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African American Christian Single Mothers Conflict Resolution
Strategy in Parenting

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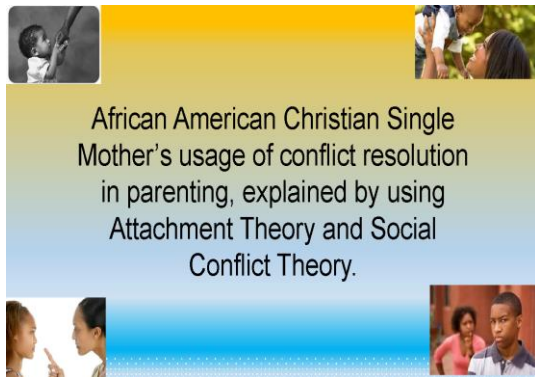
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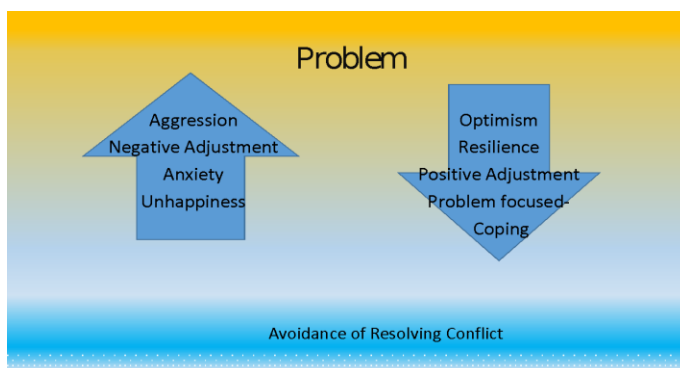
African American Christian Single Mothers Conflict Resolution Strategy in Parenting

Dr. Tracey-Ann Carter
Allen University

Successful conflict resolution can look very different depending on cultural background. African American Single mothers were studied to understand their usage of conflict resolution in parenting. The following interview questions were used to gain an in depth understanding of the phenomenon. What situations or experiences have assisted you in resolving conflict with your child (ren)? Can you please describe in detail your experiences in going through resolving conflict as a single mother?



The topic presented on was how conflict in the African American single mother home is resolved, and the role religion plays in the families. We are going to address attachment and conflict theories, African American parenting styles, child-parent relationships and the role God plays in the resolving the conflict.



Research has looked children's psychological development in regards to anxiety and aggression. Their findings suggested that there is a relationship between unresolved family conflict and increased proactive aggression. Additionally anxiety moderates the relationship between family conflict and proactive aggression. So this psychological development carries on into to adolescence and young adult life. Because of this high stress and difficulty coping and connecting in relationships become a part of their life. Now single mothers have added pressure and challenges than a dual parent household, and this may lead to clinical depression or depression symptoms. This may lead to less positive interactions with their child/ren, less effective conflict resolution that may lead to more frequent and harsher punishments.

All of the positive adjustment and resilience decrease because the child-parent relationship has been damage and the safety that they should feel from home is not there, so it leads to a life fill with unresolved issues and unhappiness.



Attachment Theory

Each mother needs to be available emotionally and physically to their child. If the mother has a good relationship with the child, there will be a reduction of negative emotions in resolving conflict. Also having a secure attachment will help the child and mother form a positive mental representation of them. Having an insecure relationship where the child do not feel loved and safe will increase negative emotions in resolving conflicts and the child and mother will develop an negative representation of themselves.

Attachment theory also can be used to explain the relationship that is formed between God, mother, and the child. We discuss this further late on in the presentation.

Attachment can be explained as an emotional link that one person has to another person (Snyder, Shapiro & Treleaven, 2012). Attachment Theory was created by Bowlby, he believed that Attachment Theory is a psychological human connection. Bowlby began his research on the mother–infant bond in the 1940s as an outgrowth of his clinical practice as a child psychiatrist (Bowlby, 1984) Bowlby proposed that around one year of age the child forms an “internal working model” of its self-worth and the dependability of others to provide the attention and care (Bowlby, 1973 & Bowlby,

1984). Such mental representations influence the nature and quality of other forms of attachment relationships throughout life.

