment. Would the Justice Department lawyers and the plaintiffs’ lawyers connect at the point of their shared strength? Would all the plaintiffs count evenly? Would the timing of the settlement benefit the plaintiffs and/or the State? Could plaintiffs’ lawyers hold together for the length of the case and move each piece of the case forward in a winning strategy. Who were their opponents and what was their strategy? With these questions in mind, I offer an analysis of how the campaign—political/legal arguments and political/legal remedies to remove the vestiges of *de jure* segregation in higher education—unfolded in Mississippi, with special emphasis on the initiating lawyer in *Ayers v. Waller* and *Fordice*, Isaiah Madison.² Which legal claims were proffered, affirmed and contested during the protracted legal/political fight?

The Background Arguments

In this case, as in all others, there are foreground, background and backroom arguments and moves that influence political/ legal strategies and outcomes. Those foreground, background and backroom arguments are a mix of legal precedent, the case particulars, the players and their commitments to the political status-quo, to legal transformation, obeisance to law, citizen unrest and changing norms of citizenship and inclusiveness; and the resources and stamina of the advocates. Sixteen years before Isaiah Madison contemplated suing the State of Mississippi, the Supreme Court’s ruling in *Brown*³ and its precursors had established the background—that *separate but equal was unconstitutional* in public secondary education.⁴ Public secondary schools in Mississippi had begun to desegregate in earnest in June 1969. Also influencing the background were the experiences and aspirations of the legal advocates on both sides of the isle. As for Madison, as a child of and later a lawyer in the Deep South, he had to have known that for many decades the Supreme Court had mandated desegregation of secondary schools as a remedy for separate but unequal. It had to have occurred to him that the very institutions he sought to advance might well be considered a vestige of *de jure* segregation and, then, so might the white segregated public colleges and universities in Mississippi. Madison was intrepid: He wanted existing resources shared and new resources allocated sufficient enough to repair the vestiges of State coerced segregation. He wanted greater access to higher education opportunity available to more materially disadvantaged young people. He wanted to help secure HBCUs as higher education institutions of the highest quality. In the words of judicial scholar Stephen Halpern, the plaintiffs wanted remedies which “enabled HBCUs to do better and more what they have done well for so long.”⁵

At some point in political struggle, background and foreground merge into a new puzzle with known and less well known parts and players. Just how a court, any court, will use precedent to inform the current case, is not always predictable. As a tool of protest, litigation is fraught with

precedent, ambiguity of interpretation; it is protracted, expensive, and tedious. Legal /political tactics would matter as much as messaging. The vision Madison worked to realize had many parts—admissions criteria, funding formula, designations, etc., but he desired one outcome: greater access to high quality post-secondary institutions for the grandchildren of sharecroppers and the children of teachers and doctors, alike. In recognition of this cause, he led the petitioners for eight years of the 27 year-old litigation. The ubiquity of *de jure* segregation was unmistakable in Mississippi—even in 1975.⁶

As powerful players, civic leaders (some more virtuous than others) and the extractive Mississippi institutions they governed—The Board of Trustees of Higher Learning (of which African American university presidents were a part), the Mississippi Legislature, homegrown lawyers who represented the State and local judges on the District and Circuit Courts—were being called upon to remove surviving aspects of discrimination and unequal protection. Looming at the heart of the legal argument were the surviving aspects of segregation—the retention of all eight public colleges and universities in Mississippi, the effects of the 1981 mission designations, the singular and combined impact of a sole admission criterion—the ACT score—along with duplication of programs. Madison used the courts that had been the purview of these rulers and laws that had been designed to advantage their interests. In other words, he had to use the white man’s courts and the white man’s law and politically dispossessed people’s discontent to exact more equal possibilities. Madison and many others who believed in the virtue of historically black colleges and universities and in the talented tenth (and their kin) knew first-hand that most public historically black colleges and universities were unequal in resources and had been set up to be unequal. Like many lawyers before him, Madison believed that legal racism was wrong and its consequences deleterious to the life chances of generations of college-going students and to the very capacity of these institutions to deepen, expand and thrive. Madison believed in the efficacy of the equal protection clause to remedy the vestiges of *de jure* segregation as manifested in higher education politics and practice.

Politics and the Bar in Mississippi

Young black lawyers in Mississippi had few employment choices in the late 1960s and early 1970s. Once they passed the Bar examination, few among them had the familial resources to begin their own private practice and even fewer had the networks to build a client base capable of paying lawyers’ fees, except on contingency. Most lacked social networks and material resources because both political and social institutions had restrained their parents’ access to equal protection and equal economic and political opportunity.⁷ When blacks had legal claims they often found white lawyers to make their cases; many continued to reason that the courts and the law belonged to white men of privilege—the rule of law belonged to the rulers. In the Mississippi of Madison’s boyhood—the late 1940s and early 1950s—there were at least four black lawyers, Carsie Hall, R. Jess Brown, Jack Young, Sr. and Sidney Thorpe. Carsie served as legal counsel for the Mississippi NAACP as well as President of the Jackson Chapter. In the late 1960s there was one racially integrated law firm in Jackson, *Anderson, Banks, Nichols and Levant*. The Magnolia Bar Association formed in 1955 and by 1970 six blacks had graduated from the University of Mississippi School of Law.⁸ When Isaiah returned to Mississippi from law and graduate school, he found a dozen or more black and Jewish lawyers and activist citi-

zens, such as Jess Brown, Fred Banks, Marion Wright Edelman, Henry Kirksey, Frank Parker, and Fannie Lou Hamer, working with others to negate legal racism.

When Massachusetts native Robert Pressman, a co-counsel in *Ayers/Fordice*,⁹ joined the Civil Rights Division in 1965 on his first visit to Mississippi, he observed that “opportunities for blacks in Mississippi were not far removed from slavery.”¹⁰ About two decades later, he would join in the plaintiffs’ argument and fight to help remove the vestiges of legal racism in higher education. Carsie Hall, a lawyer in the arena fighting against legal racism in Mississippi two decades before Isaiah returned to Mississippi, reportedly told one of the freedom riders that “you had to be crazy to practice law in Mississippi, not asylum-crazy but crazy enough not to think about what could happen to you.”¹¹ While white violence and lawlessness were not as great in 1971 as they had been in 1951 and 1961, white judges hostile to black lawyers’ causes were not a rarity. Lawyers and judges’ predispositions aside, still, lurking in the shadows of *Ayers* was the perennial question on which many spent enormous energy: can separate be made equal in a society where separate as a matter of law meant racial subjugation.

Isaiah and Alvin Chambliss found employment at North Mississippi Rural Legal Services in 1972. From that base they mounted a campaign and conducted a political/legal movement to attack unequal post-secondary educational opportunity in Mississippi.¹² Cause lawyers such as Madison and Alvin Chambliss went knocking on prospective petitioners’ doors discussing plausible legal claims and outcomes. Young citizens who knew that they had been denied an equal opportunity to earn a college degree were both reluctant and willing petitioners. A few years had passed since the *summer of 1964* and the founding of the Mississippi Freedom Democratic Party and the Atlantic City challenge, but the thirst to gain full citizenship was stark. Throughout the late 1960s and early to mid-1970s, other cause lawyers in Mississippi, like Frank Parker and Fred Banks, were filing redistricting and public school desegregation claims.¹³ Citizens were petitioning to have the rule of law—open inclusive institutions—replace laws that favored extractive old-guard institutions. The Civil Rights and Voting Rights acts of 1964 and 1965 were churning throughout the nation. Robert Clark, the first black legislator since Reconstruction had been elected in Mississippi in 1967.¹⁴ After a decade of litigation over redistricting, by 1979, seventeen black legislators had been elected.¹⁵ Robert Clark would become chair of the powerful House Education Committee and befriend the old-guard House Speaker, C. Buddie Newman; in 1980, William Winter, a pro-education reform governor, would be elected. Finally, the *Clarion Ledger*, the state newspaper, followed and reported on legislative debates and education reform initiatives to cities and towns as well as rural outposts. New leadership, new relationships and new expectations for childhood literacy needed to envelope the state’s political consciousness. The convergence of black legislators, Robert Clark’s role on the education committee, Governor Winter’s advocacy and commitment, the media’s role and sentiments uncongenial to Mississippi’s standing as the worst in education and the prior decades of local protest/litigation all led to opportunities for substantive change. The 27 year-old battle from *Ayers* to *Fordice* was strenuous.

The Road from <i>Ayers</i> to <i>Fordice</i>: Beyond Race-Neutral Practices to Segregative Effects and Vestiges
January 28, 1975: Original Complaint Filed by Madison, McTeer, Chambliss and Walls
April 7, 1975: Plaintiffs File Amended Complaint
April 14, 1975: Justice Department Files Compliant in Intervention
September 18, 1975: Court Issues Procedural Order, Judge William Keady Identified the Class
May 30, 1979: Plaintiffs File Second Amended Complaint; 1982: Madison Files Preliminary Injunction; 1985 Appeals Court Rules on Junior College Complaint Filed by Madison, Leonard McClellan and Alvin Chambliss; Madison leaves North Mississippi Rural Legal Services
Case Lays Fallow until 1987; Chambliss Calls Robert Pressman
1987-2000: Pressman Works on ACT Challenge
Judge William Keady, a Johnson Appointee, Serves on District Court and U.S. Court of Appeals (1968 to 1982); Biggers Is Appointed by Reagan to the District Court in 1984; Plaintiffs Engage in Discovery and Preliminary Negotiations with Defendants
1987: Trial (lasts 10 weeks)
1988: Judge Biggers Issues Opinion and Dismisses the Case
Plaintiffs' Appeal to Fifth Circuit
1988: 2-1 Fifth Circuit Decision for Plaintiffs (en banc)
1989: State Moves for Hearing by Entire Fifth Circuit Panel
1990: Fifth Circuit Rules for Dismissal
1991: Plaintiffs Petition Supreme Court for a Writ of Certiorari (discretionary writ)
1992: Supreme Court Issues <i>Fordice</i> Standards, Remands to District Court; Armand Derfner Joins Chambliss and Pressman for the Plaintiffs; Armand Derfner Works on Funding Formula
1993: Depositions, Discovery
1994: Trial (lasts 12 weeks)
1995: Biggers Files an Opinion, Rules for Plaintiffs in part, Issues Partial Remedial Decree; North Mississippi Rural Legal Services Discontinues its Representation of Private Plaintiffs
1996: Plaintiffs Appeal to Fifth Circuit; Fifth Circuit Rules in part for Plaintiffs
1997: State Moves to Settle Dispute
1998: Biggers Designates Congressman Thompson as Lead Counsel and Thompson Names Isaac Byrd as Lead Counsel; State Names Reuben Anderson as Mediator
1999: Byrd Hires Four Experts to Build Empirical Case for Faculty Salary Compensation, Wealth-Based Programs in Law, Medicine, Engineering, International Relations, and Public Health, Including Capital Improvements, at the Three HBCUs.
1999: Informal Settlement Talks Begin; Formal Talks Begin
2001: Negotiated Settlement Achieved Recommended 503 Million, Which Included Funds Awarded in the Partial Decree; 17 Year Implementation; 2002 Biggers Approves Settlement; 2003 Fifth Circuit Affirms
2002-3: Chambliss Files with District Court on behalf of 98 Members of the Plaintiffs' Class to Opt out of Class; Fifth Circuit Panel Denies Relief
2003: Chambliss Appeals to Supreme Court; the Supreme Court Denies Review

The Road to *Ayers/Fordice*: Defining the Plaintiffs' Class

As can be seen from the above grid, the road to *Fordice* and beyond was very ponderous. Who had been burdened with and by the vestiges of *de jure* segregation in higher education in Mississippi: the HBCU institutions, the diverse faculty and staff comprising those institutions, and/or generations of students? In the Jackson State University auditorium, Madison and his colleagues, political scientist, Dr. Leslie McLemore and historian, Dr. EC Foster, and others articulated a plan, and outlined its significance and likely impact. They invited a class of student plaintiffs to join. Mississippi natives and veterans who had returned from Vietnam to complete their studies and one or two graduate students, including Congressman Bennie Thompson, a Tougaloo College alumnus and civil rights activist, indicated a willingness to serve as members of the plaintiffs' class. Madison's passion was resonant; the meeting felt like a crusade—a campaign—a grassroots civic campaign where ripping up racism in higher education was the new civic religion. Over the next twenty-seven years, the Madison campaign to erase the vestiges of *de jure* segregation converged with a legal narrative to erase racial segregation in higher education. Students and parents, alike, joined as petitioners.

Many first and second generation HBCU alumni—the talented tenth—those who had completed professional degrees outside the State but had returned to Mississippi to live middle class lives—would need to care deeply about their alma maters, invest in and secure alma maters as places worthy of the education of future generations—their sons and daughters and new economic and social classes of students. The early alumni would have to believe that the HBCUs, which had been good enough for them could be made better for the next generation. This level of support would have signaled the capacity of the black middle class to live locally but not act parochially. The very future of much of the Deep South hinges on multi-racial cosmopolitan coalitions very much aware of their obligations to themselves, their working class kin and many others in great need of both social and human capital.

The Claims

On January 28, 1975, the State of Mississippi was sued for maintaining an unconstitutional dual system of higher education.¹⁶ Jake Ayers, Jr., his son, Jake Ayers, III, Bennie Thompson, Louis Armstrong, Pamela Gibson and other plaintiffs argued that “Mississippi denied equal opportunities to black students and faculty members by favoring the State’s historically white colleges and universities at the expense of its historically black colleges and universities, and by failing to remove the vestiges of racial segregation in the former *de jure* dual system.”¹⁷ On April 21, 1975, the Justice Department intervened and joined the plaintiffs in seeking injunctive relief that would bring Mississippi's higher education system into conformity with constitutional and statutory provisions.¹⁸

As a backdrop to the filing, the 1954 Brewton Report, a Mississippi Board of Trustees authorized study examined the state's higher education system and found “significant disparities between the educational opportunities provided within state for Negro citizens and those provided whites.” The three-part recommendation was the following: (1) the maintenance of schools operated exclusively for Blacks, (2) increased financial resources to meet anticipated enrollment in-

creases and (3) increased funding level of scholarships permitting African American students to attend out-of-state graduate and professional schools.¹⁹ Madison argued what the Brewton Report had found two decades earlier: Mississippi had created racially discriminatory higher education law and it thus had an affirmative duty to reform those policies and practices. He and several other lawyers filed an amended complaint on April 7, 1975, in which they invoked both Title IV and the equal protection clause of the 14th amendment, to redress their claims.²⁰ They hypothesized that the legal/political institutions that had created unequal public higher education institutions could be petitioned to redress their biases and discrimination.²¹ The Brewton report's recommendation was clear: maintain and invest modestly in the segregated system. Shortly after that recommendation \$500,000 was donated towards a 2 million dollar building fund.²²

Isaiah knew that the State had and would again attempt to stay one step ahead of justice. It would bob and weave until it was forced to either stand in the highest court to defend a dual system and/or reach a semi-virtuous compromise. Madison was a member of the legal/political community who fought to eliminate the most toxic vestiges of higher education inequality—the underfunding of historically black colleges and universities. What about unintended consequences? What if the Court were to rule that both JSU and Ole Miss were both relics and vestiges of *de jure* discrimination? Would the court see relics of segregation in historically black colleges and universities or would they see these institutions as bulwarks that once sustained the hopes and aspirations of three-quarters of all college-going students—the rural and urban poor and the not-so-poor African American? Over the quarter century of litigation, an equitable remedy became unhinged from Madison's early précis. Racial desegregation of the campuses became tethered to the remedy rather than the amelioration of the vestiges of that segregation on historically black colleges and universities. As soon will be shown, Justices White's majority opinion and O'Connor's concurring opinion made that shift astonishingly clear.

As the legal proceedings wore on and the massive legal resistance team re-reared their well-financed state taxpayers' heads, the plaintiffs' lawyers pushed their way through the legal briar patch: They requested the merger of branch centers of historically white institutions with nearby historically black institutions; the elimination of certain duplicate programs, so that they would only be offered at the historically black institutions; and the enhancement of programs at the historically black schools to create equal educational opportunities at those institutions.²³ The Court of Appeals denied the first two remedies. The courts, which had been one of the last bastions of theoretical equality for blacks, could not always be counted on to toe the white supremacist line.²⁴ Madison had initiated a test to clarify the possible.²⁵ He knew that black institutions had been disadvantaged by deliberate racial discriminatory practices.²⁶ Notwithstanding his religious faith and practice, lawyer Madison and Reverend Madison knew that divine intervention, alone, would not alter the status quo.

The plaintiffs' team would review the law, interrogate briefs and write claims that would eventually stick. Alvin Chambliss would bang his shoes on the table of justice and almost a decade after the original complaint, when Isaiah had stepped away from the *Ayers* case, Bob Pressman and (much later) Armand Derfner would labor with Alvin, logging thousands of hours in the campaign to destroy unequal opportunity in higher education in Mississippi. In the relay race that lasted a quarter century, he passed the full burden and opportunity of the case to Alvin

Chambliss by March 1985, when Alvin and Leonard McClellan co-wrote a *Memorandum in Support of Motion for Temporary Restraining Order and/or Preliminary Injunction*.

As the lean years and frustration of co-counsels Alvin Chambliss, Robert Pressman, and Armand Derfner wore on, each endured the legal thicket of obfuscation, delay, sophisticated and simple-minded defendants' remedies, onerous trials, an unsympathetic Fifth Circuit and a very resistant District Judge Neal Biggers.²⁷ Isaiah never rejoined the case and he rarely discussed his role in its evolution. Still he and the lawyers who worked after him, believed that the nation could be petitioned to live up to the letter and spirit of the rule of law, especially the fourteenth amendment.

The *Fordice* Standard and Non-Decisions

The United States Supreme Court took the case to review the lower courts decisions. Upon review, the Supreme Court argued that both the District Court and the Court of Appeals had erred in that, "The courts below did not apply the correct legal standard in ruling that Mississippi has brought itself into compliance with the Equal Protection Clause. If the State perpetuates policies and practices traceable to its prior *de jure* dual system that continue to have segregative effects—whether by influencing student enrollment decisions or by fostering segregation in other facets of the university system—and such policies are without sound educational justification and can be practicably eliminated, the policies violate the Clause, even though the State has abolished the legal requirement that the races be educated separately and has established racially neutral policies not animated by a discriminatory purpose. *Bazemore v. Friday*, distinguished.²⁸ The proper inquiry asks whether existing racial identifiability is attributable to the State, *see, e.g., Freeman v. Pitts*,²⁹ and examines a wide range of factors to determine whether the State has perpetuated its former segregation in any facet of its system, *see, e.g. Board of Education of Oklahoma City v. Dowell*.³⁰ Because the District Court's standard did not ask the appropriate questions, the Court of Appeals erred in affirming the lower court's judgment."³¹ The Supreme Court's ruling pointed to the ways in which both the District Court and the Court of Appeals "failed to consider the State's duties in their proper light..."³² Both resisted the idea that unnecessary duplication of programs of study was, in and of itself, sufficient to draw the conclusion that duplication was linked to the racial identification of the institutions. At the District Court and Appeals Court levels, the plaintiffs' lawyers were not negotiating with Judge Frank Johnson; even in the formal negotiations, the shadow of Judge Neal Biggers was evident.³³ The District and Appeals courts were with the State in their opposition to the claim that current disparities and programs were linked to *de jure* segregation. Madison clearly wanted to position historically black colleges and universities to succeed in a highly competitive higher education landscape. He wanted the court to reverse the crippling impacts of legal racism in higher education. The State's refusal to consider both ACT and GPAs together in admissions standards was a clear and continuing access barrier to talented students from materially disadvantaged backgrounds. The Supreme Court found the District and Court of Appeals resistance to looking at both factors objectionable, finding that the "ACT was originally adopted for discriminatory purposes."³⁴

More lawful work was needed aside from dismantling segregative admissions policies. According to the Court's decision, remnants traceable to the prior system could no longer exist without

sound educational justification. In addition to segregative admissions policies, the constitutionally suspect policies enumerated by the Court were the following: program duplication, institutional mission, and continued operation of all 8 universities. Educational mission and programs of study rightly inform budgetary allocations. The Court majority stopped short of this explicit analysis—this element was a non-decision.³⁵ Certainly, sorting out mission statements or designations and making them operational would have meant a clearer decision, with explicit directives. As it had in *Pitts*, the Court asked whether these remnants were traceable to the State. The Court distinguished *Pitts*, a ruling in which it held that race-neutral policies that did not achieve integration were not on their face unconstitutional. *Fordice* was both clear and opaque: Mississippi historically black colleges and universities had been held down by *de jure* policies and practices. It would take meaningful resources to change that trajectory; the Court did not direct the State to invest in the life chances of students attending HBCUs. It implored the state to interrogate its regime policies and prove that they are educationally sound or eliminate them.

Madison's legacy is indelibly linked to the legal odyssey of Ayers and the erasure of educational subjugation in higher education. From public secondary schools to colleges and universities, the *Fordice* ruling is consonant with *Brown* and it also extends the ruling in *Brown*. Surely, *Brown* lacks an enumeration of legal standards regarding vestiges, but it is wise to understand the historical contexts within which vestiges were spawned and how to undo that context; *Fordice* makes that clear. The Court wrestled with *de jure* segregation in *Fordice* and for the very first time the nation heard a court ruminating about how a state might erase the vestiges of past discrimination—how to unmake servitude in post-secondary education in a state where tyranny was for many generations before and after slavery, a commonplace. The Supreme Court reasoned accordingly: "If we understand private petitioners to press us to order the upgrading of Jackson State, Alcorn State, and Mississippi Valley State solely so that they may be publicly financed, exclusively black enclaves by private choice, we reject that request. The State provides these facilities for all its citizens and it has not met its burden under *Brown* to take affirmative steps to dismantle its prior *de jure* system when it perpetuates a separate, but "more equal" one. Whether such an increase in funding is necessary to achieve a full dismantlement under the standards we have outlined, however, is a different question, and one that must be addressed on remand."³⁶ Muscular funding would in fact be necessary to help make HBCUs compelling educational institutions—attractive to both talented students and faculty alike. Even if as Associate Justice Clarence Thomas said in his concurring opinion, the destruction of HBCUs is not educationally justifiable, they would die a slow death without proper investment, robust tuition-generated revenue streams and endowment. Thomas averred: "It would be ironic, to say the least, if the institutions that sustained Blacks during segregation were themselves destroyed in an effort to combat its vestiges." Madison believed that far from destroying HBCUs, they needed protection from the prior and continuing *de jure* system.

New Constitutional Promise: Increased Funding

Justice Sandra Day O' Connor's concurring opinion in *Fordice* offered a nice summary of the historic significance of the case. In part, she wrote, "Mississippi's burden to prove that it has undone its prior segregation, and that the circumstances in which a State may maintain a policy or practice traceable to *de jure* segregation that has segregative effects are narrow. In light of the

State's long history of discrimination, and the lost educational and career opportunities and stigmatic harms caused by discriminatory educational systems,³⁷ the courts below must carefully examine Mississippi's proffered justifications for maintaining a remnant of *de jure* segregation to ensure that such rationales do not merely mask the perpetuation of discriminatory practices." Throughout the opinion the majority wanted to be clear that its goal was not primarily about present discriminatory effects but about the consequences of policies that flow from past discrimination. The good news in *Fordice* was that the Court was adamant that more steps were needed to ameliorate lingering vestiges. While the Court identified some vestiges, it did not attempt to enumerate an exhaustive listing; had it done so, surely, inequity in funding would have been among them. The full range of practices needed scrutiny, including funding of the three historically black colleges and universities.³⁸ Significantly, the Court indicated that plaintiffs do not bear the burden of proving discriminatory intent; rather the State must show that such a policy is educationally sound or eliminate it. Also, notably, the Court ruled that at what point in the recent past a policy was adopted does not remove it as constitutionally suspect when that policy and its antecedents had both present discriminatory effects and was created to support *de jure* segregation. The Court paved new ground and opened the gates for further litigation in *de jure* segregated states.