Attachment Theory can be used to explain the attachment bond that is formed between God and the single mother. An African American single mother who accepts the beliefs of Christianity have accepted that the authority or caregiver in their lives is God “the Father”. It is Gods desire to have a relationship with his sons and daughters (Rosten, 1972). Attachment relationship includes four defining criteria: Homan and Boyatzis (2010) explains providing feelings of comfort and security, seeing the attachment figure as a secure base for exploration, viewing the attachment figure as providing a haven of safety in the presence of threat, and feeling distressed if separated from the attachment figure. God may function psychologically as an attachment figure by giving a sense of confidence and security for encountering challenges in life and a source of comfort in times of distress (Proctor, Miner, McLean, Devenish & Bonab, 2009). It is proposed through research that a securely attached Christian is one who feels confident of God’s ongoing presence, availability and responsiveness, specifically in the face of unfavorable or intimidating circumstances (Miner, 2007). The participants may respond to themes; such as Gods love, unconditional love, divine responsibility, forgiveness, faith that God will work out the conflict for them, feeling secure that God will supply all their needs, and God is always with them.



Social Conflict Theory

Now Conflict Theory talks about how people go after their own needs, values, goals, and resources that are desirable and important to them. This perspective came from Karl Marx who saw society broken up into groups that compete for social and economic resources. He thought that social order was maintained by domination, with the power in the hands of who holds the social, economic and political resources. This concept can be to explain why conflict would be natural and how it is also natural for families to have conflict. As long as there is someone who holds all the power there will be conflict because in inequality. Everyone in the family with seeks different goals with limited resources but parents are the ones with the power. For example this picture on the slide, every parent or caregiver has had a battle of the vegetables with a child. And in

order to get what we wanted will use the power that we hand to get our desirable outcome. It didn't happen without some resistance thou.

Rössel and Collins (2001) argue that family is a system of conflict. Social Conflict Theory holds the basic assumption that conflict is typical, healthy, and that constant harmony is problematic for the evolution and development of society. Social Conflict Theory suggests that conflict is an element of human social life caused by individuals acting in accordance with their own interest.

Parenting in the African American culture
Cultural values originate from West African Traditions
focus:
Harmony
Socialism
Obedience and Respect towards Elders

African American families' cultural values, which derived from West African traditions, emphasize the importance of agreement, socialism, obedience, and respect toward elders (Smetana et al., 2003, p. 633). In the context of these values, conflict between parents and adolescents would most probably be relatively muted. Indeed, Smetana et al. (2003) found that conflicts between African American early adolescents and their parents, though somewhat frequent, were low in intensity. However, African American youth enter a risky period during middle adolescence. During this developmental stage, peer pressure increases and can lead to increases in inappropriate behaviors and decreases in grades and academic performance. Moreover, social pressures such as racism and prejudice exist for African American families, regardless of their socioeconomic status, and an adolescent's greater awareness, freedom, and stressors can lead to increased parental concern for their children's safety (Smetana et al., 2003).

Maintaining Control
Restricting Socialization Based on Gender
Keep Children Safe
Become successful

Parents want to maintain control over their adolescents because of the how they fear for their life the boys and they are restrictive on the girl's socialization. Parents want the child to be having a better life than they do and it drives their decision making even in conflict.

The intensity level of conflicts in African American families and concurred that, particularly for families with daughters, conflicts increase in intensity during the period from early to middle adolescence. Even more conflict may result when parents' attempts to control and protect their children lead to greater restrictions on their adolescents' behavior, constraints against which adolescents struggle in attempt to assert their independence. African American mothers in general impose more restrictions on their daughters than on their sons, so that conflict and struggle may be particularly intense in families with girls (Smetana et al., 2003).



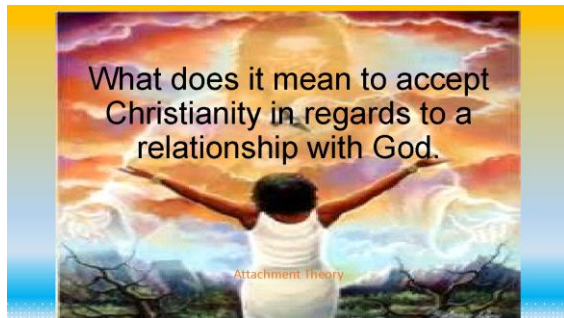
Research studies showed that single parents who feel and believe in hope may resolve problems effectively. A mother through an idealist viewpoint is more expected to consider that she can attain an optimistic effect in her offspring lives. Fueled by that belief, such a mother will work to build a positive relationship with her child and will provide monitoring and supervision outside of the home.