The Clearing Ground: States Are Not Forbidden to Maintain HBCUs

Associate Justice Clarence Thomas was insightful in his concurring opinion. Thomas mused, "No one, I imagine, would argue that such institutional diversity is without 'sound educational justification,' or that it is even remotely akin to program duplication, which is designed to separate the races for the sake of separating the races. The Court at least hinted at the importance of this value when it distinguished *Green* in part on the ground that colleges and universities 'are not fungible'." He continued, "Although I agree that a State is not constitutionally required to maintain its historically black institutions as such, I do not understand our opinion to hold that a State is forbidden to do so."³⁹ Antonin Scalia also had many concerns and he raised them effectively in dissent. He ended his opinion with the following forecast, "What I do predict is a number of years of litigation-driven confusion and destabilization in the university systems of all the formerly *de jure* States, that will benefit neither blacks nor whites, neither predominantly black institutions nor predominantly white ones. Nothing good will come of this judicially ordained turmoil, except the public recognition that any court that would knowingly impose it must hate segregation. We must find some other way of making that point." Scalia's prediction notwithstanding, *Fordice* has informed cases such as the one in Maryland, where plaintiffs are arguing as did Madison some forty years ago, that the State's *de jure* segregation policies discriminated against black colleges and universities.⁴⁰ *Fordice* is an unfinished project. *De jure* segregation subjugated black colleges and universities, dwarfed programs of study, facilities and salaries of faculty and staff. For the latter there has been no "whole" reckoning.

The Court's language in *Fordice* did much to define its understanding of the concept of *de jure* discrimination in higher education by saying that separate but more equal was not constitutionally permissible. In other words, making Historically Black Colleges and Universities better for black students was not the Court's agenda, or so one of its members inferred in the above passage. The Court's agenda was to identify continuing legacies of *de jure* segregation—practices

and policies that looked like they were part of the century and a-half or more of legal racism: mission statements, admissions' standards and racially identifiable schools in terms of student choice. The critical question in *Fordice* was the following: How would the Court interpret or distinguish its rulings in and since *Brown* and extrapolate to higher education? In this narrow sense, Associate Justice Scalia was correct when he averred that, "the majority's opinion might preclude a state from adopting a policy where HBCUs and HWIs receive equal funding."⁴¹ The United States Supreme Court majority opinion concluded by leaving the district court the option to consider whether enhanced funding of the historically black institutions might be necessary to eradicate the effects of prior segregation.⁴² But, that ambiguity, notwithstanding, I do not read *Fordice* as Alex Johnson has and, perhaps, does. According to Johnson, as with *Brown*, *Fordice* forces assimilation. It does no such thing—at least not in the sense that black students and HBCUs are being asked to relinquish what it means to be African-American. Following Scalia, Johnson seems to argue that the State is not obliged to correct the racial segregation resulting from its prior practices.⁴³ The Supreme Court decision itself did not privilege equal funding but neither has it prohibited it as a remedy for the continuing vestiges of legal racism. To be fair, it also did not require merger or integration. In its discussions of whether or not the State of Mississippi can afford eight publicly funded universities and unnecessary duplication, it intimated that both the number of universities and duplicated programs were vestiges of de jure segregation.

Alex Johnson contends as well that, "Both *Brown* and *Fordice* are premised on the notion that we are but one community, geo-graphically separated in major urban areas but culturally prepared to merge. Given that a separate and distinct African-American cultural community does in fact exist, however, integration, to the extent that it embodies this type of coercive assimilation, is doomed to fail. Instead, the existence of a unique African-American community requires that a different approach be taken in order to merge the two disparate cultures. ...it is possible to articulate an expanded version of liberalism in which integrationism and nationalism can co-exist."⁴⁴ Even if JSU someday becomes an integrated university, such integration will not be coerced in ways that Johnson implies. Johnson's analysis also imputes a certain perspective, implies that certain customs, traditions, and *Nomos* are salient and distinct features of only African American higher education institutions. This analysis is contestable. I do agree, nonetheless, with Johnson that while separate but equal was a farce perpetuated by the State, it offered some benefits, benefits which I would argue go well beyond the two outlined by Johnson—"transmitters and preservers of culture and a cultural buffer."⁴⁵ As with non HBCUs, the valuable assets that a diverse faculty provide as teacher/scholars and role models is incalculable: they set high standards and expectations and guide students in how to achieve and exceed them. They serve as role models and mentors over the life course. The grit, work ethic and critical engagement with texts and the lived experience of serious students awaken cultural depth and expand and transcend "ethnic" cultures and familial sentiments. The move toward educating well the voices of the global cosmopolitan is, in significant ways, what the negotiated settlement was an attempt to achieve.

Historically black colleges and universities have never been free of influences of the majoritarian culture as both African American and other-race faculty are products of their own lived experiences, of learning acquired/negotiated in American secondary and post-secondary education institutions, and the majoritarian/immigrant cultures—cultures that are not as monolithic as John-

son implies. If Johnson's argument is that *Fordice* mandates integration, I find no legal basis for that conclusion which can be drawn from the majority opinion. If Johnson's view is that excellent historically black colleges and universities ought to exist as an integral part of the mix of institutions available in the society, I concur. They will only do so, however, if students--black and white—choose to attend them in sizeable numbers. A legal right to exist with equal funding is no guarantee in this competitive educational landscape that historically black colleges and universities or other colleges will persist. All things being equal, equal funding does offer historically black colleges and universities a fighting chance to enroll, retain and graduate talented students, recruit and retain engaged faculty and build and continuously assess stellar curricula. Financial stability is essential and so, too, are strong and innovative resource programs, business plans, and practices. Beyond meeting well accreditation standards, historically black colleges and universities that do persist, will do so because they offer educational excellence and their graduates' outcomes bear that out.⁴⁶ I do not think the Court was trying to achieve the idealized or coerced assimilation as Johnson contends, instead, as Scalia noted, it was turning its back on the non-optimal discriminatory State.⁴⁷

The lawyers who originated the case brief for the plaintiffs' class were confident that the equal protection clause of the fourteenth amendment was broad enough to absorb the claim of *de jure* discrimination and their confidence was borne out by the Supreme Court's ruling and, to a lesser extent, by the negotiated remedy. The arguments on the plaintiffs' side were complex. Initially the United States suggested that it wanted the vestiges removed. That position might have been an invitation to dismantle HBCUs; even so, it could not have been just HBCUs alone. In any case, when the Bush administration Justice Department fully joined the plaintiffs' argument, its disavowal of its original position made national news. In relevant part, the U.S. wrote..."it is time to eliminate those disparities and thereby unfetter the choices of persons who can hereafter choose freely among the state's institutions."⁴⁸

On February 15, 2002, the court entered a final judgment approving a \$503 million settlement.⁴⁹ Endorsed by the Mississippi legislature, the settlement funds a comprehensive plan over a seventeen-year period aimed at improving academic programs, making capital improvements, expanding summer programs at the State's historically black colleges and universities and increasing 'other race' enrollment. The settlement offers HBCUs access to publicly funded endowments (totaling 35 million) as an incentive for HBCUs to increase 'other race' enrollment by 10 percent and sustain that level of effort.⁵⁰ The negotiated settlement and the remedial decree preceding it did, however, put funding and the creation of new programs at its core. In the settlement the State recognized Jackson State University (JSU) as a comprehensive university. On the part of the State, the settlement was a strategic accommodation enabling Mississippi to refocus its priorities and come from under such heavy federal scrutiny and national disapprobation.

The Aftermath

Chambliss saw the negotiated settlement as a token concession to the arguments and fights waged by the band of grassroots-humanitarian lawyers—including Chambliss. Chambliss was not ready to concede the fight or the arguments. The negotiated settlement was not endorsed by Alvin Chambliss and disgruntled members of the plaintiffs' class. Chambliss objected to the settlement on the grounds that the remedy was inadequate, the lead plaintiff, Congressman Bennie Thompson, and the defendant's counsel were in collusion; the counsel for the plaintiffs' class,

led by Isaac Byrd, Robert Pressman and Armand Derfner, were incompetent, and that plaintiffs had the legal authority to opt out of the case. Alvin Chambliss did not win the argument any more than Isaiah did. Isaiah and Alvin, Robert and Armand did in fact win some of the argument and some of the fight. The defenders of legal racism—their legal foes—were ferocious because, in part, the District Court and the Circuit Court of Appeals were filled with local people with values and shared interests who were not on their side.

The State never conceded its guilt in perpetuating decades of legal racism in the sphere of higher education. Even in approving the negotiated settlement, the State was clear about its primary motivation: “The compelling impetus for this Agreement, and for the willingness of the Lieutenant Governor and the Speaker of the House to seek implementation of this Agreement, is achievement of finality for the Ayers litigation. Judicial approval is to relieve the Board, and all other defendants, of any further obligations under the remedial decree. When this Agreement becomes final, the Board will be free to fulfill its constitutional and statutory duties and responsibilities under Mississippi law wholly unfettered by the Ayers litigation except as specified by this Agreement.”⁵¹ Ayers was as an albatross—a symbol to the world that the State had not changed its colors—that it was still awash in *de jure segregation*. The filing and mining of the lawsuit was highly symbolic and highly substantive; Ayers was symbolic of the very grinding nature of racial equality in America and highly substantive in the context of law and politics at the local and national levels. A child from the plantation South grew up to challenge the tyrannical State using the master’s tools. He did not bring down the house but overtime he helped to reshape it in an image befitting inclusive higher education.

Throughout two decades Judge Neal Biggers presented himself as hostile to the plaintiffs’ claims. Still, as shown in the timeline, the negotiated political settlement, which Biggers ultimately approved, was more than the Court would have decreed as a remedy. There are unanswered questions: In addition to resources in the negotiated settlement, did the HBCU regular annual allocations increase, decline, or hold steady? Did the average allotments to Historically White Institutions increase dramatically during this period? All are agreed that Mississippi Valley State University, the HBCU located in one of the poorest regions in the nation, was not given its due; given the small enrollment and limited program offerings, what more should and can be done at the Valley? We must begin by assessing the Bioinformatics program—an Ayers funded initiative that Valley acquired. What are the learning outcomes and graduation rates of students who participated in that program and in the Summer Developmental Programs? What are the outcomes of graduates in the Ayers programs? What body of work are graduates producing? Where have they found employment? Have they distinguished themselves and their alma maters? Finally, have HBCUs made good and efficient use of Ayers dollars to leverage other areas such as general education innovations? What counts as evidence of their accountability? What multi-year budget plans, campaign drives and endowment growth will be needed to sustain these programs after the Ayers funding is exhausted? Are the remaining lead plaintiffs, the plaintiffs’ class, counsel and co-counsel monitoring the Ayers settlement? Even now, the State cannot be counted on to systematically monitor itself and measure the distance it has come in erasing century-long vestiges.

A forward-looking well-informed and civically engaged working and middle class has yet to take and sustain its place in civil society in Mississippi. Civil society building—the work that Isaiah

began with the Mississippi Council, the work that looks to and beyond election time to the governance process—is largely unfinished. In a nutshell, Mississippi lacks an integrated civil society that takes on its obligations as stewards of a free and open society where opportunity and autonomy reside in equal measure for the poor and not-so-poor alike. Even if lawsuits have run their course, is it important to ask good policy questions: are publically funded designated scholarships to white students (even poor white students) constitutional? Are state supported endowments constitutionally permissible? Did the black colleges and universities get their equal protection due? Were century-long vestiges erased at all HBCUs? Johnson is certainly correct, that some African Americans are at a competitive disadvantage when ACTs/SATs are the sole criterion for admission. This means, however, that in addition to establishing multiple admissions criteria, families, states, markets and citizen activists must do more in K-12 to better prepare college-going African American students. The admissions standards inform colleges and universities' decisions regarding whom to admit. But long before it is time to attend college, too many African American pupils are in the queue to prison rather than to college. Possibilities for more and more pupils to reach for college have been foreclosed. Nonetheless, the programs of study, the reputations of the faculty, and the successes of alumni also inform the yield—the number of prospective students for whom the HBCU is their number one choice. For many generations Mississippi under-invested in public HBCUs and the cumulative effects of discrimination have present and future consequences for how HBCUs are perceived, how they actually function and whether or not they can reinvent themselves and persist as high quality institutions.⁵² On this score, I do not find Johnson's claims unwarranted. I disagree with Johnson's conclusion that "Fordice removed a choice that African American students had prior to Fordice: the ability to attend a predominately black college."⁵³

Alternative Futures and the Legacy of Lawyer Madison

If the future of black higher education in Mississippi is to be stronger than the past, citizens must pay attention to the implementation of Ayers and to the accountability of higher education institutions—black, white, public and private. As Clay's *Facing the Future* makes clear, state intransigence and political accommodations to racial law were not and are not the only barriers to making historically black colleges whole; the very legal precedents that made the law suit plausible also promised to make the battle long, difficult, and frustrating. The jurisprudence of post-secondary education law had never tackled head-on what counts as evidence of the vestiges of *de jure* segregation.⁵⁴ The progeny of Fordice will stretch into the second decade of the 21st century just as Brown's progeny, of which Fordice is a part, has straddled both centuries. Even when there is "excellence in the judicial act and in the substance of judicial actions," the odds are great that many HBCUs will not persist unless they help the Court and their communities and markets understand what an educationally sound education is and how to achieve it with scarce resources.

The wise course of action is to reach thoughtfully for the North Star and align investments in students and faculty with a core ethos of accountability, strategic planning and persistence. HBCUs would be wise to choose this course. Commitments to educating well the next generation of scientists, teachers, artists, and humanists, begin with a well-informed and passionate citizenry and a critical mass of core faculty and students. Dysfunctional narratives and frames of references about HBCUs must be abandoned and new ways of thinking about internal messag-

ing/communication and external brands are critical.⁵⁵ High expectations of faculty and diverse students and an engaging curriculum must prevail and leadership must be held accountable.⁵⁶ Universities must graduate global citizens who are knowledgeable and appreciative of the best and worst traditions and values of our glorious and inglorious past and local histories. Such students must struggle with how best to use technologies to strengthen the future outcomes of dispossessed children and families. Such graduates must be devoted to extending their talents to uplift the lives of others.

When Isaiah returned to teach at Jackson State University, one of the very university's that he had petitioned the courts to strengthen, he was also living his devotion to the uplift of both student and institutional advancement. In this hypercompetitive higher education landscape, Isaiah's work is not merely topical, it remains urgent and meaningful. The eradication of policies and practices traceable to its prior *de jure* dual system should have included reparations for the injuries the institutions, students and poorly paid faculty and staff sustained—this was a non-decision where the mobilization of judicial bias was clearly not in explicit favor of rectifying injurious and invidious discrimination. Law has not succeeded in doing justice to the end of *de jure* segregation but it has the capacity to do so if not the will. The absence of that will, notwithstanding, educational excellence, teaching and, where appropriate, research innovation, and creativity must permeate and exude from every molecule of HBCUs.

The lawyers commemorated here were committed and talented men who gave much of their lives and resources to advance equal opportunity in higher education. The political battles they fought and the arguments they advanced have not been complete victories. There is unfinished work. The lives of the late Jake Ayers, Ike Madison and Leonard McClellan, and the still active sojourns of Alvin Chambliss, Bob Pressman, Armand Derfner, and Ike Byrd reflect “a measure of their devotion”⁵⁷ to erase legal racism in America. Madison cared as much about the grand and great-grandchildren of landless sharecroppers as he did about the children of teachers, doctors, lawyers and factory workers; he knew that they all deserved an opportunity to be well educated.⁵⁸ All in the nation are called to advance the cause that he and countless others have so nobly charted. Fifty years ago, both the Mississippi state legislature and Congress contained old-guard and very powerful men who represented the extractive interests of the state and the continuing subjugation of blacks.⁵⁹ What levers of power do representatives (the Congress, governor, mayors, legislators, judges, and citizens) hold today and how have they collectively pushed the excellence of public HBCUs and fought to lift the life chances of children locked into largely inferior (re)segregated public schools? Beyond the symbolism of their faces and highly symbolic resolutions, like the one honoring the life and legacy of Isaiah Madison, what resources have they fought to allocate to the advantage of their literate and illiterate silent, indifferent and engaged constituents? Many discriminatory racial disparities are legacies of slavery and Jim Crow or *de jure* practices. And many other disparities are direct results of contemporary practices and policies. The legal briar patch is a thicket and legal precedents and judicial decrees and decisions an imperfect venue for sorting out some of our thorniest challenges. But ambiguity can sometimes serve well a nation or a region or a people as long as intergenerational equal opportunity is within reach of our individual and collective grasp as members of the nation.

The Makings of a Grassroots Humanitarian

Why did Madison use his legal education to help rid the nation of *de jure* segregation? Isaiah was greatly influenced by intergenerational inopportunity. His grandfather, Israel Madison, had been an Arkansan sharecropper. Isaiah's parents, Eddie Mae Neal Brown and Woodrow Madison, were also sharecroppers who lived on the plantation on Lake Cormorant, near Memphis, Tennessee. Woodrow Madison died from pneumonia when Isiah was not quite a year old. When he was old enough to go to the cotton fields he did so; his child labor contributed to his family's survival and to his late start in elementary school. He began elementary school when he was seven, almost eight years old. Isaiah's teachers and community members purchased clothes and shoes for him to go to school and insured that he was active in school plays, sports, music and his studies. Shortly after Woodrow's death at age 31, his mother remarried and overtime he and his ten siblings eked out a meager living. Like most black boys and girls of his era who finished twelve grades, Ike attended a racially segregated elementary and secondary school and went on to graduate from a racially segregated post-secondary school. He finished high school in 1960, when he was nearly twenty-years old.

Many decades later he would tell his wife, Carolyn, that he hated fieldwork but there he found a mentor, Mitchel Hunter, to whom he remained close throughout his life.⁶⁰ Another of his life-long friends was a long-legged competitive boy from Walls, Mississippi; his name was Leslie Burl McLemore. Like Leslie, Isiah was greatly influenced by his grandfather. They both shadowed their grandfathers and from Isaiah's grandfather he learned poise, determination and self-belief—he learned to believe in his capacity to contribute to the makings of a world far different from his childhood—a plantation world of grueling poverty. Leslie earned a Ph.D. in Political Science from the University of Massachusetts-Amherst and Isaiah earned a J.D. from Howard University Law School. Both Leslie and Isaiah earned college degrees from historically black colleges. Their grandfathers provided human capital as did their teachers who recognized their potential as high achieving students. But as peers they influenced one another and their teachers encouraged them. Isaiah began his post-secondary education journey at a two-year college and moved on from there. He enrolled in a four-year college immediately after his Associate's degree. Today the pathways from community to four-year colleges are created with intention, imagination and structure, with dual enrollment, co-advising and four-year career mapping as crucial elements.

From his time at Owens Jr. College in Tennessee, to Howard and Atlanta Universities to his work at legal services, Isaiah both lived and observed segregation, inequality of opportunity and the lack of equal protection. He knew from his own life experience that HBCUs in Mississippi had been intentionally held down by state action and inaction. They had been constrained by legal racism and state discrimination. When compared to public white colleges and universities in Mississippi; not one state supported black college had a law or medical school or a school of engineering in 1970. When Isaiah finished graduate school in the late 1960s, 65% of African American students enrolled in colleges and universities in the United States were enrolled in HBCUs. When he finished law school at Howard in 1970, his alma mater had educated many members of the black legal professoriate for just over a century. Atlanta was the first African American institution solely for graduate and professional education and Howard University where, after his second effort, he earned the Juris Doctorate, was the first African American pri-

vate law school located at an HBCU. Howard Law School opened its doors in 1869. Shaw University was the first state supported HBCU to offer a legal program; it closed the law school in 1914. North Carolina Central was the first state supported African-American law school to flourish in the twentieth century.⁶¹ Isaiah knew this history because he had lived it. He identified with the high aspirations of parents who had not themselves been afforded a college education.⁶²

Isaiah knew from his own experience in climbing the educational ladder that preparation, aptitude, and passion were critical components in HBCU post-secondary education success.⁶³ He knew that HBCUs had offered him and thousands similarly situated elevated levels of literacy that were much needed to grow black human capital. HBCUs—public and private—fit the bill because they had, after all, a citizenship mission and a long rather remarkable history of contributing, mightily, to black upward mobility.⁶⁴ He knew, finally, that inside these institutions, or at least many of them, were resources of caring, nurture and role models—administrative leaders, faculty and staff—who despite great odds, had achieved doctorates, climbed the ladder of success and were committed to the educational excellence of a new generation. He wanted to help lift new generations out of poverty and onto the intellectual and professional classes. He had found social capital networks at Howard and Atlanta universities. He knew the power of HBCUs and he knew the long odds against their efficacy as bulwarks of hope and success, especially if they remained underfunded—in a perennial state of insufficient resources, even amid human and social resourcefulness and resilience. Madison knew that while separate, HBCUs and the students who attended them were the victims of discriminatory state action which “produced racism and served to perpetuate continuing effects of past and present discrimination.”⁶⁵ The absence of student choice and the lack of equal protection of the HBCU were both vestiges of *de jure* discrimination. Madison believed that if the plaintiffs ever got their day in court, the court room arguments and testimony would create a broad historical record and commemorative pedagogy. Even then, the inner teachings of grandfather Israel and the Howard education of lawyer Madison were both at work. As the main legal architect of the original complaint, he was offering both survivor of Jim Crow or “*de jure* vestiges testimony” and establishing the possibility of a future free of both *de jure* and *de facto* higher education subjugation. He believed that for decades to come, HBCUs would remain the dominant purview of African Americans, but whatever the student composition of HBCUs, Madison wanted equal educational excellence to prevail at all levels. Implicitly, he must have also believed that with that excellence would come unfettered choice that could perpetuate or dissipate a majority black enrollment.

With the law degree in hand, he passed the Mississippi Bar examination on September 1, 1971 and was hired as a staff lawyer at North Mississippi Rural Legal Services; in that capacity, he would later sue the State of Mississippi for subjugating higher education opportunities for black students and black state supported institutions of higher education. Isaiah Madison was the thought leader, originator and primary writer of the Ayers case between 1974 and 1985. He was joined by five lawyers in the original and amended complaints. His contributions are etched in the Congressional Record⁶⁶ and in a Senate Resolution in the Mississippi legislature.⁶⁷

The late Isaiah Madison was a grass-roots humanitarian—a Christian—very much in the grass-roots tradition of the late Fannie Lou Hamer.⁶⁸ Like Hamer, Madison believed that the American Dream should be within reach of all Americans—black, brown and white—rich and poor—male and female, alike. The Hamer/Madison view of the Dream’s reach required access to power and

protest—economic, political and legal. Like Hamer, Madison was as much a hedgehog as a fox. Though unlettered, Hamer knew many things about injustice because she had lived it and she knew many things about inequality because she could see the plantation owner’s material advantages in contrast with the wages and living conditions of the peasantry/sharecroppers. She knew that the educational, economic, political and health systems were rigged against urban and rural poor. A generation younger than Hamer, Madison knew this lived history as well but as a man of letters, he was positioned to wage a direct legal challenge against the status quo. The Greeks have told us that the fox knows many things and believes that he or she can outwit her opponents and in any case stay several moves ahead. Unlike the fox, however, the Hedgehog “knows one big thing.”⁶⁹ Madison knew right from wrong and justice from injustice, and he knew the wrangling in the legal/political thicket would require a marathon game of chess rather than a quick series of checkers. *Ayers/Fordice* was a legal/political contest with one big coherent message: the vestiges of *de jure* segregation in Mississippi higher education were unconstitutional.⁷⁰ What was once legal in higher education practice in Mississippi was scandalous and now it is less so.

Notes

¹ The parents of Linda Brown and others, including those in Topeka, Kansas, and Clarendon County, South Carolina, challenged the separate but equal doctrine in public education. As early as 1849, black parents were seeking a quality education for their children. Education cases challenging inferior schools attended by blacks arose from Boston, San Francisco, Columbus, Ohio, St. Louis Missouri, Oklahoma, Columbia, South Carolina, and Austin, Texas—all predated Brown. In Brown, change was promised but it did not arrive for another generation—16 years. A generation of young people had since 1954 attended segregated and sometimes inferior schools. Even if the justices had been more decisive and timely in ending “all deliberate speed,” the social norms of lawlessness would in all probability have continued in play after 1954. See Richard Kluger, *Simple Justice, The History of Brown V. Board of Education and Black American’s Struggle for Equality* (Alfred Knopf, 1976). *Brown* is actually two decisions: Brown I overruled the “Separate but Equal” doctrine, and Brown II created the “all deliberate speed” phrase and phase in the 1955 implementation decision.

² Civil Action No. GC 75-9-15, April 7, 1975, *Ayers v. Waller* (pp.32-40)

³ *Brown v. Board of Education of Topeka Kansas* 347 U.S. 483 (1954). The 1969, *Alexander v. Holmes County Board of Supervisors* case from Mississippi, ended “all deliberate speed.” It mandated immediate action to desegregate public schools. In *Fordice*, the Supreme Court did not obligate Mississippi to terminate black and white universities. It did ask, however, whether the presence of eight universities with racially identifiable populations was a vestige of the *de jure* system.

⁴ The legal precedent in higher education upheld in *Sweatt v. Painter*, 339 U.S. 629. 635 (1950); and *Missouri ex rel Gaines v. Canada*, 305 U.S. 337,351 (1938) was that students and not colleges/institutions are guaranteed the equal protection of the laws.

⁵ Stephen C. Halpern, *On the Limits of Law: The Ironic Legacy of Title VI of the Civil Rights Act* (Baltimore: Johns Hopkins University Press 1996) p. 282.

⁶ James Anderson, *The Education of Blacks in the South, 1860-1935* (Chapel Hill, University of North Carolina Press, 1988).

⁷ There had been at least 32 African American lawyers in Mississippi prior to the 1920s. In fact, from 1873 to 1900, seventeen black lawyers had worked in Mississippi, including Willis Mollison who was admitted to the Bar in 1881 and A.W. Shadd, who had been admitted to the Bar as early as 1871. During the second generation of black lawyers, there had been at least 14, including Sidney Redmond, Benjamin Green, and Newton Handy. The first black lawyers were largely carpetbaggers, but in the second generation all but two of the 14 were native Mississippians. See Irvin C. Mollison, “Negro Lawyers in Mississippi,” *The Journal of Negro History*, Vol. 15, No. 1, January 1930. Most of these lawyers practiced in the Delta or what is formally known as the Mississippi Black Belt where upwards of 90 percent of the Black population resided between 1875 and 1890. Irvin Mollison makes the point that Governor

Ames and Alcorn appointed judges who were friendly to blacks seeking candidacy as lawyers. These judges evaluated bar candidates according to their technical training, educational assets and moral character. For a time between 1840 and 1880, once admitted to the Bar in one locale, barristers were allowed to practice in all. It is wise to remember that as late as 1875, the United States had not many more than 20 law schools. The American Bar Association was formed in 1878.

⁸The law school was founded in 1854, 100 years before *Brown v. Board of Education* was decided; it earned accreditation in 1930.

⁹*U.S. v. Fordice* 505 U.S. 717 (1992) with *Ayers et al v. Fordice* 90-6588, Governor of Mississippi et al

¹⁰ Telephone interview with Robert Pressman, September 28, 2013, Cambridge/Lexington, Massachusetts

¹¹ Bell Gale, "The Southern Front: Two Weeks in Mississippi," *The Village Voice*, July 16, 1964

¹² Mary Coleman and Isaac Byrd, "Disentangling the Milieu of the Black Bar," *Mississippi Lawyer* (Spring 1987). The work that has most influenced my thinking on the role of cause lawyers is Austin Sarat and Stuart Scheingold, *Cause Lawyers and Social Movement* (California: Stanford University Press, 2006) Ike Madison clearly expressed to me over many years that he felt that his work with Ayers was deeply moral and just. Even his later work teaching law and society courses to undergraduates animated for him a sense of deep moral justification.

¹³Fred Banks graduated second in his law school class from Howard University in 1968. He returned to Mississippi and worked in the law office founded by Marion Wright Edelman, a Howard classmate. He and other lawyers led the effort that culminated in *Alexander v. Holmes*, 396 U.S. 19 (1969) that ended "all deliberate speed." Alexander impacted the pace of change in desegregation throughout the South. He worked for the Legal Defense Fund for 17 years, served in the Mississippi legislature from 1976 to 1985 and served on the Mississippi Supreme Court from 1991-2001. His wife, Dr. Pamela Gibson Banks, was one of the original plaintiffs in the Ayers case.

¹⁴ Will Campell, *Robert G. Clark A Journey to the House: A Black Politician's Story* (Oxford: The University of Mississippi Press, 2003).

¹⁵ Frank Parker, *Black Votes Count: Political Empowerment in Mississippi after 1965* (University of North Carolina Press, 1990); and Mary Coleman, *Legislators, Law and Public Policy: Explaining Political Change in Mississippi and the South* (Westport, Connecticut: Greenwood Press, 1994). Frank Parker worked for the Lawyers Committee for Civil Rights under Law and was a fierce and tireless advocate for black voting rights in Mississippi. The Conner litigation, which he forged, went all the way to the Supreme Court and resulted in single-member districts and the election of a critical mass of black elected officials.

¹⁶ Legal aid societies and legal services to the poor in the United States have had a sordid history with some presidents and congresses limiting the authority of the Legal Service Corporation, reducing and expanding funding and prohibiting class action suits. The Court ruled in 1967 in *Gault*, that children have a right to counsel at government expense. The first privately funded legal aid society was created in 1876 to assist German immigrants who could not afford a lawyer in New York City. The Freedman Bureau offered legal aid in 1865. For a brief history of civil legal assistance in the United States see, Alan Houseman and Linda Pearle, "Securing Legal Justice for All" (The Center for Law and Social Policy Washington, DC, 2007).

¹⁷*Ayers v. Waller*, Civil Action No. GC 75-9-15.

¹⁸ Department of Justice-- John Moore participated in the negotiated settlement for the U.S. government.

¹⁹ Robert N. Davis, "The Quest for Equal Education in Mississippi: The Implications of the *United States v. Fordice*," *Mississippi Law Journal* 62, 1993, pp.411-412

²⁰In the Amended Complaint filed in April 1975, the lawyers for the plaintiffs' class were Isaiah Madison, Charles Victor McTeer, Alvin O. Chambliss, Jesse Pennington, Constance Slaughter, and Andrew Gambrell. As with the original complaint, social scientists such as Leslie McLemore and EC Foster were also integral to the Mississippi Council on Higher Education and very much engaged in part one of a two-part legal phase.

²¹The programs permitted under Title IV are the dominant source of federal student aid and federal assistance to the states and postsecondary education (Public Law No. 89-329) is the Higher Education Act of 1965.

²²Alison Bernstein, *Philanthropy's Influence on American Higher Education* (Maryland: Rowman and Littlefield, 2014)

²³In 1986 Congress amended Title III and thereby acknowledged HBCUs as a defined class of institutions. The Higher Education Act Amendments of 1986, Pub. Law 99-498, 100 Statute 1294.

²⁴Finnegan, "Lynching and Political Power in Mississippi and South Carolina," 201.

²⁵The NAACP Legal Defense Fund had initiated many such tests since its 1909 origins. Ike Madison, however, initiated this test as a staff lawyer with North Mississippi Rural Legal Services.

²⁶Public schools in Mississippi did not desegregate until 1969, when the Supreme Court decided *Alexander v. Holmes* and ended "all deliberate speed." See 369 U.S. 19 (1969). Scott County native, and leader of the Sovereign-

ty commission, Erle Johnston, chronicled white resistance to desegregation in *Mississippi's Defiant Years* (Forest, Mississippi, Lake Harbour Publishers, 1990)

²⁷Jack Peltason, *Fifty-Eight Lonely Men: Southern Federal Judges and School Desegregation* (University of Illinois Press, 1971). This illuminating work tells the story of how federal district court judges navigated both local massive resistance efforts and the rule of law. As shown in the timeline above, Judge Neal Biggers was appointed by Richard Nixon to the bench in 1984. Judge William Keady, a Johnson appointee, retired from the bench in 1982.

²⁸*Bazemore v. Friday* (1986) The first issue is whether the Court of Appeals erred in upholding the District Court's finding that petitioners had not proved by a preponderance of the evidence that respondents had discriminated against black Extension Service employees in violation of Title VII by paying them less than whites employed in the same positions. The Court of Appeals reasoned that the Extension Service was under no obligation to eliminate any salary disparity between blacks and whites that had its origin prior to 1972, when Title VII became applicable to public employers such as the Extension Service. It also reasoned that factors other than those included in petitioners' multiple regression analyses affected salary, and that therefore those regression analyses were incapable of sustaining a finding in favor of petitioners. The Court of Appeals plainly erred in holding that the pre-Act discriminatory difference in salaries did not have to be eliminated. Page 478 U. S. 396.

²⁹503 US 467 (1992) DeKalb County, Georgia Facts: The school board in DeKalb, Ga., had been forcibly integrated from 1969 to 1986. The majority reasoned that "The court may change its remedies to fit the violations. Due to the strong interest a local school district has in self-determination, the court exceeds its remedial powers when it continues supervision of programs that no longer alleviate the initial constitutional violation. This withdrawal may proceed in incremental stages, especially where it is found that the contributing factor to the re-segregation is a change in demographics which is beyond the control of the school board."

³⁰498 US 237, 250, Board of Education of Oklahoma City v. Dowell (1991) held: Respondents may contest the District Court's order dissolving the 1972 injunction. Pp. 498 US 239-246. The Court of Appeals' test for dissolving a desegregation decree is more stringent than is required either by this Court's decisions dealing with injunctions or by the Equal Protection Clause of the Fourteenth Amendment. Pp. 498 US 240—251. The Court of Appeals' test would improperly condemn a school district to judicial tutelage for the indefinite future. Pp 498 U.S. 240-249. 890 F.2d 1483.

³¹505 U.S. 717 (1992), p. 743

³²*Fordice*, p.743

³³An Eisenhower appointee to the District Court, Johnson was educated in Alabama and served from 1955-1979. He was subsequently nominated to the Court of Appeals by President Carter and served from 1979-1981. He was a foe of segregationists, an avid advocate for the mentally ill and he ruled repeatedly that separate but equal was unconstitutional. See Jack Bass, *Taming the Storm: The life and Times of Judge Frank Johnson, Jr.* and David Garrow (April 2000) "Visionaries of the Law: John Minor Wisdom and Frank M. Johnson, Jr.," *Yale Law Journal* 109: 1219-36.

³⁴*Fordice*, p. 737

³⁵Peter Bachrach and Morton Baratz, *Power and Poverty*. (New York: Oxford University Press, 1970) I believe that the majority decision in *Fordice* limited or restricted the scope of judicial authority and, perhaps, judicial power to decide the full grievances that Madison advanced.

³⁶505 U.S. 717, U.S. v. *Fordice*, speaking for the majority, Associate Justice White.

³⁷Sandra Day O'Connor in concurrence with the majority

³⁸Pp.742-743

³⁹Clarence Thomas in concurrence with the majority, *Fordice* 749.

⁴⁰The Coalition for Equity and Excellence in Maryland Higher Education vs. Maryland Higher Education Commission, et., al., Civil No. CCB-06-2773, Document 382, Filed 10/07/13. The crux of the proposed remedy in this case appears to be the removal of unnecessary duplication. Mediation appears to be the next step following Federal Judge Catherine C. Blake's ruling.

⁴¹*Fordice*, 112 Sc.D., at 2747 (1992)

⁴²See also Lorne Fienberg, "U.S. v. *Fordice* and the Segregation of Public Higher Education: Groping for Root and Branch," in *Boston College Law Review* Volume 34, Issue 4, No. 4, Article 4, July 1, 1993.

⁴³Scalia's Opinion, p.757

⁴⁴Alex Johnson, Bid Whist, Tonk, and "United States v. *Fordice*: Why Integrationism Fails African-Americans Again," 81 *California Law Review* 1401 (1993). Pp.1432.

⁴⁵Op. Cited. P.1401 *Fordice* does not require mandatory integration.

⁴⁶Jamie Wershba, Collaborative Accreditation: Securing the Future of Historically Black Colleges, Volume 12, Issue 1, *Berkely Journal of African-American Law and Policy* 67 (2010).

⁴⁷ Justice Scalia concurred and dissented in part. He argued that Bazemore was the appropriate standard: the “discontinuation of discriminatory practices and adoption of neutral admissions policy.” p.757.

⁴⁸As cited in Stephen Halpern, *On the Limits of the Law: The Ironic Legacy of Title VI of the Civil Rights Act* (Baltimore: Johns Hopkins University Press) p.249.

⁴⁹ The eventual lead plaintiff, Congressman Bennie Thompson, appointed Isaac Byrd as lead counsel in 1999. In the second decade of the litigation, Alvin Chambliss, Bob Pressman and Armand Derfner served ably as co-counsel.

⁵⁰Yoruba Mutakabbir, “A Case Study Examining Recruitment of ‘Other Race’ students to a Public Historically Black University” (2011) Clemson University Dissertation Abstracts.

⁵¹ Settlement Agreement, Civil Action No. 4:75CV9-B-D, Jake Ayers and United States of America v. Ronnie Musgrove, Governor, State of Mississippi, ET AL, pp.304Y

⁵²Armand Derfner has lamented that it takes two generations for HBCUs to transform their reputations even when new programs and functional leadership are both firing on all cylinders. He further commented that he hoped for a long-game—to participate in a crusade that would result in enough impact overtime to push and sustain unfettered choice. Mary Coleman, Telephone interview with Armand Derfner, January 12, 2014.

⁵³Alex Johnson, Bid Whist, Tonk, and *United States v. Fordice*: Why Integrationism Fails African Americans Again, 81, *California Law Review*, Issue 6, 1401 (1993) p.1436.

⁵⁴ Associate Justice Scalia’s dissenting and concurring opinions make this confusion palpable.

⁵⁵ J. Minor, Decision making in historically Black colleges and universities: Defining the governance context. *The Journal of Negro Education*, 73, 40-52. (2004)

⁵⁶ Phillip L. Clay, “Historically Black Colleges and Universities: Facing the Future,” www.fordfoundation.org/advancing-higher-education-access-and-success, September 2012; See also, Christopher Jencks and David Riesman, “The American Negro College” *Harvard Educational Review*, 37, 3-60. (1967)

⁵⁷“A measure of devotion” is how Abraham Lincoln characterized those soldiers who fought and fell in the battle at Gettysburg. President Abraham Lincoln, *The Gettysburg Address*

⁵⁸ Demographic shifts with implications for HBUC yields have occurred in the South, with black families moving out of the rural South to central cities and towns and thereby depopulating the rural communities—sites from which many former HBCU graduates hailed. The Southwest has a high percentage of college-aged adults and fierce competition for those students and community college graduates is already underway.

⁵⁹James C. Cobb, *The Most Southern Place on Earth: The Mississippi Delta and the Roots of Southern Identity* (Oxford University Press, 1994); See also Daron Acemoglu and James Robinson, *Why Nations Fail: The Origins of Power, Prosperity, and Poverty* (New York: Crown 2012), pp.302-334.

⁶⁰Mary Coleman, telephone interview with Carol Madison, January 7, 2014.

⁶¹Cheney University in Pennsylvania was established in 1837 as the first HBCU; established in 1854, Lincoln University was the first to provide a collegiate education.

⁶²Constance Curry and Bertha Mae Carter, *Silver Rights (Harvest Books, 1996)* *Silver Rights* tells the story of why a sharecropper family sent seven of their thirteen kids to integrate an all- white school in Drew, Mississippi in the Mississippi Delta.

⁶³Gregory Price, “Black Public Colleges and Universities as Projects: How do They Rank relative to White Public Colleges and Universities” *The Review of Black Political Economy*, volume 24, no. 4 (March 22, 1996)

⁶⁴Price, p.69.

⁶⁵Civil Action No. GC 75-9-15, April 7, 1975, *Ayers v. Waller* (pp.32-40)

⁶⁶Honorable Bennie G. Thompson of Mississippi, “Honoring the Life of Reverend Dr. Isaiah Madison,” *Congressional Record*, Volume 158 Issue 38 (Thursday, March 8, 2012) p.356-357

⁶⁷Senator Hillman Frazier, *Mississippi Senate Resolution* 600, 2012

⁶⁸Kay Mills, *This Little Light of Mine: The Life of Fannie Lou Hamer* (Lexington: University of Kentucky Press (1994) *Fannie Lou Hamer: Woman of Courage, Civil Rights Documentation Project Vertical File*: Moorland-Spingarn Research Center—Howard University and Tulane University/Amistad Research Center: Fannie Lou Hamer. 1917-1977, Microform Papers.

⁶⁹C. M. Bowra, ‘The Fox and the Hedgehog’, *Classical Quarterly* 34 (1940), 26–9 (see 26), and Bowra’s *On Greek Margins* (Oxford, 1970), 59–66 See also Isaiah Berlin, *The Hedgehog and the Fox: An Essay on Tolstoy’s View of History*.

⁷⁰Civil Action No. GC 75-9-15, April 7, 1975, *Ayers v. Waller U.S. v. Fordice* 505 U.S. 717 (1992) with *Ayers et al v. Fordice* 90-6588, Governor of Mississippi et al.

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Leadership Lessons from the World of Athletics: Up Close and Personal

Thomas J. Barth

I have had the good fortune of two sons with extremely successful athletic careers. The eldest son, Connor, is currently a professional kicker in the NFL with the Tampa Bay Buccaneers. He was a Parade and USA Today All American in high school, and then a record setting kicker at UNC Chapel Hill. His younger brother, Casey, followed in his brother's footsteps, earning All State honors at the same high school and then breaking most of Connor's records at Chapel Hill. He is currently training for an opportunity in the NFL.

As a professor of public administration who teaches classes in leadership, I have listened with keen interest over the years to my sons' comments about the different leadership qualities and approaches utilized by their respective head coaches. Their combined experience represents 22 years with teams at the high school, college and professional levels and eight different head coaches. This experience is worth examination. There is a large literature on the leadership philosophies of athletic coaches, and rightfully so (Fullan and Knight 2011; Guenzi and Ruta 2013; Kellet 1999; Lumpkin 2010). If one generally accepts the definition of leadership as a "process whereby an individual influences a group of individuals to achieve a common goal" (Northouse 2013, 5), such coaches are living laboratories of leadership.

This article captures the reflections of my sons on the leadership traits, skills and styles of these various coaches they played under, followed by a discussion of how their observations compare and contrast with classic theory taught in my leadership class.

The Coaches

Below is a brief description of the coaches who are the subjects of this analysis. By any measure, these coaches have significant leadership credentials.

Scott Braswell: Head football coach at John T. Hoggard High School in Wilmington, NC since 1997. He has the most victories in school history with a state championship in 2007, and was

recognized as North Carolina high school coach of the year in 2006. In recognition of his accomplishments, the football stadium is named after him.

John Bunting: Head football coach at UNC Chapel Hill from 2001-2006, including a victory in the Peach Bowl in 2001. As the head defensive coach for the St. Louis Rams, he played a key role in leading that team to their victory in Super Bowl XXXIV.

Butch Davis: Head football coach at UNC Chapel Hill from 2007-2010, where he won the Music City Bowl in 2010. He was also head coach of the University of Miami football team from 1995-2000 (winning four bowl games), the NFL's Cleveland Browns from 2001-2004 (taking a team to the playoffs), and defensive coordinator for the NFL's Dallas Cowboys when they won back-to-back Super Bowls.

Herm Edwards: Head football coach of the NFL's New York Jets from 2001-2005 and the Kansas City Chiefs from 2006-2008. Four of these teams made the NFL playoffs.

Larry Fedora: Head football coach at the University of Southern Mississippi from 2008-2010 where he won twelve games in 2011, the Conference USA Championship, and two bowl games. He has been the head football coach at UNC Chapel Hill since 2012, including a victory in the 2013 Belk Bowl.

Raheem Morris: Head football coach of the NFL's Tampa Bay Buccaneers from 2009-2011. His Tampa Bay team won ten games in 2010, barely missing the playoffs on the last day of the season. He was defensive coordinator for Kansas State University in 2006.

Greg Schiano: Head football coach at Rutgers University from 2001-2011, revitalizing a perennially losing program to one which won five bowl games under his tenure. He then served as head football coach of the NFL's Tampa Bay Buccaneers from 2012-2013.

Everett Withers: Defensive coordinator for four different major college football programs, including Ohio State University. His UNC Chapel Hill defense in 2009 was recognized as one of the top units in the nation. He was head football coach at UNC Chapel Hill in 2011. He is currently the head football coach at James Madison University.

Reflections on Leadership Qualities

The following provides a summary of the collective observations of my sons on the leadership qualities of their coaches. Names of individual coaches are not used, but all of the coaches listed above are reflected in these discussions.

They shared the positive influence a coach can have, both as a teacher and mentor. Their coaches taught the importance of learning to be in the right spot at the right time, to focus on doing your own job and responsibilities, not trying to do other peoples' jobs. Another aspect of teaching is making sure they were rested and healthy, not overworked, with an understanding of what was needed to be done to be ready and fresh for games. Good coaches strike the balance between

being “under prepared and over prepared.” Another teaching trait was stressing the importance of making eye contact when you speak to someone, no matter the context. As a leader you need to have the undivided attention of your players at all times. The leader as teacher was also reflected in the ability to define expectations through quantitative analysis, attention to detail, and careful planning. One coach would point out that the word coach means buggy, signifying a means to transport a player from one place in their career to another.

As mentors, my sons named those coaches who cared about the players beyond and after their roles as football players. My sons noted the coaches who “took people under their wing” and who were approachable with an open door policy. A good coach has the ability to be straightforward, not “beat around the bush,” be honest with players about their situation, and tell them what they need to do to improve as players or just better their lives. Another major mentoring theme was helping players who were experiencing adversity by keeping them confident. My sons stressed the ability to instill confidence is how coaches win with lesser talent. Importantly, a mentor is a good role model, someone who does things right and leads by example, not just words. Coaches model the behavior they expect by the hard work, long hours, and dedication they personally display. Coaches who do not personally model what they preach lose credibility and thus effectiveness as mentors because players stop listening.

Another important theme of coaches as leaders is the way in which players were motivated to play hard and do their best. The best coaches expect the best out of you and they don’t settle for “just okay.” They encourage you to push past your limits by sending the message “when you think you can’t do anymore you can still go farther.” They make you believe that if you follow them, you will be led in the right direction and have an advantage in the game. My sons also spoke a good deal about how coaches motivate by showing loyalty and respect to players. This loyalty and respect is demonstrated in numerous ways, such as sticking by players and showing confidence in them even though you are experiencing a slump in play. The term “players’ coach” came up several times, signifying a coach who takes care of his players by being in tune with their emotional state and “going to battle” for them. A players’ coach also understands that some players respond to loud, direct confrontation while others respond better to less “in your face” feedback. Yet another motivational tool was refraining from publicly criticizing or “calling out” players in front of the team or press for poor play or judgment. The best coaches handle these conversations privately with the player, and this practice builds trust and faith. Although one coach was quite critical of players while the team was reviewing film of a prior game, he had a way of showing that he was not upset with the player, just his actions. This approach allows players to stay positive and just focus on playing better on the next play. However, this same coach would also congratulate players when watching film, say positive things about them; players strived for that recognition.

My sons spoke a good deal about the atmosphere of the team and the clubhouse. Several coaches had the ability to keep things loose and light so that players would not be too tight or nervous to perform at peak levels. You want a coach that players feel comfortable around. At the same time, however, a coach still needs to instill discipline and “lay down the law” when players are either too immature to behave like professionals or simply forget who is in charge. In other words, some players cannot handle too much freedom or responsibility. My sons noted the difference between the seasoned, veteran players and the younger players. The veteran players

know how to take care of business and themselves, but the younger players often need to be shown the way by the coach. If you are too relaxed or friendly with the players, some will see you as a peer rather than the coach and start ignoring the rules and expectations. A coach needs to enforce the rules for everyone, with no exceptions. My sons stressed the challenge of striking the right balance between structure and freedom: too much structure – and the atmosphere becomes tight and dreary; too much freedom – and you lose cohesiveness and rigor. Coaches are also skilled at using symbolism to build a culture. One coach employed the unusual practice of sitting in the back of the plane during team trips. This gesture sent the message that he was “one of them,” but also that he was always watching!

My sons both experienced new coaches who came in with the clear purpose of changing the team culture and noted the need for a coach in this situation to communicate the new expectations very strongly and clearly. One coach needed to establish his dominance when he came in; this approach was needed because the team had gone through great turmoil and lost a sense of discipline and team spirit. This coach had to come in and be very aggressive and demanding. He was younger, so he was always moving, running with them, yelling at them, bringing a new sense of energy to the team.

Furthermore, these expectations went beyond play on the field to professional behavior and character off the field. My sons admire the determination of these coaches but also noted that changing a culture takes time. Unfortunately, coaches often don’t have the luxury of time, especially if they don’t win!

Another interesting theme was the ability to instill the meaning of a true team, where everyone played for the “guy next to you” and not just for oneself. Related to this concept was players taking leadership responsibility to the point where everyone on the team is a leader, not just the coach or a few players. One of the reasons a team won a state championship in high school was they wanted to play their best because they were doing it for the guy next to them, not just for the coach.