Researchers suggest that when we examine parenting and religious beliefs, many African American single mothers have adapted an authoritative style of parenting due to their religious beliefs (Goodrum, Jones, Kincaid, Cuellar, & Parent, 2012). In addition, research has further indicated that greater maternal religiousness was related to the increased use of an authoritative parenting practice, and higher mother-child relationship quality existed (Shook, Jones, Forehand, Dorsey & Brody, 2010). This finding supports the belief that African Americans' religious involvement can promote supportive and responsive family relationships, which in turn helps the family cope with economic and social stresses that accompany life (Gonzalez, Jones, Kincaid & Cuellar, 2012).

Based upon the findings of the study, it appeared that four out of ten participants find the experience of resolving conflict in their home challenging as they must continuously re-evaluate their discipline strategy for each child. Three out of ten participants use multiple resolution strategies in order to gain the desired out come as represented in the body of research. One of the major roles of parenting is to lead

children to make important life choices. This parental behavior is often called child discipline (Tamis-LeMonda et al., 2008).

Additionally, the study showed parents' desire for the best outcomes and giving their children the best as well as punishing them to prepare them to be independent and positive individuals in their adulthood. The study revealed no representation of negative words used to put down a child or embarrassed them for their misbehavior. The study further showed that children responded well to positive parenting strategies to resolve conflict. These positive outcomes are also poorly represented in the existing body of literature.



They turn to God for Guidance, they form an attachment with him when they accept him and get baptize. Baptism means to be born again in Christ so a person will grow in Christ and have a connection with him throughout their life. A mother would become dependent on God and he has said that is he is their father and He would never leave them not forsaken them. Now conflicts do arise in this relationship but his unconditional love and willingness to forgive all those who ask and repent of their sins. With disobedience comes heart ache and circumstances that could be avoided if they had listened.

Conflict Resolution Strategies

In relationship mothers may use adaptive (e.g., reflective listening, collaboration) or Maladaptive (e.g., avoidance, verbal attacks, physical violence) methods in dealing with conflict.

Many of the single mothers in this study had an emotional strategy to how they resolve conflict. Others spoke on past experiences and how it influences the way they resolve conflict in their home. What situations or experiences have assisted you in resolving conflict with your children?

Single Mother 7:

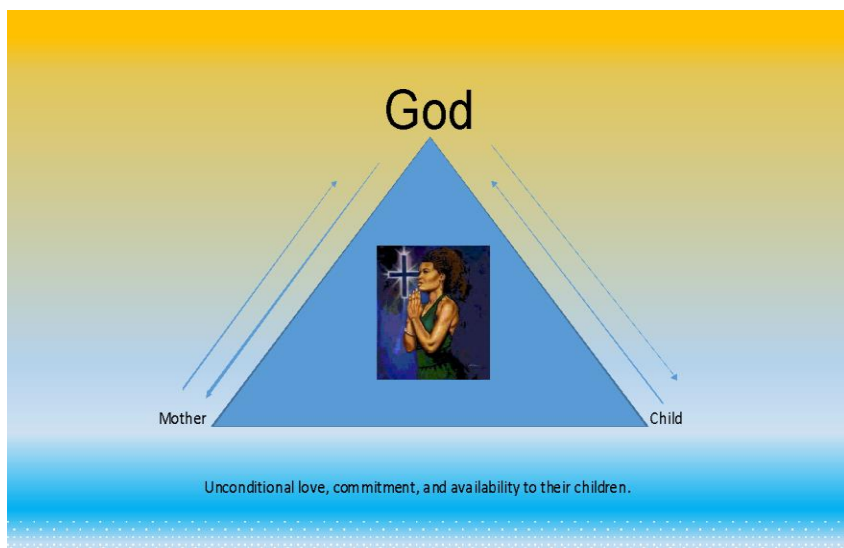
The personality I have I am not an aggressive person so if I have to raise my voice or use a stern voice you know it's something serious, also working in the field that I work in as far as special education um there are a lot of things I see on a daily basis that I do not want her to look like as she gets older so um you know really staying unstop of her teaching her the right way and correcting her immediately when she is young as opposed to waiting when she gets older you know thinking everything she does is cute and she would grow out of it so really correcting her at a younger age.