My sons discussed the ability for good coaches to command a group. This aura of authority and presence was characterized by an overall demeanor that has many elements. They mentioned intensity, passion, and credibility based on past successes. They mentioned that players tend to “sit up more” around certain coaches. It is clear that coaches with a winning reputation have a significant initial advantage in commanding attention and respect of the team. This demeanor was supported by outstanding communication skills. One of the common traits of all their coaches was their ability to “capture the team” by delivering stirring speeches that drew on emotion and sincerity. One coach was particularly effective at painting a clear vision of success for not just the current team but how they were part of building a program that would reach new levels in the future for which they could be proud. These communication skills were also evident in one-on-one conversations with the players, where coaches display the ability to be clear and get their point across in different ways, even during the intensity of a game or hard practice. However, a willingness to listen was also evident, as one coach in particular may have been better served to be more open to the advice of veteran players who were concerned about the rigidity and level of intensity wearing down the team. My sons mentioned passion several times, how the love of the game came through and was a source of inspiration. This passion was also re-

vealed by the sheer determination of these coaches that was often tested by losing streaks, negative media and fans, and pressure from their management ranks. Indeed, my sons marveled at the ability of coaches to “put on a good face” with the team regardless of the won-loss record or difficult personal situations.

It was clear that the integrity of the coaches made a great impression. Terms like loyalty, doing things the right way, selflessness, standing by your principles, and honesty came up numerous times. The importance of coaches who were willing to step out of their comfort zone and “talk straight” to players instead of taking the easy way was also noted.

Finally, it was clear that some coaches draw on their religious faith, both as a personal way to work through trials and tribulations but also as a message to the team that they can’t be successful on their own. There is a “higher power” they can both lean on and thank for their unusual talents and blessings.

Relevance to Classic Leadership Theory and Practices

Let’s now turn to two classic books on leadership and see how the reflections of my sons compare and contrast with classic leadership theories and behaviors. The first book is *Leadership Theory and Practice* by Peter Northouse (2013). The following describes several of his primary categories of leadership, followed by a brief discussion of the leadership exhibited by these coaches.

Trait Approach

This research identifies the traits or characteristics exhibited by those identified as great leaders. Northouse identifies five traits that are central to much of this research: intelligence, self-confidence, determination, integrity and sociability (23). My sons’ reflections reinforce four of these traits, with a cautionary tale regarding one. Self-confidence was clearly an important leadership trait for these coaches, particularly in the way it translated to respect and attention from the players and how this confidence would permeate the entire team. These players are extremely confident, accomplished individuals in their own right (particularly at the professional level), and such a group in any setting responds to a leader who exudes confidence. As one son mentioned, “With some coaches, you feel like you are going into the game with an advantage.” Determination was evident in the way coaches handled losses but also in the way they kept pushing the team even though they were under enormous personal pressure from their management, the media and the general public. As one son put it, his coach “never cracked.” Integrity was evident in the honesty with which the coaches talked to the players. Sociability, or the ability to relate to the players, is a constant challenge for coaches. The one cautionary tale, however, was the coach who was too friendly or social with the players; a leader must keep some professional distance.

Style Approach

This approach to leadership focuses on the behavior of the leader. It identifies two types of leadership behavior: employee orientation and task orientation. Employee oriented leaders take a

strong interest in employees and give special attention to their personal needs. Task oriented leaders are more focused on getting the work accomplished. These coaches clearly face the challenge of balancing the constant pressure to win through rigorous practice and instruction, while also remaining sensitive to the human needs of their players. This idea of a “players’ coach” mentioned repeatedly by my sons alludes to the leader who does not forget that their followers are people who want to believe the organization cares about them as more than just producers.

Situational Approach

This theory suggests that leaders need to change the degree to which they are directive or supportive to meet the changing needs of subordinates. Northouse cites the famous model developed by Blanchard (1985) that describes how four different leadership styles (delegating, supporting, coaching, directing) should be employed based on the developmental level of followers who will have varying levels of competence and commitment at any given point (100). The ability of coaches to discern the developmental or maturity levels of their players is evident. Whether it is the professional, college, or high school ranks, a coach must lead a team comprised of a range of age levels, experience and skill level. Effective coaches understand they cannot relate to every player in the same manner. The experienced, accomplished veterans know what it takes to be a professional and don’t require the level of support or coaching of a green player new to the profession and team. As my sons experienced, micromanaging a veteran player or allowing too much freedom to a young player can lead to poor results: the veteran player becomes resentful and the young player fails to learn what it takes to be successful.

Transformational Leadership

The classic work of James McGregor Burns (1978) describes leadership that is transformational by fostering a process whereby the leader engages with followers and creates a connection that raises the level of inspiration and motivation. An aspect of this type of leadership is the ability to paint a compelling picture of success. Based on my sons’ observations, this ability to be transformational was evident in the way their coaches communicated and displayed passion for the game. They marveled at the ability of the coaches to deliver speeches that would grab the team’s attention and describe the commitment it takes to be successful. The passion or love for the game was displayed by sheer enthusiasm and energy. In terms of vision, one son was particularly impressed by the coach who made them feel a part of building a foundation for a program that could reach new levels after they were gone because of their efforts. Even though they were not experiencing a great deal of immediate success, they were inspired by this idea of rebuilding a program through small successes.

Culture and Leadership

An established organization develops a culture, which consists of the norms, values and assumptions that reflect expectations or standards for behavior. Schein (1985) suggests “the only things of real importance that leaders do is to create and manage culture” (2). These coaches exhibited a clear understanding of the importance of team culture, particularly those who came into an unsuccessful team with a reputation for having a dysfunctional climate. Both sons mentioned team situations where the culture had become undisciplined, unprofessional or lax, and the coaches needed to come in with a very strong, hard line about the new expectations. The culture litera-

ture stresses that a strong culture must be reinforced by accountability and clear actions, and there are times when these coaches needed to take hard action against players who did not respond well to the new culture and violated the newly established norms.

Leadership Ethics

Northouse discusses at length the ethical burdens of leadership (428-436). He raises several principles of ethical leadership, including respect for others, honesty, and concern for just treatment and outcomes. He also points out the ethical responsibility of a leader who has tremendous impact over the lives of followers. My sons mentioned the integrity of coaches on numerous occasions, for these men in their leadership role have a singular influence on the hopes, dreams, and often livelihoods of their players. My sons clearly admired coaches who took this responsibility very seriously and made a sincere effort to be honest with players about their situation. The idea of justice also was evident in how coaches stood behind their players, whether it be defending them with the media or fighting for fair treatment by upper management or ownership.

The second leadership book I utilize in my class is *The Leadership Challenge* by James Kouzes and Barry Posner (2012). Their work is based on interviews with thousands of leaders “at their best” over many years, and this research has translated into a set of recommended leadership practices and commitments. The following is a discussion of these practices that are illustrated by my sons’ reflections.

Model the Way

The concept here is that fiery speeches, titles and past successes are nice but it’s the behavior of a leader that earns respect from followers. As one son pointed out, players will not listen for long to a coach who preaches dedication and commitment but then is frequently seen out in the community enjoying an active social life! In one case, a coach took advantage of his youth and fitness by jumping in and working out side by side with the players. This is not always physically possible, but this behavior sent a clear message to the team: the leader won’t ask you to do anything he wouldn’t do himself. Other coaches modeled the way by demonstrating intensity, determination, and long hours of preparation. One coach impressed my son with his attention to detail. The clear message was to be successful you need to pay attention to the little things. Kouzes and Posner also explain that an important aspect of being a good role model as a leader is seeking feedback, as this makes a powerful statement about the value of self-improvement and how everyone can benefit from listening. One son mentioned the missed opportunity by one coach to listen to his players. He was so focused on instilling his way of doing things that he came across as obstinate and egocentric at times, refusing to consider any changes. The concept of modeling the way means that a leader, if he wants followers to listen to him, must also listen to them!

Enable Others to Act

Another recommended leadership practice is based on the simple premise that leaders can’t be successful on their own. In the case of sports, it’s obvious that a coach will only be successful if players have the confidence and ability to translate their message to the field of play. The coach

can't go out on the field and do it for them! Both of my sons mentioned the ability of coaches to instill confidence in their players, particularly those who are not playing well and need a boost. Effective coaches also demonstrate this leadership practice by teaching players to take care of their responsibilities and preparing them in a way that they are peaking mentally and physically for the game. Another aspect of enabling others to act was stressed by one of my sons when he explained that the key to the success of one championship team was the ability of the coach to instill a sense of responsibility in the players for each other. Out on the field, the players were driven by a desire not to fail "the guy next to them." In other words, the coach enabled them to act by teaching them to take care of each other.

Encourage the Heart

It is fitting to end this discussion with a leadership practice that was a strong theme throughout my sons' reflections. Kouzes and Posner state, "The climb to the top is arduous and steep. People become exhausted, frustrated, and disenchanted, and are often tempted to give up. Genuine acts of caring draw people forward" (2012, 23). Great coaches are adept at challenging and criticizing players while at the same time letting them know that they really do care about them as people. One coach made it clear that, when he was criticizing a player, he was commenting on his actions, not him as a person. My sons also emphasized how coaches were very careful about practicing the adage "praise publicly and criticize privately." They would try to recognize players in a positive way with the team and the press while addressing concerns behind closed doors. This practice shows players that you care about them while at the same time communicating that they need to improve their behavior or some aspect of their play. Finally, players need to feel they can approach a coach with a problem. Some coaches have an open door policy, while others are less approachable. But it is clear that coaches are more effective leaders when a player has the sense that they are more than a disposable asset on a roster.

Conclusion

The purpose of this project was to organize the reflections of my sons on the leadership qualities of their coaches, representing a variety of styles, personalities and settings. As someone who teaches leadership in an MPA program, I was interested in examining how my sons' observations compared and contrasted with prevalent leadership themes in respected books on the topic. My conclusion is that these reflections are worthwhile illustrations of a number of classic leadership theories and practices. Their personal experiences with very successful leaders lend credence to the concepts I am teaching in the classroom and provide some wonderful real world examples. There are also a number of cautionary tales regarding practices that were not particularly effective, which are very important for students of leadership to read about as well.

The only reflection of one son not addressed in the leadership books I use is the importance of religious faith to a leader. This is not surprising given that the intended audience of these books is secular, and I doubt there is any conclusive research demonstrating that people who exhibit a strong religious faith are more effective leaders. Nonetheless, it is clear that from my son's perspective a key aspect of the ability of some of his coaches to cope with the pressures of leadership was reliance on a "higher power" to lean on in difficult times. This may be a topic worth

further exploration in the leadership literature, given ample evidence from the world of sports that team prayers and references to a higher power are frequent motivational tools by coaches.

On a final note, this project demonstrates that leadership is hard, risky work. Almost every one of the coaches featured in this article has experienced significant success but has also been subject to extreme criticism and public pressure. Indeed, two of the coaches my one son considered to be the best leaders had losing records and were dismissed. It raises an interesting question of how a leader should be judged. The reality is that there are many factors beyond the control of a leader that may contribute to a lack of success despite what many would consider laudable behavior. As one son put it, the great coaches he played under who were dismissed left the team with no regrets, expressing satisfaction that comes with the knowledge that they stood by their most deeply held principles. This final reflection is a nice illustration of the adage cited by Northouse, “Managers do things right. Leaders do the right thing” (13).

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Eat or Be Eaten: A Revenge Fantasy

Larry Hubbell

Fred Cummings, sitting at his desk, eating a Reuben, lets out a barely audible “God damn it!” after a drip of one thousand island dressing falls on his recently purchased, overly expensive tie. There’s no use cleaning it. The oily mark is indelible. Mildly enraged for ruining another tie, he will go tieless into his prospectus defense this afternoon, the prelude to writing his dissertation.

He is a graduate student at a medium-sized, land grant university in the Midwest. His university is distinguished by the winning tradition of its women rugby team, which is consistently ranked by the NCAA as among the top three teams of its kind in the nation. Unfortunately, the university is distinguished by nothing else. However, if one believes the constant adulation that is heaped upon the university by its deans at graduation ceremonies, by the president at hearings before the legislature, and occasionally by parents of students, who appreciate its low cost, one would think that it is the “Harvard of the Midwest,” which a former president called it before he was sacked for sexual misconduct.

It is located in a rural state, where many residents are of the opinion, quite correctly, that it is a party school. It is often, not so lovingly referred to as “Rec Tech.” Besides being a party school, some members of the legislature believe that the institution should teach nothing beyond science, agriculture and engineering. The liberal arts are a little too liberal and not practical enough.

To add to the university’s problems, since the Great Recession settled over the Great Plains, the state’s fathers have become flintier than is their tendency. Some education budgets are almost a given. In times of economic drought, the budget for K-12 schools will most likely remain static. Too many constituents send their kids to public school, so it is prudent for the legislature not to wage jihad against them. It is also quite likely that the budgets for the auto mechanics at the state’s community colleges will hold steady or possibly receive marginal increases. After all, the legislators reason that the state has more cars per capita than any state in the Union and they have to be serviced.

However, what is probably most troubling to Rec Tech's administration are the recent gains made by the state's other university, the state's flagship school, where the salaries are larger, the buildings are newer and the egos are bigger. Normally, the flagship school is a source of irritation to the state's anti-intellectuals that predominate in the state capital. However, a professor in the Economics Department was unexpectedly awarded a Nobel Prize last year. This generated positive publicity and caused some of the legislative jarheads to rethink their impassioned opposition to free thought. With that paradigm shift, the money began to flow there, despite the persistent recession.

In the future, Rec Tech is going to have to cope with fewer resources. Funds will be tighter. Academic administrators will have to cut back on their use of the university's planes. Catering budgets, used mostly to vie for the affections of potential donors, will be reduced. There is talk that Rec Tech may have to increase its tuition to subsidize its administrative bloat.

Writing or rather trying to write a dissertation in a typical university claims many corpses. At times the dissertation-aspirant tires of the subject; other times the committee, at least in the mind of the doctoral aspirant, is obstreperous; sometimes life intrudes and the will to get-it-done is stymied; and on occasion the writer begins to question the reason for pursuing a Ph.D. when it's quite possible that he or she will be consigned in perpetuity to adjunthood.

Fred gave considerable thought to his choice of topic. The first question he considered was whether to write something that fell squarely in the public administration mainstream or opt for something a bit avant garde that challenged conventional assumptions. He had a preference for an unconventional topic, which frankly would be more interesting. And since the writing of a dissertation requires a level of devotion not dissimilar to the amount of ardor directed towards a newly wedded spouse, he wanted to ensure that he wouldn't be bored during the post-elopement. However, an unconventional topic also had its downside.

The second more difficult task was settling on a specific topic. He dabbled with the governance of local government, but doubted that any aspect of that topic would pass the bar of interesting. Besides, there must be one thousand dissertations written on the subject with little new to be said.

Or, he could have selected a topic dear to the heart of one of his department's faculty members. But that would scream sycophancy.

After ruminating over at least ten topics, he finally chose one with which he could remain steadfast. He would write about a subject that bothered him - the modern university, most especially the corporatization of that once independent body. This topic would not only fulfill the requirements of the Ph.D., but also provide him the opportunity for self-therapy. Fred is particularly annoyed with the claims that the university is a unique institution, quite divorced from the grubby nature of most organizations. In Fred's mind, it is different only to the extent that its leaders think it is so. It is the president's and his minions' job to maintain that pretense.

Finally, Fred had to choose a committee. Not an easy task under any circumstances, but quite difficult in Fred's case, because his department is a small one. It was probably safer if he chose committee members who were also members of his department. Their learning curves would be less steep. However, by choosing this course, he limited his options.

Fred felt quite fortunate when Jack McClure agreed to be his chair. Jack is known for his agreeability and instrumentality. With Jack, what you see is what you get. And that is also how he looks. Jack is... well spare in appearance. His madras shirts were probably purchased from Wal-Mart, his shoes from JC Penney. As for his career, Jack is a journeyman academic, a usually reliable utility infielder. As evidence of his level headedness, he had once served a term as department chair, a position usually reserved for those who are looking for an excuse not to publish every year. Jack isn't destined to make any paradigmatic breakthroughs, receive accolades from the American Society of Public Administration or have a plaque enshrining his service in a prominent university hallway.

When Jack agreed to chair Fred's dissertation committee, he made it clear that he wasn't looking for disciples. In Jack's view, an aspiring Ph.D.'s dissertation shouldn't reflect the world according to Jack McClure. Jack is heterodoxical to a fault, a relativist not bound to any particular ideology or paradigm. He is not one to bore his students by expounding at length on esoteric theories or long-winded meta-justifications. He understands that chairing a dissertation committee is a job—a job that should be completed in a reasonable amount of time. The dissertation is for the Ph.D.-in-the-making a leg of the academic gauntlet that should be completed well before the death of any of the committee members. Jack will help facilitate that. He is to his credit, totally lacking in pretense. Jack is the ideal dissertation chair.

Fred has already spent more than ten years walking the halls of ivy. Fred is determined for the academic apotheosis to begin: from servile student to confident professor; from sharing a low rent apartment with a roommate to being the sole occupier of a condo that reflects a modicum of affluence; from non-expert to the person who others seek out for advice and counsel.

The other members of the dissertation committee are not as attuned to Fred's needs as is Jack. They all have their idiosyncrasies, some might say obsessions. One of them, Frank Millwood, is the old and crotchety one. There is nothing physically appealing about him. He is slightly hunched over, wrinkled, wearing a pair of bifocals that are perpetually situated near the tip of his nose. He has ridiculously long ear lobes that are made longer by his unconscious habit of pulling at them when he is lost in contemplation, which as he ages is becoming more common. To further make his mien unattractive, a profusion of hair thrives in his ears as if he is making a serious attempt to nurture it. The word "wizened" seems to apply.

Most of Frank's students don't like him. In past years, Frank has known some of the greats of the field - Ralph Waldo, Luther Gulick and Louis Brownlow. Quotes from them are frequently interspersed in his lectures, implying that Frank is a disciplinary insider, almost there at the creation. However, since the mass of his students are oblivious to their unread texts, any reference to such august personalities is really of little significance.

The faculty of the Public Administration Department, if asked, would have little quibble with the students' assessment of Frank. Frank usually works to rule and sometimes less so, just enough to maintain his place in the pantheon of tenure. In doing so, Frank publishes an insignificant reinterpretation of Waldo, Gulick or Brownlow once every two years. He teaches adequately, but never with inspiration. He also manages never to volunteer for any committee assignments. Having become eligible for Social Security several years ago, some of the bolder department members are asking Frank more frequently when he is going to retire. In response, Frank usually averts his head, grumbles something inaudible and walks away.

Despite his gradual relaxation of standards, Frank remains strongly disposed about one issue. It turns out it is a foible common among many writers, particularly undergraduates. Frank hates the passive voice. He hates it with a passion. Some wonder whether it is, in fact, an expression of one of his unknown, primal fears. One wonders, does the new DSM V now include the usage of the passive voice among its catalog of mental disorders? Or thinking more expansively, if he became emperor or at least some kind of language god, would he ban the passive voice from the English language?

In their first dissertation one-on-one, Frank or rather Dr. Millwood was obviously distraught. "Mr. Cummings," he said "the passive voice disguises who is expressing what. You must take responsibility for your words. Next time you provide me with a draft, please ensure that you have excised all passivity from your writing."

And he might have added, at least from Fred's perspective, anything unconventional or baselessly creative.

Then there is Vivian Petroski, the middle-aged attractive one. She is slightly taller than average and dresses well. Apparently, she didn't get the memo in graduate school that male and female professors, to look authentic and scholarly, are expected to be at least mildly disheveled. Instead, whenever possible Vivian wears silk rather than a cheap substitute. She also consistently bathes herself in perfume. It isn't so overpowering like the odor emanating from the cosmetic area of a department store, but it is evident from three feet away. Fred is mildly distracted by her low cut blouses.

The rumor among the graduate students is that she has been married three times and in each case, she initiated the divorce. Fred wonders why. Whenever his mind wanders thus, he has to remind himself that there is little upside if he makes love with a member of his dissertation committee.

Her calling is feminism and her ideology is, in part, expressed, in Fred's case by her insistence on gender neutrality and strangely enough commas. Fred in her mind is addicted to commas. Her red marks add a significant amount of color to his draft. What only makes them bearable are the curlicues she appends to almost everything she writes. Is this a sort of flirt? Do undergraduates get the same treatment?

These curlicues confuse Fred. It seems an odd habit for so committed a feminist. It must be a holdover from the days prior to her consciousness being raised. What is more consistent with her image is her tendency to reproach. "Fred," she said during one of their private advisement

meetings, “Frankly after reading chapter three, I felt excluded and rather offended. Your writing is something out of the 1950s. If you must use ‘he,’ please balance it with an equal number of ‘she’s.’ I won’t sign off on a dissertation that is so openly and unabashedly sexist.”

The fourth member is Jerry Spooner. When Jerry meets someone for the first time, no matter what the topic of conversation is, he gleefully discloses early on that he is a Marxist. He is fond of referring to himself as one of the last of the Mohicans. Furthermore as an addendum, he feels it necessary to state, as if he is signing a disclosure form, especially if he is conversing with an addle-brained freshman or the parent of one that “No... I am not a terrorist nor do I sympathize with terrorists.”

At six foot four and barely 180 pounds, he towers, however precariously, over the rest of the committee members. His hair is slightly longish and mildly unkempt. He wears a shirt and tie only on the rarest of occasions. Usually he dons a t-shirt that either commemorates an out-of-the-way place he has frequented or a phrase that he believes to be particularly poignant. His dress often evokes comment among his students. And he seems to savor their attention. The students who sign up for his classes are usually members of his tribe. The size of his tribe ensures that his classes are always full.

Another characteristic that has made Jerry popular is his penchant for awarding “A’s.” Given Jerry’s “student centeredness,” Jerry’s teaching evaluations are the best in the department. Indeed, it is very difficult not to get an “A” in Jerry’s class. One really has to work at it. This fact alone makes Jerry subject to numerous talks with his department head, for Jerry is contributing to one of the most menacing problems in academe - grade inflation.

Since Jerry is merely 38, Woodstock, the Vietnam War and the Summer of Love, all sadly preceded him. Some people are born after their appropriate place in time. Jerry is one such person. Nevertheless, Jerry is also caught between two paradigms –the free love hippie and the ardent Marxist. Jerry has the look of a back-up singer for the Grateful Dead. He occasionally reverts to hippie-speak. To complete the stereotype, prior to joining the academy, Jerry lived on a commune in upper New York State for several years after getting his BA.

Despite his prowess in convincing students of the truth of his ways, Jerry is an assistant professor, who seems likely to be dead-ended. He seems destined not to get tenure. In five years, he has published only two peer-reviewed articles and those are in thinly read, pathetically bound journals, favored only by the Mohicans. Real public administration scholars don’t read them and many of his colleagues have never even heard of them. Jerry claims that he has tried to get published in some mainstream public administration journals, but that his reviewers did not sufficiently appreciate the “ways of his tribe.” None of the department members, except for Vivian, are sympathetic. They suspect that Jerry suffers from a common malady of failed or nearly failing assistant professors - the inability to come to closure on a writing project or in some cases even start. Instead, the successful assistant professors abide by the maxim “Always Be Publishing.” Jerry hasn’t learned this during his enculturation.

What rings Jerry’s bell? For this disciple of Marx, cant is all important, although he would never admit it. Marxists speak their own language. To demonstrate that they are still Mohicans, Jer-

ry and his diminishing band strongly favor the language employed by Karl in “Capital.” Thus, in Fred’s draft, Jerry scratches out the word “dominance” for “hegemony,” “employees” for “proletariat” and of course whenever possible injects the word “dialectic,” whether or not it is appropriate.

The final member, Peter Showacre, is at times the most helpful, but alternately the most aggravating and certainly the most intimidating. He has a paternalistic style that obviously has been honed during years of dealing with his children, his students and sometimes his colleagues. Fred can’t help feeling distraught after speaking with Peter. Fred always seems to disappoint him. No matter how well Fred writes a paper or responds to a question in class, Peter is the eternal fault finder.

The Lord is on Peter’s side and the Lord can be a difficult taskmaster. Ask Job. Peter is a former Jesuit, who remains a loyal Roman Catholic. He has forsaken the order and has instead chosen academe. Nevertheless, after many quiet talks with the Almighty, Peter is seemingly convinced that the Lord and the Church has forgiven him. He has not given up his calling to serve Christ, but rather is serving Him in another venue.

Peter more than any of the other committee members, acts and looks like is the consummate academic. His beard is graying slightly and is well-trimmed. His words are measured and never given to excess. When he speaks, his students usually listen, despite the distraction of their I-Phones. Some of them even take notes.

Although, he is not a bad person to have on a dissertation committee especially for anyone who in the future is bound to submit manuscripts to academic journals, his comments make Fred feel like a dunderhead. For Peter, Fred’s prospectus is sorely lacking in theoretical underpinnings and sometimes Showacre implies that it is ungodly. Will Fred ever be able to satisfy God’s representative on earth? From Peter’s perspective, any theory must at the very least be something that Christ would have approved of and not the Jesus of Liberation Theology.

When Jack first called a meeting of the committee, Fred was less than sanguine. At the prospectus defense, Fred was prepared to lay out the dissertation’s outline and the broad concepts at work. Each committee member had read his initial draft proposal, including chapter outlines, and since he has met separately with each member, he is fairly familiar with their ideologies, preferences and obsessions. He is less aware of their possible objections. Will they be able to reconcile their differences so that Fred can produce a reasonable and coherent document and not one that jumps from one point of view to the next? That is far from clear. Furthermore, can Jack tame the contending parties and have them bury their individual hatchets somewhere other than in Fred’s back? And ultimately, can Fred write a dissertation that is reflective of his own beliefs and not be an incomprehensible mishmash of their varying ideologies? Fred has always been told by his mentors that the dissertation defines the early academic. He does not want to be known as a human representation of the Tower of Babel.

As chair of the committee, Jack fulfills his role and calls the meeting to order.

“Thanks for coming today,” which is followed up by an obligatory salutation, acknowledging, whether it is true or not, each member’s spare available time. “Fred has come a long way and he would like to get your feedback on his prospectus.”

“Mr. Cummings,” Frank Millwood mutters, followed by an overly long pause, “I’m not sure that your topic lends itself to the field of public administration. If you wanted to write about the university, why didn’t you choose to get your Ph.D. in the field of higher education administration? Certainly... that would seem more appropriate. I’m sure that there are a plethora of professors on the other side of campus who would welcome your critique of the modern university.”

“Dr. Millwood, I appreciate your concern, but the contemporary university is an important component of our organizational society and as such seems to fall within the purview of public administration. I think I can analyze the university with a fresh pair of eyes - a pair of eyes guided by some of the theorists prominent within our field.”

At which point Jack added, “You know Frank, just last year Humboldt at Missouri wrote a prescient article in PAR about the university as a loosely coupled system. It was the talk of the ASPA conference—very cutting edge.”

“Well, it might be cutting edge within the field of education, but I am not so sure it is relevant to our field. The university has disciplines for a reason.”

“Oh come on Frank,” exclaims Jerry, “academic disciplines are just social constructions. Why should we be bound by them?”

Frank seems to ignore Jerry’s comment. However, he is livid, albeit silently so, that a neo-hippie, a rank assistant professor first questions his judgment and second has the temerity to refer to him by his first name. Gulick would never have born such a violation of hierarchical decorum.

After this breach, Millwood trains his eyes on Fred, not Jerry. He has decided to direct his dismay toward Fred, the easier target. “During this process, I will scrupulously examine your paper for its relevance to the field of public administration. Don’t disappoint me. Be warned!”

The first admonition has been cast, albeit in the passive voice.

With barely a pause, the irrepressible Jerry chimes in, anxious to hold court. “Fred, I just don’t get it. You’re obviously critical of the corporate tilt our institutions are taking, but I don’t see any hint of a solution.”

“Well... I haven’t concluded my research yet. Any solutions that I would offer the committee at this point would probably be premature. - sort of putting the cart before the horse.”

“The horsy analogy notwithstanding, I would like to suggest that you might consider a radical structuralist critique. Given the pervasive corporatism, what hope is there that our institutions will truly change? Oh sure... I would expect that most dissertation writers tackling such a de-

pressing topic would advocate some kind of piecemeal reforms: creating more powerful faculty senates; larger appropriations, so we don't have to rely on those ego-hungry donors for contributions; or hiring presidents who are former faculty members. But, none of these so-called reforms will change the dynamic. In these scenarios, the university will continue to be the handmaiden of DuPont, Ford..."

"Dr. Spooner," chortles Peter Showacre without managing a wince "must you reduce everything to a Marxist critique. Surely, there are some phenomena which don't apply."

"If Marx were alive today he would also be overwrought that corporations are taking over every aspect of our lives. Our work, our leisure, our embrace of a false consciousness! Christ... Peter, don't you see it? Come to think of it Peter... what would Christ have to say?"

"That does not warrant a response."

"But I know you must be contemplating it."

The dialogue, if you could call it that, has reached a dead end. Jerry is adamant that he is right and Peter is equally adamant that when Jerry comes up for tenure, he will get a resounding "no" vote from him.

Although Fred is worried that his prospectus defense is turning into an academic food fight, he is slightly relieved that the food for the time being is not being hurled at him.

"I didn't notice any specific reference to the condition of women in the university. Did I miss something or are you planning to ignore us?" asks Vivian.

"Well... I am not planning to ignore you, but women are not central to my topic."

"WE ARE NOT CENTRAL TO YOUR TOPIC! Well... excuse me. When last I looked at the literature, patriarchy was central to the corporate world. And isn't it your very point that it is also central to the university. To ignore this topic would make your dissertation UNACCEPTABLE."

"I thought that someone presumably as enlightened as you would know that corporations and universities regularly discriminate against women both at the lower and upper end of the hierarchy. Don't try to deny the existence of the glass ceiling by ignoring it."

"You are aware that only a handful of corporate CEOs are female. Furthermore, we still only average 79 percent of what you GENTLEMEN earn. And don't forget that across colleges and universities vastly fewer women achieve tenure than do men. I could go on..."

Fred hoped she wouldn't.

Jack grimaces, hoping that Vivian would stop the pummeling. He decides to intercede before Vivian starts quoting references and citing statistics that she regularly refers to in her classes.

“Vivian, we appreciate your input. This is exactly why we are holding a prospectus defense - to get your feedback and strengthen Fred’s work.”

Fred is beginning to further appreciate the role of the chair, especially with such an obstreperous group. Appease dissidents; soothe egos; and occasionally duck.

Peter Showacre resituates himself in his ergonomically correct seminar chair. “Mr. Cummings, you obviously need to abide by Dr. Millwood’s injunction that this act of scholarship falls within the confines of our field. However, it is my principal concern that, despite our previous conversations, your prospectus appears to lack a sufficient theoretical foundation. How can this be? I recall that when we spoke, I made this point repeatedly. The very essence of a dissertation is to demonstrate your knowledge and application of relevant theories. Certainly, a dissertation tells us something new and novel, but you as its author are not standing alone. You are standing on the shoulders of those theorists who have gone before you. I was disappointed that your prospectus did not acknowledge this debt.”

Fred has received his remonstrance. He feels humbled and scared. Fred spins through his mental rolodex in search of a response. Apologize - no that would not match the criticism’s gravity. Appear mute - that would make him look even worse. Go on the offensive and substantiate the intellectual substance of his prospectus - that is bound to end badly since it is unlikely that he will be able to match Dr. Showacre’s intellectual firepower. Defer to his chair - Jack has suddenly become preoccupied with his scribbling, he isn’t maintaining eye contact. Fred begins speaking - trying to fill the void, hoping that he will say something credible.

“Dr. Showacre... I tried to put together a plan, I mean a prospectus, that would satisfy this committee and that would meet the high standards of this institution. Apparently, I have failed... at least during my first attempt. Give me three weeks. I will meet with each of you individually and hopefully, I can work something out that will satisfy all of your concerns.”

Was Fred’s punt successful? Except for Jack, each of them stares at Fred stone faced. They are passively noncommittal. Indeed, no one wants to speak first, so as to commit the members to a precipitous course of action. Finally, Jack intercedes.

“I think we all can agree that Fred still has a lot of work to do. But,” he adds optimistically, “I think he is up to the job. I will work with him in the upcoming weeks.”

The committee members, with the exception of Jack, arise from their seats with a moroseness that usually accompanies a particularly stern sermon. They don’t wish each other a good day or comment on the hot weather, they just leave the room brusquely. Jack saunters over to where Fred is sitting and almost whispering, says, “Why don’t you come down to my office.”

Like Jack, Jack’s office epitomizes dishevelment. It’s not dirty, only chaotic. His gray, metal desk is decorated with five hastily stacked piles of paper and almost buried under them is a framed photograph of his wife. There are books that Jack has randomly strewn on the floor. Some crumbled bits of paper that missed his wastebasket lay near their target. The two chairs that face his desk, intended for visitors, have books piled on them.

“Sorry about the mess,” says Jack, a line that is almost like a salutation when a visitor crosses Jack’s office threshold.

Fred with more care than is required, dutifully removes the books from his assigned chair, stacks them on the floor and exhales deeply.

“The prospectus defense could have been worse. I’ve sat through some... chaired some... where some of the members walked out without comment during the discussion. Those were the kind of defenses when the candidate usually just decided to ditch the whole project and sometimes ditch the Ph.D.

“No... on a zero to ten scale, I’d give this one a four.”

Fred had been hoping for at least a five.

“I think this dissertation is salvageable,” counsels Jack with a barely hopeful smile.

Fred’s level of comfort declines further.

“But next time, I suggest that you almost camp out in Dr. Showacre’s office. Pick his brain. Make sure he’s on board. The other ones can probably be more easily persuaded. I’ll work on them a bit.

“But, Showacre is the one you really have to work on.”

Fred, experiencing the onset of academic shellshock, has not yet said a word. He sits on Jack’s guest chair, occasionally nodding.

“Thanks,” Fred says, almost gratefully, “but I had the impression that their criticisms were as much about themselves as they were about me. Maybe this isn’t going to work.”

“I’ve seen worse,” says Jack, repeating his earlier warmed over encouragement.

Fred knows that Jack has also seen prospectus defenses that had gone a lot better.

“I’ll work on it. I’ll do exactly what you say,” says Fred, trying to appear somewhat less discouraged.

“You do that,” says Jack with the fervor of a basketball coach commiserating with his team that is twenty-five points behind at halftime.

Slowly Fred ascends. He stumbles down the hallway, talking to himself. One decade before, his mumblings might have mistaken him for a schizophrenic, but given the ubiquity of cell phones among the student body, his slightly irregular behavior doesn’t stand out. Although his gait is unsteady and his path does not always follow a straight line, he is headed, however erratically to the Warbler, the campus bar. As a campus institution, it is rivaled only by the actual, in-

the-flesh Warbler, Rec Tech's mascot. Why the trustees 60 years ago chose a warbler as the school's mascot is part of the campus lore, but the reason is unknown. However, the warbler mascot, especially over the past 20 years, has won the hearts and minds of students, alumni and most importantly donors. The Warbler football team does annual battle on the football field against the Mountain Lions, the mascot of the flagship school. Although Rec Tech usually loses to the flagship school, the Warbler mascot usually puts up a reasonable fight against the mountain lion mascot, pecking him savagely, especially during fourth down and ones.

On game days, the Warbler sometimes makes an appearance at the bar that shares his name. When the Warbler walks through the door, what ensues is something very close to pandemonium. Indeed, it more than resembles a riot, if angry mountain lions in their well-known tan and red colors are present. Even when the Warbler is not in attendance, pictures of him are everywhere, along with Vince Coughlin, the former Warbler middle linebacker, who twenty years ago played for two years as a backup on the Chicago Bears.

Otherwise, the bar is fairly nondescript, a watering hole only a Warbler could love. The motif, if you could call it that is brown - a brown bar, brown tables, brown chairs, a brown tiled floor and a brown back splash behind the bar. Despite vigorous mopping and cleaning, the bar always smells like day old beer. The menu is basic. Draft domestic beer is supplemented by an occasional foreign brew, along with burgers, pizza and fries. Onion rings are available only on game day.

Fred makes his way to the bar.

"What d'you have?" says the bartender a beefy, former offensive lineman for the Warblers. His once chiseled abs, now hang like a semi-inflated inner tube over his badly extended belt.

"I'll take a Pabst and a burger. You don't have any onion rings, do you?"

"Only on game days," the bartender responds somewhat dismissively, thinking that patrons should be familiar with the bar's culinary schedule.

Fred is the only patron sitting at the bar and since the bartender does not seem to be a devoted confabulist, Fred begins to wonder why he ordered a hamburger. The hamburger comes a little too quickly. In five bites, it is gone. There isn't a reasonable sports event on the television above the bar, which always features ESPN. The event appears to be curling. He would prefer something American.

As he is about to stand, Fred feels a tapping on his shoulder. Bill O'Brien settles on the stool next to him.

"How's it going Fred?"

"Not too bad... well actually lousy. I just had my prospectus defense and it went horribly. None of the committee had anything good to say."

“Bartender... his drinks are on me.”

“That’s not necessary.”

“Don’t worry about it. With the committee you’ve got, you deserve a few drinks.”

Fred is only barely acquainted with Bill. They have taken a few classes together and shared a table at a few of the department’s monthly get-togethers. But, they have never had a real conversation beyond Warbler trivia. Fred is a little surprised that Bill decided to pursue a Ph.D. He doesn’t seem like the type. It strikes Fred that Bill would probably be happier coaching a men’s basketball team or being a firefighter in Wyoming than winning the right forever to wear an absurd gown with a tasseled hat at graduation ceremonies from now until retirement.

Bill’s presence in the department predates Fred by several years. Supposedly living off a modest inheritance and an even more modest graduate assistantship, Bill is in no hurry to finish his coursework, before he too takes his comprehensive exams and begins his dissertation.

“Are they really worse than anybody else in the department?”

“I think you could have done better. Don’t get me wrong Jack is a straight-up guy, but I wouldn’t want to share a lifeboat any of the rest of them.”

“Is it too late to replace any of them?”

“Probably... but Lopez, the department head, wouldn’t stand for it.”

“Yeah, but they hated it.”

“Who do you think Lopez would rather upset you or his faculty members, who, by the way, are scheduled to vote to re-elect him for another term next month?”

“I’m screwed.”

“Well... not necessarily.”

“What do you mean?”

“How good are you at sucking up?”

“The Ph.D. is not worth that.”

“Why not? You’re not going to see these folks once you’ve been hooded.”

“Have any other suggestions?”

“Nothing you would probably like.”

“Try me.”

“Look... I wouldn't normally suggest this, but you sound like a brother in need. I have a friend at Nebraska State, who had a similar problem. His committee stunk. Small department. His dissertation chair didn't like him. At least you've got that going for you.”

“What did he do?”

“He got something on each member of the committee - just enough to persuade them to sign off on it. It wasn't easy. They have all the power. He had to employ some jujitsu.”

“I don't know if I'm devious enough to pull something like that off.”

“I am. I'll help you. We'll get something on each one of them. No matter what, it's better than what you've got going for you now. Hell, given what you said, they'll probably flunk you just to prove to themselves that they're a department that maintains high standards. You've got to eat or be eaten. It's the academic way. Let's meet back here in one week. Come up with some creative extortions.”

As planned, Bill and Fred, academic co-conspirators, meet in the bar one week later. This time they discuss their findings in a corner beyond the earshot of any intrusive warblers.

“Bill, I am at a loss. Did you know that there are multiple websites on the Internet that can be Googled with the phrase “How to get revenge - fill in the blank.”

“What do they recommend?” asked Bill.

“Most of them are pretty juvenile and not very effective in my case. Phony magazine subscriptions are big. You know like signing an atheist up for *Christian Weekly*. I made a list. Obnoxious greeting cards; nuisance phone calls; anonymous letters; doctored photographs posted on the Internet; voodoo dolls; fake certificates of merit. I don't want to get arrested or be subject to a restraining order.”

“Agreed... those are pretty bad.”

“Maybe I should jettison the plan.”

“Wait a minute. I talked to my buddy at Nebraska State. He gave me some ideas. The best one was to focus on the weaknesses of your committee members. What are they?”

“Okay... Millwood is well past his prime. Of course, that assumes that he ever experienced a prime.”

“That's significant.”

“Petroski, Spooner and Showacre... all take themselves so seriously.”

“How so?”

“Petroski is so wedded to her feminist ideology. No matter what subject she lectures about in class, it always seems that she comes back to patriarchy. That’s how she sees the world. Sometimes I get the impression that she views anyone with X and Y chromosomes as a potential oppressor. But is that really a weakness?”

“It may be.”

“Spooner also approaches the world in terms of white and black. God... he gives me a pain. Marxists can be so sanctimonious. It doesn’t matter that Mao, Stalin or the Kims in North Korea managed to fuck up their sections of the world, they still are adept at coming up with multiple reasons to substantiate their stale ideology. It’s all very Manichean - the forces of light versus the forces of darkness. Jerry, of course, is sided with the forces of light.”

“No surprise there.”

“Everybody knows that Showacre clutches his crucifix close to his heart, but he’s not overtly ideological like the other two. Showacre is the only member of the Department who I would characterize as an intellectual’s intellectual. He could get a job almost anywhere. He is well published, well-spoken and he also intimidates me. It must be fallout from my days spent in Sunday school.”

“What are his weaknesses?”

“I don’t see any weaknesses there.”

“Everybody has weaknesses. It’s what makes us human.

“Okay,” says Bill, trying to bring order to Fred’s catalogue of personalities, “let’s start with Millwood. He’s probably pissed with the direction the department has taken in recent years. Isn’t he infatuated with Gulick?”

“Yeah, nobody takes Gulick seriously anymore. But for Millwood, he still walks on water.”

“I guess we don’t get anything by insulting Gulick to Millwood’s face?”

“No more than sending him unwanted magazine subscriptions.”

“Besides his obsession with the late greats of public administration, what makes Millwood so weird?”

“Well... he is fixated with the passive voice.”

“The passive what?”

“Go back to your eighth grade English class. It’s when the subject of a sentence is not identified.”

“What’s the problem with that?”

“Gulick probably didn’t like it.”

“But seriously, isn’t that what makes bureaucrats’ writing so distinct? I think you’ve got something here. I think we could work with this.”

“I’m not following you.”

“It’s simple. Anybody who is so uptight about the passive voice, needs a little loosening up.”

“What are you suggesting? A woman?”

“No, not a woman... drugs.”

“I told you. I don’t want to commit a felony.”

“This will be relatively innocent. Look... Millwood, despite his age, can be a real chowhound. Have you noticed that he always shows up whenever there is free food? And I bet he loves chocolate. Solution: have Cindy, our beloved office assistant, give him some marijuana-laced brownies just prior to your defense. And schedule the defense for the afternoon right after she lays the brownies on him. It won’t just mellow him out, it might knock him out too. One down... three to go!”

“How about Spooner?” asks Fred expectantly.

“Despite his big mouth, Spooner lives in fear. Two articles in five years - that won’t cut it, even at this place. He’s got to be circulating his vitae around. Besides the word is that the rest of the faculty can’t stand him. Can you imagine what he’s like at faculty meetings? I bet he bores everyone to death with his bullshit.”

“So how will this help me?”

“Right now it’s especially important that he remains faithful to the Marxist creed.”

“Yeah, but so what?”

“I’m getting to it. Have patience, my friend. What if Jerry were to find himself as a co-author of an article to be published in *Free Enterprise*?”

“Isn’t that the journal published by that conservative think tank in DC?”

“Yep.”

“Why would they want to publish anything with Jerry’s name on it?”

“They wouldn’t normally. I’ve got a friend, he’s a sort of a conservative political prankster. He loves to make liberals look bad and he hates Marxists even more. He likes to pull political pranks. You know like the high jinks those conservatives pulled with ACORN a few years ago, when they posed as welfare scam artists. He is about to publish an article with them. I don’t think he would mind sharing authorship, if it would do a Marxist wrong.”

“Sure, but Spooner would deny it.”

“By the time he denied it, the damage would be done. The conservative media would love it. It would be the political equivalent of those crazy evangelicals who are always trying to convert Jews to Jesus. Of course, the strategy would only be effective, if you were able to call off the dogs before the article got published.”

“Yeah, before the prospectus defense.”

“The timing is important.”

“I’ve got an idea about how to deal with Showacre,” says Bill. “It just came to me.”

“I’m all ears.”

“You know the Warbler mascot?”

“Who doesn’t know him? A friend of mine hates him. Do you know that buzzard sat in his girlfriend’s lap for five minutes in the third quarter of a football game last fall? He wouldn’t get up.”

“He’s not such a bad guy. He lives next to me in my apartment building. They want him to be outrageous, the more outrageous the better.”

“He better hold back a little or somebody is going to bend his beak.”

“Look, the Warbler owes me a favor. I helped move him into his apartment.”

“So what’s the payoff?” asks Fred conspiratorially.

“Harass Showacre. Harass him mercilessly.”

“Yeah, but Showacre doesn’t go to any of the games. During the intercollegiate games, he probably locks himself in his house while he plays two sides of the chessboard.”

“I think I could talk the Warbler into showing up at Showacre’s office hours, attending his class, following him around campus - that kind of thing. He knows how to push the envelope without breaking the student code of conduct or being slapped with a restraining order. He’s a master at it. He knows what he can do and what he can’t do. It will drive Showacre crazy. Mr. Rationality confronted by a relentless winged creature. He won’t know how to handle it.”

“Sounds perfect.

“I’ll talk to him.”

“And Petroski?” asked Bill.

“I don’t know I’ll think about it.”

Actually Fred had thought about it, but he didn’t want to admit to Bill what he was planning. He may have misinterpreted her body language and the lilt of her eyebrows, but it seemed to Fred that Vivian may have evinced some sexual interest in him. He had some ugly thoughts. Could her sexual interest lead to an affair, which he then could hold over her head at the defense? Although it isn’t contrary to university policy, if a faculty member beds down a student, especially a student over whom the faculty member exercises some authority, department chairs and deans do not regard such situations fondly. Fred has never done anything quite so dastardly. His other revenge schemes are relatively sophomoric and harmless, but maybe this one crosses the line.

During the ensuing week, elements of the plan begin to come together. Cindy agrees to give Millwood the tainted brownies, although Fred does not let her in on his perfidious plan, beyond saying it is part of a practical joke. The Warbler signs on as Showacre’s tormentor. The Warbler is enthusiastic about the assignment, since Showacre gave him a “D” in a class he took from him two years ago. Bill’s friend agrees to add Spooner’s name to his recently completed article that purports to illustrate how Obamacare would devastate the poor.

Fred, unbeknownst to Bill or anyone else, begins making frequent visits to Vivian’s office. When Bill keeps asking Fred about what is happening with Petroski, Fred always answers that he is working on it. Actually, he is not only working on it, but he is making progress - progress not only in allaying her concerns about his writing project, but also in setting up his planned sexual dalliance with her. They are now on a first name basis.

That Friday afternoon, he knocks sharply on her office door.

“Come in Fred,” she says, “What’s up?”

“Not much, I’m just looking for a break from doing writing and research.”

“So am I,” at which point she abruptly ends her torrent of typing with what the English refer to as a full stop. “What do you propose?”

“How about a drink? But not at the Warbler.”

“Good, I hate that place.”

“So do I,” as if to confirm his good taste.

“How about Marlowe’s - that new fern bar downtown? I understand they make damn good martinis.”

“Is it alright to drink martinis before four?” he asks so as to further confirm his knowledge of what to imbibe and when.

“I don’t see why not. Although the earliness worries me a bit - my ex, the first one, used to start drinking about this time in the afternoon. And he ended up in the drunk tank.”

“I’ll make sure that we both hold our liquor.”

Or was that something too gallant to tell a feminist? She smiles and seems to resist making what under other circumstances would have been a sarcastic comment. Clearly she likes Fred. And he is starting to get his courage up with her.

They take her bright red BMW to the fern bar. Maybe her marital settlements have been lucrative.

Fred is glad she insisted on taking her car rather than his rusty Plymouth Omni, a graduate student special, which because of the rust has a permanent and growing hole in its floor.

She chooses their table—a table in the corner, some distance from the large, plate glass window that is exposed to the main street and its gawkers.

“So Fred,” she says coquettishly, “what do you plan to do once you’ve finished your dissertation?”

“I haven’t thought that far ahead. I’m just trying to get through it.”

“All of us have been through it. As much I regret saying this, the dissertation can be a bit of a hazing. It’s very much of a male thing. I don’t particularly like it.”