Single Mother 8:

My faith trusting that with time God will see us through and things will work out for my good. I read different literature and try to understand the teenager that I have in my house and what things are going through his head. I also look at my parents and the way they handle situations which were talking then followed by a smack or something. So I want to make sure that my son doesn't stiff up or feel scared when I approach him to talk about a problem because sometimes the problem is not what it seems to be or maybe it's something else and he is misdirecting his anger but patience and understanding was not something my parents had so I want to extended that to my son. Also talking to my siblings especially my sister she helps me to figure out what to do with him sometimes since she is older and her children have been through this stage already so she has a lot to do with how I handle the situation with my son.

Single Mother 9:

The relationship I had with my parents assisted me with being a great mother to my children and understanding the many journeys of parenthood. My parents instilled morals and values in my life which I have transferred into my two beautiful daughter's lives. I have taught them that every day is a different day and the feelings they had the day before will change and things do get better even though at the time it doesn't seem that way.



Research has shown that single parents face greater challenges with resolving conflict and parenting successfully than coupled parents. These challenges often result in both the parent and the children experiencing lifestyle challenges and developing maladaptive emotional, psychological, physical,

behavioral, and/or educational outcomes compared to the experiences of parents and children in two-parent households (Heckman, 2011; Pan, 2008).

Many factors affect a single parent's ability to resolve conflict effectively. One major factor is the parent feelings or mood. Research has shown depressive symptoms as a risk factor for poor parenting in single mothers. Researchers have validated that mothers who experience clinical depression or depressive symptoms, in contrast to a non-depressed control group, demonstrate negativity in interactions with their children. Also, they rely less on conflict resolution skills and more on punishments and negative or disciplinary strategies. Further, they are less effective at resolving conflict and experience frequent and sudden shifts between harsh punishments and excessive permissiveness (McCreary & Dancy, 2004). But regardless of these challenges that they face the God-parent relationship is one factor that reduces these risks.



A NEUTRAL Role

Mother and child should agree that God would want them to solve their problem together.



Research findings by Brelsford and Mahoney, (2009) state that; God and faith in a neutral role operate as a constructive means for conflict resolution and the study suggests that, the parent and child should take time out from their conflict and turn the situation over to God, pray together to understand the others point of view, or mother and child should agree that God would want them to solve their problems together. Having these conflict resolution strategies in place, aids in reducing the risk of both parties not having a clear understanding of the conflict (Davidson & Wood, 2004). Further, discussion in the research also shows that forgiveness plays an important part in how mothers resolve conflict. Research has shown that when single mothers practice forgiveness and turns their problems over to God, this has helped in reducing negative emotions (Kiefer, Worthington, Myers, Kliewer, Berry, Davis & Hunter, 2010).

Everyday Conflicts

#cleanyourroom
#fightingwithsibling
#gradesinschool
#choiceoffriends
#shethinkshe'sgrown
#Respectme!



Behavioral problems in School

My youngest son is so bright but he is doing so badly in school. He has such a bright future but he won't behave in school. He is talking in class when he is supposed to be listening, and he does not do homework. I tired talking to him about what's going on but he just says nothing momma you aren't going to do nothing about it anyway. (SM-4)

My oldest child has a problem with taking responsibility for his action he is always blaming someone for all that he does wrong. For instance he is struggling in school, when I ask him why he is bringing home failing test scores he would say the teacher

was rushing and did not explain the lesson correctly and he would say I am not the only one who failed the test. (SM-6)

She had like a week of bad behavior at school right before her birthday, so she would get a certain color for her behavior green is the highest and then yellow is after that so normally she is either a green or yellow student typically a green student but before her birthday she would get orange, and red which are at the bottom of the chart I tired talking to her and that didn't work, so I told her dad. So throughout that week her father and I would talk to her and we took away her privileges and she still was acting up in school and her acting up was talking too much and not listening to the teacher when she tells her stop talking so she had a week straight of bad colors so we ended up taking away her birthday party. (SM-7)

Disobedient

Most participants talked about disobedience. Single Mother 1 shared:

I guess he has a hard time following directions from other people. I guess in his mind he feels that only mommy can discipline me and the conflict between that was he wouldn't listen to anyone no matter who it was. So we had to have a discussion and I explained to him how is it that or why is it that mommy is not the only one that can talk to you and the benefits of other people talking to you and you listening and how it would help you in your everyday life.

Single Mother 2:

The biggest thing for me was cooking, I would get so tired, and I'm busy so on my way home from work I would pick him up from daycare or school whatever it was just natural to pick up something on the road. Ok then I decided to get on this's health kick and I'm trying to make him healthy cause he has asthma and instead of me forcing him to eat the right thing, he would you know be disobedient or whatever the case may be and I would just give into it and say you know what here's the chicken and fries. I can't deal because it's out of how I should have been cooking for him way before and, now he is used to this life style and I am trying to correct it you know an now it's hard.