There are a few moments of silence, when she carefully swirls her swizzle stick and then almost lovingly places it in her mouth and licks it. Then picking up her glass, she slowly sips her drink, her eyes focused hauntingly on the overgrown fern to Fred’s right.

“What about you? Where are you going to be five years from now?” he disliked himself for his banality.

“I don’t know. I rather like this town and believe it or not I like this university, despite its rough edges. Although I do wonder what it would be like living in the Rockies. Do you ski?”

“Horribly.”

“Yeah, so do I, but I think I could learn, even at my age.”

“I don’t think that would be a problem,” says Fred trying once again trying to modulate his inner gallantry.

“You know... I just turned 40. I noticed my first wrinkle last week.”

“It’s not visible. I never would have guessed you’re 40,” says Fred venturing further into the booby traps that can undermine male-female relations.

“If you don’t mind me asking, how old are you Fred?”

“I’m 32.”

Why would this be relevant information?

“Eight years difference. My second husband was six years younger than me. The problem wasn’t that he was young. The problem was that he was immature. I’d want to go to bed and he wanted to play video games.”

Imagine that!

“How about you Fred? Tell me about your relationships - past and present.”

“Never been married. I’ve had a few serious relationships, but nothing at present.” Fred notices a tiny smirk. He was going to add that given the seriousness of his work, he doesn’t have time for relationships, but he decides to forego the hair shirt.

“Well, that’s not very informative. We women like details.” Now he understands her use of curlicues. She is a feminist who has not forgotten how to flirt.

“My love life is not very interesting. Nothing racy.” Then as an afterthought, he says “I once dated one of Marlon Brando’s daughters.”

“You did! Although he was a pig, he was one of my favorite actors. The savagery that he portrayed in *Apocalypse Now* was truly amazing. Did she look like him?”

“She definitely looked like her father, but she hardly knew him. She was one of 15 siblings.”

“No wonder he made so many movies.”

Both of them are becoming slightly less cautious in their repartee, somewhat more like old friends who have long since dropped the pretense.

The next signal that he picks up is physical, not verbal. He feels her leg touch his leg under the table. He doesn't move his leg. She doesn't move her leg. Each of them pick up their second respective martini and laugh.

"I'm a great cook," she boasts. "Why don't we go back to my place and I'll cook you something unforgettable."

He is unsure whether the food will be unforgettable, but he has no doubt that she will be.

Fred is convinced. His plan has to change. No... he has to completely stop it. There are only three days until the prospectus defense. He calls Bill for the purpose of holding an emergency meeting at the Warbler.

"Fred, what's the matter? You look frazzled."

"Bill, this was a bad idea. We've got to stop it!"

"Well... a few things have not gone according to plan."

"What do you mean?"

"The Warbler did his thing. He went to Showacre's office several times and just sat there humming. Showacre tried to ignore him by grading papers. He then followed Showacre around campus, pointing at him and creating a general ruckus. Finally, he followed Showacre into the men's room."

"I didn't know that the Warbler's costume had a zipper."

"It doesn't. That's what made peeing a challenge."

"Finally, after several hours of this, Showacre lost his cool. He told the Warbler to get lost and he was damn emphatic about it."

"What did the Warbler do?"

"He started humming and pacing back and forth, which in Showacre's mind was not an acceptable response."

"What happened then?"

“Showacre punched him in the gut. He hit him real hard. Really knocked the wind out of him. Then Showacre hit the warbler squarely on the jaw, which is quite a feat, since it’s hard to tell where a guy’s head is in that costume. The Warbler staggered and fell to the ground. With that resort to violence Showacre solved his Warbler stalking problem, but he may have created another one.”

“What’s that?”

“The Warbler has filed assault charges. Brown and Young have agreed to represent him. I’m not sure it’s going to go anywhere, but the Warbler is pretty mad. Haven’t you been reading the campus newspaper?”

“No, I’ve been preoccupied.”

“It was in there. The students wrote an editorial about it. They sided with Showacre. For the first time, sentiment on this campus seems to be turning against the Warbler. If this continues, the trustees may have to come up with another mascot. It would be unseemly if the Warbler got booed at our home games.”

“Is the Warbler pissed with us?”

“He hasn’t been returning my calls. My guess is that he’ll drop out of school. His studies have always been secondary to him. And even if it’s possible to rehabilitate the Warbler’s image, they’ll still probably replace him with a new guy.”

“Any other news?”

“I’m afraid that Cindy got mixed up about when she was supposed to give Millwood the dope-laced brownies. She gave him a box full last Thursday. Gee... haven’t you been around?”

“I told you I’ve been busy.”

“Millwood true to form wolfed down several of them that Thursday afternoon and he threw up all over the Public Administration office. He couldn’t make it to the bathroom. I never heard about anybody who had such a bad reaction to marijuana. God, did it stink in there. I guess that old guy’s system couldn’t take it. One good thing though.”

“What was that?”

“He was having a high old time right after he heaved them.”

“Well, I’m glad that at least we provided him with a little bit of joy.”

“He’s not likely to forget it.”

“Neither will I. They didn’t take him to the ER, did they?”

“Not that I’m aware.”

“Good, if he had gone there, we might be on the hook. If they had sampled his blood, the results would show plenty of THC. At least, we dodged that bullet. What about Spooner?”

“I haven’t heard anything from my buddy.”

“Maybe your friend had second thoughts.”

“I doubt it. He’s a pretty determined lefty basher. He’s been at some kind of ‘Freedom Retreat’ – the sort of get-together that gets the conservatives all riled up.

“What about Vivian? Any collateral damage there?”

“No, I thought better of trying to get something on her. At least, I made one good decision in this whole mess.”

“Sorry guy, I was only trying to help a brother in need.”

“You don’t need to apologize. This was my doing.”

“Good luck with the prospectus defense. It happens in a couple of days, doesn’t it?”

“Yep.”

“Tell me how it goes.”

“Will do. I’ll consider it a success, if I don’t walk out of it with a felony warrant.”

At the committee meeting everyone is there except for Dr. Millwood, which is unusual, since he prides himself on his punctuality. Fred has never approached a meeting with such dread. His stunts have probably ruined his nascent academic career. It is quite likely that some of the targets of his nefarious plot have already found out or will find out that Fred was involved. Assuming that he survives his ordeal today relatively unscathed, which is highly uncertain, doubts about whether he will be exposed will continue to haunt Fred, at least through the end of the dissertation process. A guilty soul faces multiple fears.

In a private conversation with Vivian, the only member of the committee whom he likes, Jerry whispers that he recently received news that an article, which he had co-authored, had just been accepted for publication. With that comment, Fred fixes his attention on them, eavesdropping on their conversation, while still appearing to read something in his prospectus text.

“I’ve heard that you got published.”

“You’ll never believe where.”

“*Humanity and Society?*”

“No.”

“*Dissent?*”

“Wrong again.”

“Just tell me.”

“*Free Enterprise.*”

“Wait a minute, isn’t that published by that far right wing outfit? How could you? What was your subject?”

“Obamacare and how it’s going to oppress the poor.”

“What?” she says in disbelief.

“Vivian, I’ve always said that the right-left divide is not a continuum. It’s a circle. On the issue of Obamacare, there’s a lot I can agree with the right about. It’s a scam leveled against the poor. Publishing the article in *Free Enterprise* was not my first choice, but I had to make some concessions to my right-wing co-author. But, here’s the best part...”

Their conversation is interrupted as Dr. Millwood enters the meeting room. He is five minutes late. Millwood is smiling and carrying a plate of brownies. Known for his penurious ways, he uncharacteristically offers each member a brownie. Only Vivian and Fred decline the offer.

Jack, fulfilling his role as dutiful committee chair, calls the meeting to order and asks whether Fred has met with each one of them. Each member silently nods, some with more solemnity than others.

“I have no additional comments. Mr. Cummings has satisfied my earlier concerns,” Millwood says almost beaming.

Millwood, Fred thought, must have been munching on those brownies all weekend. The question is, should Fred provide him more so as to maintain his euphoric state or cut him off and thus risk his slow decline into melancholia?

“Dr., I mean Mr. Cummings, and I have met several times,” says Dr. Showacre gravely, not revealing which way his comments would go.

“Did you deck him?” asks Millwood, barely suppressing a smirk.

Showacre tightened his chin and stares with anger at a chair seated next to Millwood. The stare would have been nastier and on point, but owing to Millwood's status as full professor, Showacre chooses to avert it slightly. He is debating whether to comment on his recent incident with the Warbler. He has not yet commented publicly.

"That damn chicken deserved it," says Showacre spewing forth his rage without reserve.

"It isn't a chicken. It's a warbler," giggles Millwood. His glasses slip further down the ridge of his nose.

"I don't care what kind of bird it is. Professors, especially full professors, should not be subject to such abuse. I find it appalling. And if happens again..." pausing for greater effect, "next time I will strike him with three blows, instead of two. Mascots need to know their place."

Fred feels relieved. Although Showacre is clearly angry, he is not directing his anger toward Fred. The Warbler, despite his outrage with Bill and him, has not named names.

"Shall we get back to business gentlemen and our female representative?" asks Showacre, apparently ignoring that it is his choice to end or continue talking about his pugilistic prowess.

Vivian grimaces but hides her displeasure with a strategically placed hand over her face. Despite her cover-up, she is close to objecting to her assigned role as the 'female representative.' She's tired of being the department's lone woman. But she doesn't want to add to Showacre's aggravation and she also doesn't want Fred's defense to degenerate any further.

"Look, I've referred Mr. Cummings to several references. If he follows my counsel and incorporates them into his dissertation, I should have no problems," declares Showacre.

Despite Showacre's tepid endorsement, Fred is pleased that Showacre has held back on further criticism, at least for the present. Although Fred suspects that throughout this process, he will continue to annoy Fred with the occasional barb.

"Dr. Spooner," interjects Jack, "do you have anything to add?"

"I'm sure that Fred will do a great job. But I'm afraid that I'm going to have to leave this committee."

"Why is that?" asks Jack, already worrying about who will replace him.

"I got a job with the American Freedom Foundation. I'm leaving academia. They want a Marxist on staff – someone to bounce ideas off. I'll be leaving at the end of the semester."

"You've become like the proverbial tiger that has changed his stripes," adds Millwood, now clearly reveling in his newly adopted role of committee jester.

“Not really,” says Jerry. He is clearly tired of trying to placate the department’s troop of full professors. Abruptly, Jerry stands up and walks out of the room without further comment.

“This must be the shortest faculty meeting, I have ever attended. Members are either resigned or resigning,” says Jack commenting with none of his normal diplomatic niceties. “Vivian, I hesitate to ask... what you would say.”

“I’m also going to recuse myself. Jack, do you have a few minutes following this meeting?”

With that additional revelation, the committee is silent. Perhaps the tainted brownies are having an effect on those beyond Millwood. Even Millwood, who is either starting to drowse or tiring of playing the clown, chooses to say nothing.

“Well, I guess that does it for today. Fred, you and I are going to have to find two new members, which might be a bit difficult since there are only four more members in the department, but we’ll make it work” says Jack, always the committee chair unfazed by adversity.

After the committee members have left the room, Vivian confides in Jack that she is involved with Fred. Jack promises to keep their affair confidential.

Shortly after the nearly disastrous meeting, mainly through a process of elimination, in which there are few to eliminate, Fred chooses Lou Avery, the numbers guy, and Thomas Bixby, the other somnolent member of the department as his new committee members. The five of them prove to be a fairly reliable, if uninspired cast.

Within a year, Fred completes his dissertation and is awarded a Ph.D. Jack does the hooding. After receiving his doctorate, Fred moves in with Vivian. They no longer have the need to be discreet. In one year, they are married. She continues to teach at Rec Tech, while he holds down a course load of five classes per semester at the local community college.

Dr. Larry Hubbell is the newly appointed Director of the Institute of Public Service at Seattle University. He has had four other short stories published in this journal. He has also published a novel entitled *Almost Dysfunctional: An American Academic’s Search for Solace in Contemporary Russia*. When he is not writing fiction, he writes on problems facing emerging democracies, higher education administration and organization development.

Review of
The Next Level: East Side Access
Photographs by Hiroyuki Suzuki

New York Transit Museum, New York
July 23, 2013 – October 27, 2013

Reviewed by *Jonathan Woolley*

Flip through any book on the building of the Channel Tunnel (there are a few of them out there) and, sooner or later, you'll come to the picture of a French worker shaking hands with a British worker through a hole in the dirt. From looking at the picture, one gets the idea that the tunnel is deep underground, but it could be anywhere – the only way to know a body of navigable salt water lies above is to look elsewhere, such as in the accompanying text. Perhaps that's the nature of a successful engineering project: like a gold-medal-winning performance at the Olympics, a successfully-executed project doesn't require the public to realize just how difficult it was to achieve that success. The project – like the Olympian's performance – just seems so flawless that one can't imagine the project's executor was ever capable of making a mistake. The Golden Gate Bridge is a case in point. It is aesthetically pleasing. Plenty of people see (and cross) it every day. But while most of them realize on some level that building it must have been difficult, few, unless they have seen newsreels of its construction, truly realize just how much work (and how much bravery on the part of the workers) was required in order to build it.

The East Side Access Project consists of the building of a set of train tunnels and an underground station in New York City by the Metropolitan Transportation Authority, a state government transportation agency. The distance involved from end to end is not particularly far – especially when one considers that parts of the tunnels were already built as part of a previous construction project – but that's before one realizes the location where much of the project is taking place. For Midtown Manhattan, where both the western portion of the tunnels and the underground station is being built, has got to be a difficult challenge for any capital planner, capital construction official, or civil engineer involved in building such a project. The neighborhood is built on solid rock, has skyscraper foundations extending below seemingly every single block of streets, and is crisscrossed with sewer lines, water mains, electrical cables, and subway tunnels at every point where building either a tunnel or a station would make the most sense. No wonder the project is several years behind schedule and has gone over budget.

So it was with some interest that I went to see Hiroyuki Suzuki's exhibition of photographs on the project. His exhibit documents both the recent construction of the East Side Access Project

and the men working on it. It starts with photographs of pipes (some of which are probably carrying cables) and steel support structures, and continues with pictures of both the tunnels and the men working there, followed by some spray painted warning signs, before ending with a large picture of a steep ramp (presumably a future escalator for the station) and some pictures of large completed areas (including one of a steam shovel dwarfed by the size of the tunnel surrounding it) and the men working there. Most of these photographs are in black and white, but the exhibit ends with a few color photographs.

Suzuki does a good job illustrating the sheer immensity of the work the project involves. The use of black and white helps here, because he takes advantage of its natural ability to provide sharp contrasts to emphasize the length of the tunnels being dug. One of the earlier photographs viewed shows a relatively low-height long tunnel extending outward from a large, high-roofed, dark open area. It's not clear to the viewer whether this tunnel is going to be the lower part of a much higher tunnel or whether it is meant to be a tunnel in its own right; what is clear is that it extends for a long distance. Is this a tunnel extending north under Park Avenue all the way from Forty-Second to Sixty-Third Street? One is tempted to wonder. Yet, at the same time, one is being reminded of the scale of the project in two different dimensions: the large open area reminds one of the vertical heights involved – all of which must be built beneath existing buildings and tunnels – while the tunnel itself reminds one of the length of the project. This capital project, one realizes, involves far more work than most of the public – and most public officials – will ever truly appreciate.

Similarly, he uses the tones of black and white photographs to illustrate the camaraderie of the sandhogs (the term underground tunnelers are known by around New York City). They are shown both working and relaxing on break (possibly posing for the camera while on break). They clearly enjoy each other's company and are proud of the work they are doing. These workers are not government workers – the transit authority has contracted out the work – but that does not change the fact they are proudly building a government project. Like many government workers, they know the work they are doing is unseen by the public but the results will be appreciated by the public. That is the nature of working out of the public's view, but these sandhogs don't mind. Building something this large, and knowing many people could not handle the job of being a sandhog while they can, is reward enough.

From a public administrator's viewpoint, this pride is perhaps the most important attribute the workers have. Not only does taking pride in a project lead to a better finished product (as countless management books can attest), and, therefore, to a tunnel that is unlikely to suffer from shoddy construction, but it also implies that contracting out tasks won't diminish the effort to produce a quality outcome for the public. This issue of whether contracting out leads to poorer outcomes for the public is at the heart of the debate over contracting, and how much governance needs to be maintained over the contractor to ensure results are up to par is a key part of this debate. It is too much to expect that photographs of one capital project could answer this question, but they do suggest an interesting aspect to be considered: perhaps the level of pride taken by the workers in their jobs will help lessen the level of oversight that needs to be maintained over a contractor by ensuring the workers themselves will strive to produce only the highest quality results they can possibly produce. If so, then the more the workers produce high-quality outcomes of their own volition, the less onerous the monitoring of the contractor would need to be. The

key to contracting out government jobs, in other words, may be the level of pride on the part of the workers hired by the contractor to complete those jobs. Perhaps, then, the pictures are implying the key to contracting is to ensure a provision that the contractor will provide incentives or some other form of motivation for workers to take pride in their work should be written into the contract.

What the exhibit does not do is put the pictures into context. This is probably as much the fault of the museum as it is of the photographer. Neither Suzuki nor the museum provide any captions or descriptions for his photographs. This is good from an artistic point of view, as it allows the viewer to develop his own reactions to the pictures uninfluenced by any accompanying text. However, from a public administrator's point of view it is a problem because it leaves the viewer wondering exactly where the picture was taken, at what point in the process of constructing that particular section of infrastructure the picture was taken, and whether it illustrates a particular problem that had developed. Planning the construction of a capital construction project is a difficult undertaking, particularly when any unexpected delays will result in an increase in costs. The public administrator planning such a project needs to use any lessons derived from the construction of previous similar projects to help him or her forecast the expected costs, so knowing whether the photographs reference any problems that occurred during construction would be of great use to public administrators viewing this exhibition.

Similarly, it would be nice if the museum provided more information about the project itself. Apart from an introductory panel, the exhibit is pretty much text-free, both in terms of the pictures themselves (as was just mentioned) and in terms of describing the project itself. As a result, it's possible neither a public administrator nor a casual visitor seeing the exhibit would fully realize the scope of the project, particularly if he or she is not a New Yorker. Either more text or – better yet – more diagrams illustrating the depth of the tunnels would help correct this. I do not expect the museum to use the exhibit to fully discuss either the pros and cons of the project or the reasons for the delays in its completion – that is not the purpose of this exhibit (and would be better accomplished through written articles or conference presentations) – but some additional information would help give the viewer a better idea of what a large undertaking Suzuki is illustrating.

This exhibit is noteworthy for three reasons. First, it shows how a black and white photographer can use the color black to good effect. (The amount of black in some of the photographs would get a beginner photography student a lecture on the importance of cropping, but this is where Suzuki proves his abilities; he has positioned that black in relation to tunnels' lights so well that it serves perfectly to highlight the size of the tunnels.) Second, it does a good job of showing the amount of work that goes into building a megaproject. Third, it shows the pride of the workers building the project. Thus, it can serve as a useful reminder of both the human side of megaproject construction and of the sheer size of the work involved in the construction of megaprojects being contemplated by the public administrators charged with planning these projects. Thus, it may serve to help keep those administrators' thoughts in perspective when they contemplate future large-scale construction projects in urban centers, such as building additional Crossrail-type projects in London or linking Pennsylvania Station's tracks to Grand Central's in New York.

Since the building of the Brooklyn Bridge, building new transportation infrastructure in Manhattan has required sizable effort. That seems even truer today than it did a hundred-odd years ago. Over the past twenty years, there have been various proposals to build train tunnels linking Pennsylvania Station to Grand Central Station – none of which are projected to come cheap. Similar to the East Side Access tunnels, all of these proposed tunnels would involve tunneling under a densely-built area of Midtown Manhattan and, if the tunnels were to connect to the East Side Access project (to allow the through running of trains from New Jersey to the borough of Queens via Grand Central), would involve deep-level boring. Additional rail tunnels have also been proposed under the Hudson River between Pennsylvania Station and New Jersey. Used appropriately in conjunction with the East Side Access project, either or both of these projects could result both in travel benefits for the public and in operational efficiencies for the administrators of the region's transit systems. But the public cannot be expected to fund the high costs of these projects unless people realize the immensity of the work involved in building such a project, since it is the size of the work involved which drives up the initial cost of such a project. Viewing these photographs, which do a good job of illustrating the size of the bores that must be excavated, may do a lot to help the public understand the nature of the cost estimates by visually illustrating how much work is really required to construct a tunnel underneath Manhattan. And if that helps get approval for funding a needed infrastructure project, then, from a public administration point of view, this exhibition will have more than served its purpose.

[A catalog of this exhibition was published in Tokyo by JKF Inc. in 2013.]

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Steve Jobs

By Walter Isaacson

**New York: Simon and Schuster, 2011, 630 pages
ISBN# 978-1-4516-4853-9, U.S. \$35.00**

Reviewed by *Michael W. Popejoy*

Steve Jobs was an unparalleled icon in an era that both rapidly and radically changed how we live, work, and think. The impression he left on the age of the computer and all that that particular phenomenon ushered in was, for all of us, a game changer. Can any of us say that computers have not changed *everything* in our lives as a result of the advances that that technology has afforded us? Jobs walked us to the boundaries of such world changing new ideas and applications. Walter Isaacson has written the first biography on Jobs but, as with most famous personalities, I doubt it will be the last one. Indeed, for many famous historical figures, a new biography seems to come out every decade or so (Kennedy, FDR, Wilson, Jefferson just to name a few). I am, however, certain that Isaacson's biography will remain one of the best. In part this is because he had Jobs' permission and cooperation and access to him while he was still alive, a rare and unexpected circumstance. Another reason is that he is not a profession hagiographer. He treats his subjects (Albert Einstein and Benjamin Franklin, for example) with realism and objectivity, allowing readers to understand both the character and the times of those he writes about. Reading about Jobs in this book is much like reading about a history of the computer age, for it is probably impossible to separate the two.

This biography makes clear that Steve Jobs was not easy to understand; nor was it easy to write about him in such a way as to help us understand him, let alone like him very much. Although he contributed great ideas, ideas that were virtually unthinkable prior to his time, he was not a pleasant person; he was not a warm person even to his family. Even so, many of the people whom he most abused admitted that he made them better by making them believe in his vision. When they believed it could not be done he insisted—demanded—that they do it, that they do the impossible. He treated family, friends, and his workers equally badly. It makes us pause to wonder why great men have such quirky personalities. This seems to be a truly common feature among geniuses. Maybe the truly powerfully creative mind crowds out other less important considerations—such as humane and empathetic feelings for others, even those who are especially close. These are just some of the challenges faced by Isaacson in crafting an accurate biography of a brilliant but terribly mercurial personality. If you wanted to work for Jobs, you had better be

an A+ person bringing your A+ game to the table. He would not tolerate anything less. And, it was his yardstick by which he measured performance. You could easily be dismissed from Apple, not for doing bad work; but, for not doing brilliant work in Jobs' understanding of "brilliant work."

Undoubtedly a genius and artistic visionary, Jobs required the engineering and technical expertise that Steve Wozniak, his first colleague, brought to their joint endeavor. Jobs had the vision; Wozniak somehow made it work. An incredible team; but, they were very different people in virtually every way possible. Jobs was mean spirited and apparently had no ability to filter the mean, insulting, and hurtful things that he said to his friends, family, and co-workers. Wozniak was just the opposite. How they remained friends throughout the years is somewhat amazing, perhaps inexplicable, and certainly more to the credit of Wozniak than to Jobs. Still, people admired Jobs and, once they came to believe in his vision, they followed him loyally and accomplished things they never thought possible. By the end of the book, Isaacson seemed to conclude that Jobs' difficult personality was not meanness *per se*; rather it was his absolute demand for perfection in every product Apple delivered to the consumer. He had the ability to see the big picture while simultaneously fussing furiously over the minutest of details. Often, too, it was a problem in the smallest of details that would set him off on a raging tantrum.