When parents act on their feelings of love, they are more likely to be affectionate. Parental affection can be shown physically, verbally, and symbolically as with the use of culturally specific gestures. Many caring, nurturing, supportive, and loving behaviors help to define the behavioral expressions of parental acceptance and warmth. Rohner (1986) indicated that parents in most societies tend to be warm and loving toward their children. Only 25% of the world's societies tend to be mildly to severely rejecting toward children. Rohner (1986) also found that, parental rejection appears to be a major predictor of behavior problems, including conduct disorder, externalizing behavior, and delinquency. Substantial evidence also supports that a fathers love and acceptance is often as strongly implicated as mothers love in the development of behavioral and psychological problems as well as the development of sense of health and well-being. (Rohner, 1998).



When children and mothers are faced with conflicts having a warm, supportive, unconditional love for each other is leads each person in the relationship to be resilient. Behavioral regulation and appropriate discipline are necessary but having a divine intervention and religious beliefs to reference is an added resource in developing and implementing the best strategy when it comes to resolving conflict within the home. Having an effective strategy prepares children to be resilient and they are able to form healthy relationships. The children also become able to cope with life stressors and make better choice in good and bad circumstances.

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Turkey's Bid to Join the European Union: A Short History

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Euroscepticism and Enlargement Fatigue: Time to Talk Turkey

The rise of populism and Islamophobia in the West, in general, is closely associated with the migrant crisis that has pushed countries capacities to their limits.

Perhaps no relationship has been more affected by the refugee crisis than that between the EU and Turkey.

Lesley Dudden, (6, 5, 2017)

Introduction

As Lesley Dudden's comments show, Europe's 2015-16 migrant crisis has had a major impact on the European Union-Turkey relations. The migration crisis stemmed from the wars in Afghanistan, Iraq, and Syria, the spread of the Arab Spring, and the wars in Mali and other African countries. The Arab Spring uprising originated in Tunisia in January 2011. Following the overthrow of the Tunisian government, the protests spread to Egypt and then on to Libya, Syria, Saudi Arabia, Jordan, Yemen and Bahrain (Smith, 2016). The civil war in the Sub-Saharan Africa country of Mali began in 2012.

Syrians began fleeing to Europe through Turkey in 2011. The EU's applications for asylum jumped to about 1.3 million in 2015, overwhelming the EU's capacity to cope (The Economist, 2017a). The International Organization for Migration (IOM) estimated that more than a million migrants arrived in Europe by sea in 2015, and almost 34,900 arrived by land. About 3,770 migrants died trying to cross the Mediterranean. Human smuggling has been a thriving business moving refugees from Turkey to the Greek isles. It has been estimated that about 100 people-smugglers continue to operate (*The Economist* (2017b)). In 2016, between 750K and 885K irregular migrants entered the EU via Turkey.

In 2015. the EU sought Turkey's assistance in dealing with the flow of migrants. Turkey is not a member of the EU; however, it has been interested in membership since 1959. It has been a formal Candidate for membership since 2005.

The Births of NATO and the EEC/EU

For an understanding of the impact of the migration crisis on EU-Turkey relations, it is instructive to review the developments in post-WWII Europe. Germany surrendered on May 8, 1945, and the country was divided into a western sector occupied by the armed forces of the United States and Britain and an eastern sector occupied by the armed forces of the Soviet Union. The German capital, Berlin (which was in the eastern sector)

was similarly divided. On June 24, 1948, the Soviets blockaded access to Berlin's western sector. The U.S. and Britain responded by airlifting food and fuel into the western sector of Berlin from their bases in western Germany. On April 4, 1949, 12 western Allies established the North Atlantic Treaty Organization (NATO) to protect western Europe from attack by the USSR. The Soviet blockade was lifted on May 12, 1949. Shortly afterwards, the independent states of West Germany and East Germany were established (Reuters, 2008).

Turkey joined the NATO alliance in 1952, as did Greece. Both countries were strategically located for NATO's defense against the USSR during the Cold War. Three years later, West Germany was admitted to the alliance. The Soviet Union responded by establishing the Warsaw Pact alliance. The Warsaw alliance ceased to exist with the collapse of the Soviet Union. Three former Warsaw Pact countries were admitted to NATO in 1999, and six were admitted in 2004. With Montenegro's 2017 entry, NATO had 29 members (Appendices I & III).