Steve Jobs was a polymath in the sense that he absorbed apparently unrelated disciplines and could visualize an interconnectedness that others missed. Trained in Zen Buddhism, he was an ascetic; he did drugs, he was a committed vegan and, at times, a fruitarian; he often went barefoot and did not take baths for weeks. He stank, spoke profanely, and insulted everyone he was around. He was a demanding perfectionist who considered those with lesser abilities to be just stupid. He fired people at the slightest provocation. As long as the company thrived, he was an effective corporate CEO. When times were lean, however, he could not maintain the corporate direction or momentum, especially as he was never willing to cut corners. If doing a design right meant it cost more, that was the direction he would take, never mind the naysayers. More important even than his role as CEO, was his brilliance as a visionary innovator who demanded products that seemed impossible to produce on the timelines that he demanded. He refused to accept marketing positions designed to appeal to customers' desires because he was convinced that customers did not know what they wanted until he showed it to them. One aspect of his innovative mind was his ability to blend art with technology. His products, his workplaces and factories, and even his homes, had to be artful things of simple beauty and user friendly functionality. He even changed how offices themselves would look, as he designed work spaces that allowed for the free flow of interaction among departments, thus enhancing serendipitous collaborations.

He brought his love for calligraphy into the technology of computing by demanding that his machines have multiple typefaces and fonts while the competition was often limited to a single typeface. He demanded a physical manifestation of the artistic vision of the capabilities he had in his mind. Consumers were able to choose what they wanted the printed page to look like because he gave them devices with capabilities not provided by other manufacturers. Indeed, it was this love of combining art and technology that led him to involvement with and eventual ownership of Pixar, the animated film company. This intense interest in Pixar is emblematic of his wide-ranging interests and yet another indication that there was no normal linear path for his interests.

This makes his biography a bit hard to follow; his trail is long and winding with no clear path to his destiny. He remained for his entire lifetime, unpredictable. Maybe such is the way of creative geniuses. After having read two previous biographies by Walter Isaacson, I picked up this book on Jobs with high expectations and was not disappointed. I am curious what Isaacson is working on now. Isaacson and Ron Chernow are, in my opinion, the best biographers today, closely followed by Robert Dalleck. These writers carefully and meticulously research and document their subjects and then write a clear, cohesive, and readable account of their lives without crossing the line into hagiography. Jobs commented that he did not want to read the book before it was published because he would probably be very angry with many aspects of the book; and I would have to agree; but, Isaacson wrote faithfully what he saw, heard, read, and interpreted in everything he had immersed himself in regarding Jobs and his life and work without regard to Jobs' approval. It is a stunning achievement.

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Case Study #6: *The Garbage Collector* by Ray Bradbury

Developed by *Kenneth Nichols*

Often we take for granted the services that our taxes pay for and that our government — whether local, state, or federal — provides. We also take for granted the people who make those services a part of our everyday lives. Like us, those unsung workers have families, homes, work ethics, career and retirement expectations, and the worries of daily life. Ray Bradbury gives us a picture of just such a worker — a civil servant — who might be someone who actually lived and worked almost anytime since “The Garbage Collector” was written more than a half century ago.

Ray Bradbury (1920-2012) created works of fantasy and science fiction in a career spanning seven decades. Unlike many of science fiction authors, Bradbury focuses on his protagonist’s view of — and relationship to — the world. This gives his work an almost timeless quality and makes his characters easy for most people to relate to.

What would you have done if you were the civil servant in Ray Bradbury’s short story?

The Selection: *The Garbage Collector*

(Ray Bradbury. “The Garbage Collector.” In *Twice 22: The Golden Apples of the Sun / A Medicine for Melancholy*. Garden City, NY: Doubleday, 1966, 180-185. Reprinted by permission of Don Congdon Associates, Inc. © 1953 by the Nation Associates, Inc., renewed 1981 by Ray Bradbury.)

This is how his work was: he got up at five in the cold dark morning and washed his face with warm water if the heater was working and cold water if the heater was not working. He shaved carefully, talking out to his wife in the kitchen, who was fixing ham and eggs or pancakes or whatever it was that morning. By six o’clock he was driving on his way to work alone, and parking his car in the big yard where all the other men parked their cars as the sun was coming up. The colors of the sky that time of morning were orange and blue and violet and sometimes

very red and sometimes yellow or a clear color like water on white rock. Some mornings he could see his breath on the air and some mornings he could not. But as the sun was still rising he knocked his fist on the side of the green truck, and his driver, smiling and saying hello, would climb in the other side of the truck and they would drive out into the great city and go down all the streets until they came to the place where they started work. Sometimes, on the way, they stopped for black coffee and then went on, the warmth in them. And they began the work which meant that he jumped off in front of each house and picked up the garbage cans and brought them back and took off their lids and knocked them against the bin edge, which made the orange peels and cantaloupe rinds and coffee grounds fall out and thump down and begin to fill the empty truck. There were always steak bones and the heads of fish and pieces of green onion and stale celery. If the garbage was new it wasn't so bad, but if it was very old it was bad. He was not sure if he liked the job or not, but it was a job and he did it well, talking about it a lot at some times and sometimes not thinking of it in any way at all. Some days the job was wonderful, for you were out early and the air was cool and fresh until you had worked too long and the sun got hot and the garbage steamed early. But mostly it was a job significant enough to keep him busy and calm and looking at the houses and cut lawns he passed by and seeing how everybody lived. And once or twice a month he was surprised to find that he loved the job and that it was the finest job in the world.

It went on just that way for many years. And then suddenly the job changed for him. It changed in a single day. Later he often wondered how a job could change so much in such a few short hours.

He walked into the apartment and did not see his wife or hear her voice, but she was there, and he walked to a chair and let her stand away from him, watching him as he touched the chair and sat down in it without saying a word. He sat there for a long time.

“What’s wrong?” At last her voice came through to him. She must have said it three or four times.

“Wrong?” He looked at this woman and yes, it was his wife all right, it was someone he knew, and this was their apartment with the tall ceilings and the worn carpeting.

“Something happened at work today,” he said.

She waited for him.

“On my garbage truck, something happened.” His tongue moved dryly on his lips and his eyes shut over his seeing until there was all blackness and no light of any sort and it was like standing alone in a room when you got out of bed in the middle of a dark night. “I think I’m going to quit my job. Try to understand.”

“Understand!” she cried.

“It can’t be helped. This is all the strangest damned thing that ever happened to me in my life.” He opened his eyes and sat there, his hands feeling cold when he rubbed his thumb and forefingers together. “The thing that happened was strange.”

“Well, don’t just *sit* there!”

He took part of a newspaper from the pocket of his leather jacket. “This is today’s paper,” he said. “December 10, 1951. Los Angeles *Times*. Civil Defense Bulletin. It says they’re buying radios for our garbage trucks.”

“Well, what’s so bad about a little music?”

“No music. You don’t understand. No music.”

He opened his rough hand and drew with one clean fingernail, slowly, trying to put everything there where he could see it and she could see it. “In this article the mayor says they’ll put sending and receiving apparatus on every garbage truck in town.” He squinted at his hand. “After the atom bombs hit our city, those radios will talk to us. And then our garbage trucks will go pick up the bodies.”

“Well, that seems practical. When—”

“The garbage trucks,” he said, “go out and pick up all the bodies.”

“You just can’t leave the bodies around, can you? You’ve got to take them and—” His wife shut her mouth very slowly. She blinked, one time only, and she did this very slowly also. He watched that one slow blink of her eyes. Then, with a turn of her body, as if someone else had turned it for her, she walked to a chair, paused, thought how to do it, and sat down, very straight and stiff. She said nothing.

He listened to his wrist watch ticking, but with only a small part of his attention.

At last she laughed. “They were joking!”

He shook his head. He felt his head moving from left to right and from right to left, as slowly as everything else had happened. “No. They put a receiver on my truck today. They said, at the alert, if you’re working, dump your garbage anywhere. When we radio you, get *in* there and haul out the dead.”

Some water in the kitchen boiled over loudly. She let it boil for five seconds and then held the arm of the chair with one hand and got up and found the door and went out. The boiling sound stopped. She stood in the door and then walked back to where he still sat, not moving, his head in one position only.

“It’s all blueprinted out. They have squads, sergeants, captains, corporals, everything,” he said. “We even know where to *bring* the bodies.”

“So you’ve been thinking about it all day,” she said.

“All day since this morning. I thought: Maybe now I don’t want to be a garbage collector any more. It used to be Tom and me had fun with a kind of game. You got to do that. Garbage is bad. But if you work at it you can make a game. Tom and me did that. We watched people’s garbage. We saw what kind they had. Steak bones in rich houses, lettuce and orange peels in poor ones. Sure it’s silly, but a guy’s got to make his work as good as he can and worth while or why in hell do it? And you’re your own boss, in a way, on a truck. You get out early in the morning and it’s an outdoor job, anyway; you see the sun come up and you see the town get up, and that’s not bad at all. But now, today, all of sudden it’s not the kind of job for me anymore.”

His wife started to talk swiftly. She named a lot of things and she talked about a lot more, but before she got very far he cut gently across her talking. “I know, I know, the kids and school, our car, I know,” he said. “And the bills and money and credit. But what about that farm Dad left us? Why can’t we move there, away from cities? I know a little about farming. We could stock up, hole in, have enough to live on for months if anything happened.”

She said nothing.

“Sure, all of our friends are here in town,” he went on reasonably. “And movies and shows and the kids’ friends, and . . .”

She took a deep breath. “Can’t we think it over a few more days?”

“I don’t know. I’m afraid of that. I’m afraid if I think it over, about my truck and my new work, I’ll get used to it. And, oh Christ, it just doesn’t seem right a man, a human being, should ever let himself get used to any idea like that.”

She shook her head slowly, looking at the windows, the gray walls, the dark pictures on the walls. She tightened her hands. She started to open her mouth.

“I’ll think tonight,” he said. “I’ll stay up awhile. By morning I’ll know what to do.”

“Be careful with the children. It wouldn’t be good, their knowing all this.”

“I’ll be careful.”

“Let’s not talk any more, then. I’ll finish dinner!” She jumped up and put her hands to her face and then looked at her hands and at the sunlight in the windows. “Why, the kids’ll be home any minute.”

“I’m not very hungry.”

“You’ve got to eat, you just got to keep on going.” She hurried off, leaving him alone in the middle of a room where not a breeze stirred the curtains, and only the gray ceiling hung over him with a lonely bulb unlit in it, like an old moon in a sky. He was quiet. He massaged his face

with both hands. He got up and stood alone in the dining-room door and walked forward and felt himself sit down and remain seated in a dining-room chair. He saw his hands spread on the white tablecloth, open and empty.

“All afternoon,” he said, “I’ve thought.”

She moved through the kitchen, rattling silverware, crashing pans against the silence that was everywhere.

“Wondering,” he said, “if you put the bodies in the trucks lengthwise or endwise, with the heads on the right, or the *feet* on the right. Men and women together, or separated? Children in one truck, or mixed with men and women? Dogs in special trucks, or just let them lay? Wondering how *many* bodies one garbage truck can hold. And wondering if you stack them on top of each other and finally knowing you must just have to. I can’t figure it. I can’t work it out. I try, but there’s no guessing, no guessing at all how many you could stack in one single truck.”

He sat thinking of how it was late in the day at his work, with the truck full and the canvas pulled over the great bulk of garbage so the bulk shaped the canvas in an uneven mound. And how it was if you suddenly pulled the canvas back and looked in. And for a few seconds you saw the white things like macaroni or noodles, only the white things were alive and boiling up, millions of them. And when the white things felt the hot sun on them they simmered down and burrowed and were gone in the lettuce and the old ground beef and the coffee grounds and the heads of white fish. After ten seconds of sunlight the white things that looked like noodles or macaroni were gone and the great bulk of garbage silent and not moving, and you drew the canvas over the bulk and looked at how the canvas folded unevenly over the hidden collection, and underneath you knew it was dark again, and things beginning to move as they must always move when things got dark again.

He was still sitting there in the empty room when the front door of the apartment burst wide. His son and daughter rushed in, laughing, and saw him sitting there, and stopped.

Their mother ran to the kitchen door, held to the edge of it quickly, and stared at her family. They saw her face and they heard her voice:

“Sit down, children, sit down!” She lifted one hand and pushed it toward them. “You’re just in time.”

For Students

Questions

1. *Functions of Government.* Waste management — sometimes known as sanitation services or trash removal — is one of many functions our government performs. Another is planning to cope with anticipated disasters, whether triggered by nature (such as flooding) or by our own activities (such as warfare). Bradbury’s story deals with both functions. Can you think of at

least three other functions we expect our government to provide? For each function you cite, describe whether it is usually handled at the local, state, or federal level.

2. *Functions of Supervision.* The protagonist in this story seems comfortable about his job knowledge and performance; he also seems satisfied with his livelihood and personal life, which include plans for his family's future and his eventual retirement. If you were his first-line supervisor,
 - a. how would you manage him using Hersey and Blanchard's grid depicting situational management?
 - b. how would you guide him in his career development?
3. *Policy Workings.* Whose idea was it to assign garbage collection crews to pick up and dispose of human bodies in the event of a major disaster? How was the idea likely to have originated? How is that decision likely to have been made? Who would be responsible for communicating and implementing it? What alternatives would you have considered? What course of action would you have recommended, and why?

Exercises

1. *Managing Change and Retraining Employees.* You have been appointed Assistant Disaster Coordinator (ADC) for Civil Defense for the city in Ray Bradbury's story. The city is facing a large-scale disaster (not the nuclear warhead threatened in the story, but thousands of deaths from an untreatable parasite just discovered in the city's water supply). The city had already begun installing GPS and using smart phones for communications in its garbage trucks; it will use the trucks to remove corpses once the disaster starts taking lives.

The city manager and state health authorities are about to alert the public, so, as ADC, your immediate task is three-fold: First, to disclose the situation to city employees; second, to explain the emergency roles city employees must play until the crisis is resolved and to convey the importance of those duties; and, third, to train the employees in their new disaster-related duties. Create a step-by-step action plan that outlines your task as it applies to the city's garbage workers.

2. *Job Classifications and Position Descriptions.* You are the job classification specialist in the Human Resources Management Office of the city in Ray Bradbury's story. The city is in the midst of an ongoing project to review, update, and, to the extent practical, consolidate job descriptions throughout the city's workforce. You are now looking at the job series used within the Sanitation Department.

To your frustration, you have been unable to locate a position description (PD) that applies to sanitation truck crews who pick up curbside trash on regular routes. You consult with your boss and, together, you determine that the simplest course of action is to create the missing position description. Draft one for your boss to look at. Be sure to address the knowledge, skills, abilities, and special requirements (such as being able to lift 50-pound garbage cans) demanded of sanitation crew workers.

Other Works by the Author

The Martian Chronicles (1950) — This is a novel in the form of short stories. It describes the first attempts of Earth people to conquer and colonize Mars, the con-

stant thwarting of their efforts by the gentle, telepathic Martians, eventual colonization, and, finally, the effect on the Martian settlers of a massive nuclear war on Earth. As much a work of social criticism as of science fiction, this work reflects prevailing anxieties of America in the early atomic age of the 1950s: the fear of nuclear war, the longing for a simpler life, reactions against racism and censorship, and fear of foreign political powers.

Fahrenheit 451 (1953) — This classic science fiction novel and motion picture is set in a future when the written word is forbidden. In fact, a “fireman’s” job is to burn books along with the houses in which they were hidden. The tale centers on one of the fireman who enjoys his job and never questions the destruction and ruin his actions produce — until he meets a young girl who tells him of a past where people didn't live in fear and where the written word was legal. The novel's title, according to Bradbury, comes from the combustion point of book paper.

Dandelion Wine (1957) — a novel about one summer in the life of twelve-year-old. Set in 1928, it is a story of timeless days, green apple trees, dandelion gathering, and new sneakers.

When Elephants Last in Dooryards Bloomed (1973) — Bradbury's first collection of poetry offers a wide range of feelings, subjects, and styles. Bradbury writes of the lost worlds of our childhoods and of finding joy in the far corners of the universe; he makes the familiar magical and the mysterious wonderfully knowable. Some critics consider this collection to be Bradbury at the height of his creative powers.

A Graveyard for Lunatics (1990) — a novel set in the Hollywood of the 1950s. The excited narrator has just been hired as a sci-fi film writer at one of the great studios. An anonymous invitation leads him to a graveyard separated from the studio by a single wall — and to a body frozen in time. This is classic Bradbury: eccentric characters, haunting suspense, and gentle nostalgia.

Among Ray Bradbury many other works are *The Illustrated Man, and Other Stories* (1951), *R Is for Rocket* (1962, stories), *I Sing the Body Electric, and Other Stories* (1969), *The Wonderful Ice Cream Suit and Other Plays* (1972), *A Memory of Murder* (1984, stories), *Death Has Lost Its Charm For Me* (1987, poetry), *The Day It Rained Forever* (1990, musical), and *Driving Blind* (1997, stories). Many of these tales have found their way onto television and movie screens.

Internet Sites

RAY BRADBURY holds such a significant place in twentieth century American culture that Indiana University established the Center for Ray Bradbury Studies (<http://iat.iupui.edu/bradburycenter>). The site is informative and well organized, with links to additional resources.

ANTICIPATING CATASTROPHE — The U.S. Department of Homeland Security (<http://www.dhs.gov>) is one of several federal agencies charged with anticipating and deterring threats to national security; within DHS is the Federal Emergency Management Agency (<http://www.fema.gov>), or FEMA. Along with DHS, a key Executive Branch department is the U.S. Department of Defense (<http://www.dod.gov>). Yet another, albeit lower profile, agency is housed within

the U.S. Department of Health and Human Services; it is known as the Centers for Disease Control and Prevention (<http://www.cdc.gov>), or CDC. As CDC's website explains, the agency helps "to protect America from health, safety and security threats, both foreign and in the U.S." And the National Oceanic and Atmospheric Administration (<http://www.noaa.gov>), or NOAA, housed within the U.S. Department of Commerce, is charged with anticipating weather-related disasters such as hurricanes, floods, and droughts.

For the Instructor

"The Garbage Collector" is a story by Ray Bradbury published in the early 1950s.

Discussion Points and Themes

- Key themes (■) in Bradbury's "The Garbage Collector" include the functions of government, planning, and human resources management. The themes of communication and decisionmaking are also significant (■). Minor themes (▪) deal with societal and organizational change, ethics, policy development and evaluation, and personal development.
- Ray Bradbury was a leading author of fantasy and science fiction works for more than half a century. Unlike many of his science fiction contemporaries, Bradbury's writings dwell little on the science implicit in his stories. Instead, he focuses on his protagonist's view of — and relationship to — the world Bradbury creates. Though Bradbury contributed to the golden Campbellsque period in science fiction, this timeless quality gives his work a transcendence not found in the writings of many of his peers.

Themes

- Organizational/Societal Change
- Functions of Government
 - Democratic Principles
- Ethics
 - Leadership
- Decisionmaking
- Planning/Budgeting
 - Performance Evaluation
- Policy Development/Evaluation
 - Law Enforcement/Justice
- Communication
 - Organizational/Group Behavior
 - Diversity/Multiculturalism
- Human Resources Management
- Personal/Professional Development

Questions

Any of the questions can be used in classroom and online discussions, assigned as homework, worked in class either individually or in small groups, and/or adapted as questions for essay or objective tests.

The commentaries below are brief reflections on each question; however, they are not intended as comprehensive.

Question (from student section)	Comment
<p>1. Functions of Government. <i>Waste management—sometimes known as sanitation services or trash removal—is one of many functions our government performs. Another is planning to cope with anticipated disasters, whether triggered by nature (e.g., flooding) or by our own activities (e.g., warfare). Bradbury’s story deals with both functions. Can you think of at least three other functions we expect our government to provide? For each function you cite, describe whether it is usually handled at the local, state, or federal level.</i></p>	<p>Encourages students to consider functions of government beyond the primary functions of peace keeping, protecting borders, printing money, etc. Also encourages students to consider the differing roles that the three levels of government assume. This question can be expanded into an exercise by involving students in a discussion of devolution and of the more general debate about how broad or limited a role we expect our government to undertake.</p>
<p>2. Functions of Supervision. <i>The protagonist in this story seems comfortable about his job knowledge and performance; he also seems satisfied with his livelihood and personal life, which include plans for his family’s future and his eventual retirement. If you were his first-line supervisor,</i> <i>a. how would you manage him using Hersey and Blanchard’s grid depicting situational management?</i> <i>b. how would you guide him in his career development?</i></p>	<p>Assumes no nuclear holocaust. A supervisor might treat the garbage collector in terms of low-task/low-social — although low-task/high-social could also be appropriate, depending on how much reinforcement the manager thinks is necessary. Bradbury’s protagonist seems neither to expect nor be interested in further job advancement; however, he continues to be well motivated. A supervisor might work with the employee to anticipate the time when his diminishing physical capabilities make route-work too demanding: He may wish to prepare for a new role in quality inspection, route coordination, coaching younger employees, or advancement into management.</p>
<p>3. Policy Workings. <i>Whose idea was it to assign garbage collection crews to pick up and dispose of human bodies in the event of a major disaster? How was the idea likely to have originated? How is that decision likely to have been made? Who would be responsible for communicating and implementing it? What alternatives would you have considered? What course of action would you have recommended, and why?</i></p>	<p>Decisionmaking processes in an organization are often complex. Bradbury gives no hint at how the decision was arrived at and only indirect information about how the decision was disseminated. This question provides an opportunity to discuss rational, incremental, and “satisficing” decision models.</p>

Exercises

As with the questions, above, any of these exercises can be used online, in the classroom (including flipped classrooms), or assigned as homework. They are usually best worked in small group settings. Some can be adapted as examination questions.

The commentaries below describe the potential utility of each exercise:

Exercise (from student section)	Comment
1. Managing Change and Retraining Employees. <i>You have been appointed Assistant Disaster Coordinator (ADC) for Civil Defense for the city in Ray Bradbury's story. The city is facing a large-scale disaster (not the nuclear warhead threatened in the story, but a thousand or more deaths from a parasite just discovered in the city's water supply). The city had already begun installing GPS and using smart phones for communications in its garbage trucks; it will use the trucks to remove corpses once the disaster starts taking lives. The city manager and state health authorities are about to alert the public, so, as ADC, your immediate task is three-fold: First, to disclose the situation to city employees; second, to explain the emergency roles city employees must play until the crisis is resolved and convey the importance of those duties; and, third, to train the employees in their new disaster-related duties. Create a step-by-step action plan that outlines your task as it applies to the city's garbage workers.</i>	Gives students an opportunity to explore crisis management, emergency preparedness and planning, coordination among levels of government, and employee training issues.
2. Job Classifications and Position Descriptions. <i>You are the job classification specialist in the Human Resources Management Office of the city in Ray Bradbury's story. The city is in the midst of an ongoing project to review, update, and, to the extent practical, consolidate job descriptions throughout the city's workforce. You are now looking at the job series used within the Sanitation Department. To your frustration, you have been unable to locate a position description (PD) that applies to sanitation truck crews who pick up curbside trash on regular routes. You consult with your boss and, together, you determine that the simplest course of action is to create the missing position description. Draft one for your boss to look at. Be sure to address the knowledge, skills, abilities, and special requirements (such as being able to lift 50-pound garbage cans) demanded of sanitation crew workers.</i>	Students are able to try their hands at writing a position description for a specified job series. Although the exercise doesn't mention it, you may wish to have your students construct a PD for the senior-level position, then temper the draft for journey-level and entry-level employees in that position.

Other Classroom Activity

CRISIS COUNSELING

Citizens and public service employees alike may find themselves inextricably involved in profoundly disturbing crisis situations. These run the gamut from events of nature (such as earthquakes, mud slides, and wildfires that consume entire neighborhoods) to human-sparked crises

(such as school shootings, chain-reaction highway pileups, hostage situations, and acts of internal terrorism).

Have your students investigate the importance and of crisis counseling in such circumstances, then pool their knowledge in a roundtable discussion. You may prefer to arrange for students conduct their research in pairs or individually, depending on the nature and size of your class. Have students brainstorm a series of questions they would like answered, then set up a variety of assignments: traditional library research, internet-based research, and interviews with willing faculty members who teach psychology (and, possibly, with your institution's employee assistance program coordinator) can all take place online or on campus. Other possible interviews include local emergency workers (such as fire and rescue), crisis management coordinators, officials from nonprofit organizations that provide crisis counseling, and public school officials who may have had the need for crisis counseling in their schools in the past.

Have students summarize their findings, organizing them around the brainstormed questions and adding a section of relevant findings that fall outside the question list. Solicit moderators to lead the roundtable discussion following the list of questions. Solicit other students to collect the summary information and consolidate it into a conference proceedings package, including a cover, contents page, introduction, the summaries, and a bibliography extracted from the summaries. Post on social media or reproduce and distribute to each student.

The variations described below take place after students have completed their research. The variations can be in lieu of or as a supplement to the roundtable discussion.

Variation I: Role-play. Have the students create a scenario, assign roles, and act out the situation in class, placing the emphasis on several counseling sessions.

Variation II: Invited lecturer. Have students identify possible guest lecturers and invite their choice to speak to the class (or, potentially, lead the students' discussion).

Bottom Line. This activity permits students to develop an in-depth awareness of crisis counseling and the enabling role played by administrators associated with the process.

Further Reading

Beyond the references in this study, you may wish to identify relevant textbook or reading selections assigned for the course. Below are several more:

EMERGENCY MANAGEMENT

Schneider, Sandra K. 2011. *Dealing with Disaster: Public Management in Crisis Situations*, 2nd ed. New York: M.E. Sharpe.

“This classic study examines the disruptive effects of disasters on patterns of human behavior and the routine operations of government, and the conditions under which even relatively minor crises can lead to system breakdown.” – M.E. Sharpe

Sylves, Richard. 2008. *Disaster Policy and Politics: Emergency Management and Homeland Security*. Washington, DC: CQ Press.

“Surveys the field of emergency management, with an analytical framework that focuses on the challenge of effective intergovernmental relations both across levels of government and across types of disasters.” – CQ Press

U.S. Government Accountability Office. 2007. *Emergency Management Assistance Project: Enhancing EMAC’s Collaborative and Administrative Capacity Should Improve National Disaster Response*. GAO-07-854. Washington, DC: GAO. <http://www.gao.gov>.

GAO looks at EMAC in light of disaster response to hurricanes Katrina and Rita. The compact “is a collaborative arrangement among member states that provides a legal framework for requesting resources.” Through EMAC, state agencies work “alongside federal players, including the Federal Emergency Management Agency (FEMA) and the National Guard Bureau.” – GAO

CRISIS COUNSELING

Brown, Sandra L. 2006. *Counseling Victims of Violence: A Handbook for Helping Professionals*, 2nd ed. Alameda, California: Hunter House.

Discusses counseling victims of crimes, the psychological aspects of violence, treating post-traumatic stress disorder, and crisis intervention.

U.S. Government Accountability Office. 2008. *Catastrophic Disasters: Federal Efforts Help States Prepare for and Respond to Psychological Consequences, but FEMA’s Crisis Counseling Program Needs Improvements*. GAO-08-22.

Improvement recommendations in the wake of Hurricane Katrina.

JOB BURNOUT

Beehr, Terry A., and Rabi S. Bhagat. 1985. *Human Stress and Cognition in Organizations: An Integrated Perspective*. New York: Wiley. [Wiley series on organizational assessment and change.]

Discusses job stress, the psychology of stress, and organizational behavior.

Gladwell, Malcom. 2008. *Outliers: The Story of Success*. New York: Little, Brown.

Interestingly written package of observations about how individuals fit or don’t feed the positions they hold.

Gryna, Frank M. 2004. *Work Overload! Redesigning Jobs to Minimize Stress and Burnout*. Milwaukee: ASQ Quality Press.

Addresses job design from a managerial perspective.

MANAGING HUMAN RESOURCES

Hersey, Paul, Kenneth Blanchard, and Dewey Johnson. 2012. *Management of Organizational Behavior: Leading Human Resources*, 10th ed. New York: Prentice Hall. Classic source presenting the situational leadership model.

U.S. Government Accountability Office. 2003. *Human Capital: Selected Agency Actions to Integrate Human Capital Approaches to Attain Mission Results*. GAO-03-446.

Findings and recommendations concerning “the integration of human capital approaches with strategies for accomplishing organizational missions and program goals.”

Discussion and Essay Questions

The questions and exercises in the student section are adaptable for online or classroom discussion and as examination questions. Other possibilities:

- Discuss the ethical issues involved in directing the city's sanitation crews to "pick up bodies."
- Sometimes unavoidable change is easier to deal with than is change by choice. Why would that be so?

Case Study #7:

Nursery Rhymes

by Mother Goose*

and Others

Developed by *Kenneth Nichols*

From childhood, everyone has heard a range of nursery rhymes, many attributed to “Mother Goose.” Those verses — part of the fabric of our culture — are also pointed lessons in organization and leadership.

The Selections

*(The first mention of Mother Goose was most likely in French, possibly as “Madam Vergoose,” with her name being attached to an early seventeenth century collection of prose *Contes*, i.e., stories, of Charles Perrault. The original “Mother Goose Melody” was brought out by John Newbery in London about 1760; Isaiah Thomas of Worcester, Massachusetts, issued the first Mother Goose in America about 25 years later [William Rose Benet, ed. 1943. *Mother Goose*. New York: Heritage Press, 5].)

HUMPTY DUMPTY

Humpty Dumpty sat on a wall.
Humpty Dumpty had a great fall.
All the king’s horses and all the king’s men
Couldn’t put Humpty together again.

MOTHER HUBBARD

Old Mother Hubbard went to the cupboard
To get her poor dog a bone;
But when she came there, the cupboard was bare,
And so the poor dog had none.

OLD WOMAN IN THE SHOE

There was an old woman who lived in a shoe,
She had so many children she didn’t know what to do;

She gave them some broth without any bread,
She whipped them all soundly and sent them to bed.

WEE WILLIE WINKIE

Wee Willie Winkie runs through the town,
Upstairs and downstairs, in his nightgown.
Rapping at the window, crying at the lock,
“Are the babes in their beds, for now it’s eight o’clock?”

MARY HAD A LITTLE LAMB

Mary had a little lamb,
It’s fleece was white as snow;
And everywhere that Mary went
The lamb was sure to go.

It followed her to school one day,
Which was against the rule;
It made the children laugh and play
To see a lamb at school.

LITTLE MISS MUFFET

Little Miss Muffet sat on a tuffet,
Eating her curds and whey.
There came a great spider,
And sat down beside her,
And frightened Miss Muffet away!

JACK AND JILL

Jack and Jill went up the hill
To fetch a pail of water.
Jack fell down and broke his crown
And Jill came tumbling after.

FOR WANT OF A NAIL

For want of a nail, the shoe was lost,
For want of the shoe, the horse was lost,
For want of the horse, the rider was lost,
For want of the rider, the battle was lost,
For want of the battle, the kingdom was lost,
And all for want of a horseshoe nail!

RUB-A-DUB-DUB

Rub-a-dub-dub, three men in a tub;
And who do you think they be?
The butcher, the baker,
The candlestick maker.

They all jumped out of a rotten potato,
Turn them out, Knave, all three.

HARK, HARK

Hark, hark, the dogs do bark,
The beggars are coming to town;
Some in rags, some in tags,
And one in a velvet gown.

HEY, DIDDLE, DIDDLE

Hey, diddle diddle, the cat and the fiddle,
The cow jumped over the moon;
The little dog laughed to see such sport,
And the dish ran away with the spoon.

PETER, PETER, PUMPKIN EATER

Peter, Peter, pumpkin-eater,
Had a wife but couldn't keep her;
Put her in a pumpkin shell,
And there he kept her very well.

SIMPLE SIMON

Simple Simon met a pieman, going to the fair;
Says Simple Simon to the pieman, "Let me taste your ware."
Says the pieman to Simple Simon, "Show me first your penny."
Says Simple Simon to the pieman, "Indeed I have not any."

JACK SPRATT

Jack Spratt could eat no fat,
His wife could eat no lean;
And so betwixt them both, you see,
They licked the platter clean.

For Students

Questions

- What would you do if you were the king in "Humpty Dumpty"?
- If you were one of "all the king's men" who responded to Humpty's fall, how would you deal with members of the Dumpty family?
- Would you say the "woman who lives in a shoe" is a good manager or a poor manager? Why? Do her actions suggest she is a Theory X manager or a Theory Y manager? Does she apply Hersey and Blanchard's situational management techniques?

- How would you handle the situation in “Mary Had a Little Lamb” if you were Mary’s teacher? Mary’s principal? Her parents?
- What is the lesson in “Horseshoe Nail”? What would that lesson mean to a manager?

Exercises

1. *Illustrating a point.* Make up a nursery rhyme that illustrates a management theme or concern.
2. *Comparison and contrast.* From the standpoint of a public administrator, identify two similarities and two differences in the situations of Mother Hubbard and the woman in the shoe.
3. *Differing responsibilities.* Examine the case of Mother Hubbard from at two of four points of view shown below. Assume you had just been relayed an anonymous tip about Mother Hubbard’s predicament. What would your action (or actions) be if you were —
 - a. a case worker for a social services agency?
 - b. a local law enforcement official?
 - c. an administrator for the community’s humane society?
 - d. a member of a state-level public policy committee concerned with problems plaguing senior citizens.
4. *Understanding the public(s).* Consider Mr. and Mrs. Spratt as representing diverse constituents who use the services of your organization. Generalizing broadly, what do the Pratts imply about the challenges and opportunities your organization faces.

Kindred Works

Hans Christian Andersen. 1844. *The Ugly Duckling* — The Danish writer, born in 1805, is renowned for his fairy tales, which combine childlike fantasy with a penetrating wisdom.

The Brothers Grimm. 1812-15. *Fairy Tales* — Grimm’s *Fairy Tales* is a collection of German folk tales gathered by Jacob and Wilhelm Grimm. Most of the tales (including adventures about Rapunzel, Hansel and Gretel, and Rumpelstiltskin) were drawn from peasant narrations. Although other German writers of the period had written their own *Kunstmarchen* (artistic fairy tales), the two brothers drew directly from folk sources, transmuting legends and tales into literature without degrading the originals.

Dr. Seuss — the pen name of Theodore Seuss Geisel. The renowned children’s author and cartoonist was born in Springfield, Massachusetts, in 1904 and died in 1991. His works include *Horton Hatches the Egg* (1940), *The Cat in the Hat* (1957), *How the Grinch Stole Christmas* (1957), *Oh, the Places You’ll Go* (1990), and *I Had Trouble in Getting to Solla Sollew* (1992), which might be especially interesting for municipal managers.

Maurice Sendak — Illustrator and writer Maurice Bernard Sendak, born in Brooklyn, New York, in 1928 and died in 2012. He has been a major influence in children’s literature since the publication of *Where the Wild Things Are* (1963), for which he won the 1964 Caldecott Medal. His works are rich with bizarre drawings and tales that penetrate the terrors, rages, and humors of childhood. Sendak’s unique chil-

dren's books include *Higglety Pigglety Pop!* (1967), *In the Night Kitchen* (1970), and *Outside over There* (1981).

Pamela Lyndon Travers — Born in Queensland, Australia, in 1906, P. L. Travers is best known for her *Mary Poppins* tales, generally grouped as children's books. She began publishing her *Mary Poppins* collection in 1934 and continued to do so into the 1980s.

J. K. Rowling — Author of the *Harry Potter* series of novels (1997-2007). This British novelist expanded the reading habits of children (and the rest of us) on several continents. Her mark on twenty-first-century reading habits has been as indelible as was American writer Mark Twain's impact more than a century ago.

Joel Chandler Harris — Among the finest of America's humorists and Southern local-color writers, Harris, born in 1848, did much to popularize American Negro plantation culture. His most memorable creation, *Negro Folklore: The Story of Mr. Rabbit and Mr. Fox, as Told by Uncle Remus*, was published in 1879. Its popularity led to the collection *Uncle Remus, His Songs and Sayings* (1880), a series of animal folktales for all ages.

Lewis Carroll — pseudonym used by English writer and mathematician Charles Lutwidge Dodgson. He is best known for *Alice's Adventures in Wonderland* (1865) and *Through the Looking Glass* (1872) — children's classics laden with satire, fantasy, and wit.

Helen Bannerman — *The Story of Little Babaji* (1996) is a retelling of Bannerman's classic children's tale, *The Story of Little Black Sambo* (1863). Both are about a boy who outwits a group of greedy tigers in the jungles of India. Once beloved by generations of readers, the original story is considered politically incorrect and racially insensitive in its character names and illustrations. The 1996 version, with illustrations by Fred Marcellino, takes a number of steps to incorporate contemporary standards. (How successfully? That's something you may wish to determine for yourself.)

Aesop — Aesop, a Greek folk hero who may have lived in the sixth century B.C.E., was known for his animal *Fables*. Because Aesop's fables are short, simply expressed, and entertaining to children, they have been used since classical times as texts in elementary schools. The most popular English version is probably that by Samuel Croxall, originally published in 1722.

Internet Sites

Mother Goose, Alphabetically — <http://www.apples4theteacher.com/mother-goose-nursery-rhymes> and <http://www.zelo.com/family/nursery> — Two collections of nursery rhymes from A to Z. Literally.

Mother Goose Society — <http://www.librarysupport.net/mothergoosesociety> and <http://www.delamar.org/mothergoosesociety.html> — Yes, there is one, maybe two. The sites include historical information, poems, activities, and links.

Mama Lisa's World — <http://www.mamalisa.com/world> — Nursery rhymes from around the globe, both in their original form and in translation. Pick a country.

Aesop's Fables Online Edition — <http://aesopfables.com> — A fine collection of fables, stories, and related teaching materials. Some include audio.

For the Instructor

Nursery Rhymes by Mother Goose

Discussion Points and Themes

- The selections offer numerous thematic (■) possibilities. Some nursery rhymes examine leadership, decisionmaking, and performance evaluation. Others consider justice, planning, policy development and evaluation, and human resources management. Ethics, small-group behavior, and diversity are also illustrated.
- Students are likely to be familiar with most nursery rhymes. Nevertheless, students may find a few of the verses unfamiliar (e.g., “Hark, Hark”). Consequently, it’s prudent to go over each poem before engaging in exercises or discussions. For familiar rhymes, ask students where they first learned to say them, how they originally felt about (or interpreted) the poem, and what their reaction is now.

Themes

- Organizational/Societal Change
- Functions of Government
- Democratic Principles
- Ethics
- Leadership
- Decisionmaking
- Planning/Budgeting
- Performance Evaluation
- Policy Development/Evaluation
- Law Enforcement/Justice
- Communication
- Organizational/Group Behavior
- Diversity/Multiculturalism
- Human Resources Management
- Personal/Professional Development

Questions

Any of the questions can be used in classroom and online discussions, assigned as homework, worked in class either individually or in small groups, and/or adapted as questions for essay or objective tests.

The commentaries below are brief reflections on each question; however, they are not intended as comprehensive.

Question (from student section)	Comment
1. <i>What would you do if you were the king in “Humpty Dumpty”?</i>	The response can go in any of several directions. The student may comment, for example, on leading a team, on the role or responsibilities of the person at the top of an organization, or on the culture and consequences of risk-taking, on the limits of power, or even on the ceremonial aspects of leadership.
2. <i>If you were one of “all the king’s men” who responded to Humpty’s fall, how would you deal with members of the Dumpty family?</i>	This question is meant to encourage thought about the sensitive interpersonal communications role that law enforcement public safety officials play

- when dealing with related parties in stressful situations. Some students may focus on the on-the-scene situation; others are likely to discuss contacts to inform family members of what has happened.
3. *Would you say the “woman who lives in a shoe” is a good manager or a poor manager? Why? Do her actions suggest she is a Theory X manager or a Theory Y manager? Does she apply Hersey and Blanchard’s situational management techniques?* More Theory X than Y, with no apparent application of situational management. She shows poor managerial judgment in that she seems to be punishing the children for a situation that was not of their making and over which they have no control.
 4. *How would you handle the situation in “Mary Had a Little Lamb” if you were Mary’s teacher? Mary’s principal? Her parents?* Mary’s teacher and school principal would be obliged to enforce the same rule with Mary and her lamb as they do with all the other students and their pets. Mary’s parents, too, should see that Mary obeys the school’s policy. Even so, making children happy (i.e., “laugh and play”) is desirable if it can be done in a safe way that promotes learning. Possibly, the school could hold a Pet Day from time to time, at which time students could bring and discuss things about their animals.
 5. *What is the lesson in “Horseshoe Nail”? What would that lesson mean to a manager?* The lesson is that details can be crucial to overall effectiveness. Also, in planning as elsewhere, there is a distinction between detail and *important* detail.

Exercises

As with the questions, above, any of these exercises can be used online, in the classroom (including flipped classrooms), or assigned as homework. They are usually best worked in small group settings. Some can be adapted as examination questions.

The commentaries below describe the potential utility of each exercise:

Exercise (from student section)	Comment
1. Illustrating a point. <i>Make up a nursery rhyme of your own that illustrates a management theme or concern.</i>	Offers students the opportunity to combine their humor, creativity, and knowledge of administrative theories and situations. To the extent time permits, let students post or read their verses to the class.
2. Comparison and contrast. <i>From the standpoint of a public administrator, identify two similarities and two differences in the situations of Mother Hubbard and the woman in the shoe.</i>	Looking at similarities helps students consider the raw material that can lead to policy formulation. Looking at differences helps students see the need for front-line employees to have the

Exercise (from student section)	Comment
<p>3. Differing responsibilities. <i>Examine the case of Mother Hubbard from two of the four points of view shown below. Assume you had just been relayed an anonymous tip about Mother Hubbard’s predicament. What would your action (or actions) be if you were —</i></p> <p>a. a case worker for a social services agency?</p> <p>b. a local law enforcement official?</p> <p>c. an administrator for the community’s humane society?</p> <p>d. a member of a state-level public policy committee concerned with problems plaguing senior citizens.</p>	<p>skills and authority to exercise judgment on individual cases.</p> <p>Gives students a chance to experience the “Hubbard Scenario” from the perspectives of a variety of public service officials.</p>
<p>4. Understanding the public(s). <i>Consider Mr. and Mrs. Spratt as representing diverse constituents who use the services of your organization. Generalizing broadly, what do the Pratts imply about the challenges and opportunities your organization faces.</i></p>	<p>Encourages students to segment markets, consider the challenge of appealing to a wide range of users, and, at the same time, recognize that a diverse public can be helpful to the organization or community.</p>

Other Classroom Activity

- THE DUMPTY AFFAIR: A LOOK AT SOCIAL RESPONSIBILITY**

Invite the class to consider the social responsibility issues implicit in “Humpty Dump-ty.” Give each team of students one of the questions below and ask them to present a brief analysis of the issues surrounding their question.

 - Why can’t all the king’s horses and all the king’s men put Humpty together again? Is it a technology problem? A leadership problem? A resource problem? A training problem? What kind of reaction time did the king’s horses and men display in responding to Humpty’s fall? What is the extent of the responsibility the king has in trying to put Humpty back together?
 - What was Humpty doing on the wall in the first place? Who has responsibility for insuring the safety of people near or on the wall? Who owned the wall? Was this a work-related accident? Were warning signs posted? Was safety equipment required and, if so, was it used?
 - What lessons does Humpty’s fall offer for officials trying to prevent this from happening to someone else? Would it make much difference whether this had happened to other people (or eggs) before Humpty’s unfortunate accident? Would it make a difference in knowing about Humpty’s level of maturity and physical condition prior to the accident? Would it make a difference knowing about the purpose and condition of the wall?
 - Does Humpty or his family have cause to sue? If so, who might be named in the lawsuit? What role might “deep pockets” play in such a scenario?

Bottom Line. This activity gives students multiple lenses through which to consider issues of public safety, liability, and risk analysis.

2. OTHER NURSERIES: A MULTICULTURAL LOOK AT NURSERY RHYMES

Mother Goose may be an artifact of children's lore in English-speaking countries, but every culture has a wealth of children's verses. Ask students to select and share a nursery rhyme from their ancestral culture. (Because students can come from every background, their sources of information may differ substantially: For some students, this will require library research; for some, interviews with older relatives; and, for some, such material will already be part of their home lives.) As part of the assignment, each rhyme is to be printed in the native language, translated into contemporary English if necessary, and followed by a brief statement explaining the point of the poem; the follow-up statement should also identify any administrative theme the selection illustrates.

Variation I: Collect the selections into a printed volume or in a form that can be shared through social media. Have students work together to select a title for their collection, design a cover, and prepare a foreword and table of contents (or comparable production details for social media). Distribute or otherwise make accessible to everyone in the class.

Variation II: Divide the class into groups. The members of each group share their selections with one another and choose two nursery rhymes that illustrate administrative themes. Students whose poems have been selected then present their verse — in original form, in contemporary English, and with the explanatory postscript — to the class as a whole.

Bottom Line. This activity encourages students to —

- Sample the richness of cultures not their own.
- Appreciate and share with one another something from their own heritage.
- Experience finding new lessons in old, familiar verses.
- Apply an administrative perspective to sayings and situations that, at first glance, don't seem pertinent to management, government, business, or public service.

Further Reading

Beyond the references in this study, you may wish to identify relevant textbook or reading selections assigned for the course. Below are several more:

Adams, Scott. 1996. *The Dilbert Principle: A Cubicle's Eye View of Bosses, Meetings, Management Fads and Other Workplace Afflictions*. New York: Harper.

Creating images and fables in his own way, Adams takes us into the culture of large organizations — a culture as colorful, unique, and full of observations as the world of Mother Goose.

Etzioni, Amitai. 1996. *The New Golden Rule: Community and Morality in a Democratic Society*. New York: Basic Books.

As in *The Spirit of Community: Rights, Responsibilities, and the Communitarian Agenda* (1993), Etzioni examines what members of a community — from ditch diggers to members of the social elite — owe to the community as a whole.

Linden, Russell M. 2010. *Leading Across Boundaries: Creating Collaborative Agencies in a Networked World*. San Francisco: Jossey-Bass.

Discusses public interest, the common good, and the role of collaborations involving nonprofit organizations. The book's examples are stories in themselves.

- Maslow, Abraham H. 1943. A Theory of Human Motivation. *Psychological Review* 50 (July): 370-396.
Maslow offers us a sense of why people in different circumstances react differently to the same motivating influences. His ideas are useful when a student (or administrator) needs to figure people out.
- Newell, Terry, and others, eds. 2008. *The Trusted Leader: Building the Relationships that Make Government Work*. Washington, DC: CQ Press.
Leadership through relationships founded on shared values.
- Peter, Laurence J., and Raymond Hull. 1969. *The Peter Principle*. New York: W. Morrow.
Peter considers how people in organizations cope — and fail to cope. Followed by *The Peter Prescription* (1972) on how to avoid reaching one's level of incompetence in an organization, both books are tongue-in-cheek, but their observations are salient.
- Wilson, Edward O. 1998. *Consilience: The Unity of Knowledge*. New York: Knopf.
How does the world fit together and how do we fit within it? Those are questions implicit in the stories we tell our children; Wilson offers us a discussion framed for adults.

Discussion and Essay Questions

The questions and exercises in the student section are adaptable for online or classroom discussion and as examination questions. Other possibilities:

- Does “Wee Willie Winkie” perform a public service? In today’s terms, what would be comparable? Which sector(s) would likely be involved (private, nonprofit, government)?
- What is the warning implied in “Hark, Hark”?
- Miss Muffet and Jack and Jill are citizens who have had bad things happen to them. Discuss under what conditions the government or a nonprofit organization might get involved, and why.
- Look at “Hey, Diddle, Diddle” in terms of someone interested in community building. Consider internal strengths and weaknesses along with external opportunities and threats (i.e. a SWOT analysis).
- What is the actual backstory that “Humpty Dumpty” satirizes?
- Analyze “Simple Simon” from (a) an economic perspective and (b) a social values perspective.

Dr. Kenneth Nichols is professor emeritus of public administration at the University of Maine.

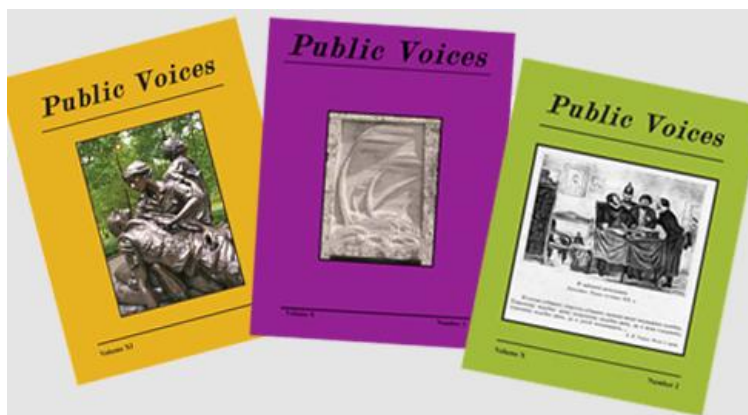
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Submissions received by **October 1st** will be considered for a winter issue, while those received by **April 1st** will be evaluated for a summer issue.

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