The European Economic Community (EEC) was established in 1958 with six western European countries: Belgium, the Netherlands, Luxembourg, France Germany and Italy. The EEC's objective was to achieve peace in Europe through economic integration. EEC membership was confined to the original six members until 1973 when Denmark, Ireland and the UK were admitted. In 1992, the EEC became the European Union (EU). The newest member, Croatia, was admitted in 2013. As of 2017, the EU had 28 members.

Turkey expressed interest in joining the EEC in 1959. Almost 60 years later Turkey is still not a member of the EU, although it has had a long courtship. The first formal relationship began with the 1963 signing of the Ankara Agreement which outlined a three-stage process for establishing a Customs Union between Turkey and the EEC (cvce, undated).

1. A Preparatory Phase of five years, unless the time needs to be extended
2. A Transitional Phase of no more than twelve years subject to exceptions
3. A Final Phase which implements the Customs Union

With the implementation of the Ankara Agreement on December 1, 1964 Turkey became an "Associate Member" of the EEC. The Ankara Agreement sets a time-table of 17 years from the implementation of the Preparatory Phase to the completion of the Transitional Phase subject to possible extensions if required. While allowing for time-line extensions the Agreement stipulated that such extensions "must not impede the final establishment of the Customs Union within a reasonable period." The Turkey-EU Customs Union was formed in 1995: 13 years beyond the strict Ankara Agreement timeline.

Turkey applied for EEC membership in 1987 (even though it had not completed the CU process). The application was deferred to 1993 since the EEC was in the process of moving to a tighter union which involved economic and monetary union. In 1993, the

application was deferred again due to the economic disruption associated the 1990 reunification of Germany. In 1993, The Copenhagen Criteria for EU membership were produced. These Criteria require candidate states to have institutions to preserve democratic governance and human rights, to have a functioning market economy, and to accept the obligations, and intent, of the EU.

Twelve years after applying for membership in 1987, Turkey became an official Candidate for membership in the EU. Accession Talks on Turkey’s candidacy did not commence until October 2005. At that time. the EU stipulated that no progress would be made until Turkey applied the “Amended” Ankara Agreement to Cyprus (which had been admitted to the EU in 2004).

Table 1. Key Dates in Turkey’s History with NATO and EEC/EU: 1949-2008

Year	Action
1949	NATO created
1952	Turkey and Greece admitted to NATO (Treaty of Washington, 1949)
1955	West Germany admitted to NATO.
1958	EEC entered into force (Treaty of Rome, 1957)
1959	Turkey expressed interest in joining the EEC
1963	The EEC and Turkey signed an “Association” agreement known as The Ankara Agreement
1964	Turkey granted “Associate Member” status in the EEC
1974	Turkey invaded Cyprus which becomes a divided Island. UN Peace Keeping Force installed
1981	Greece entered the EEC.
1987	Turkey applied for full membership in EEC. Case deferred to 1993
1992	EEC becomes the EU (Maastricht Treaty, 1992)
1993	<ol style="list-style-type: none"> 1. Turkey’s membership application deferred again. 2. The Copenhagen Criteria for EU membership established
1995	The “EU-Turkey Customs Union” implemented in accordance with <i>The 1963 Ankara Agreement</i>
1999	<ol style="list-style-type: none"> 1. Turkey became an official “Candidate” for EU membership 2. The euro, a common currency, is launched as a unit of account for use among qualifying EU members
2004	EU accepts 10 new members: 8 former Soviet allies plus (the Greek portion of) Cyprus and Malta
2005	<ol style="list-style-type: none"> 1. The 1963 Ankara Agreement amended to include new members of the EU (including Cyprus). 2. Accession Talks commence: no progress to be made until Turkey applies the “Additional Protocol” of the 1963 Ankara Agreement to Cyprus!
2008	<ol style="list-style-type: none"> 1. Onset of the Great Recession 2. Euroscepticism, and EU Enlargement Fatigue

Turkey’s progress toward EU membership continued to falter as EU economic conditions deteriorated with the onset of the Great Recession starting in 2008. The deteriorating economic conditions exacerbated two related EU phenomena: Euroscepticism and Enlargement Fatigue.

Euroscepticism

Drawing upon Eurobarometer Survey results, Leonard and Torreblanca (2013) found that EU individuals began losing their faith in the EU's ability to maintain or enhance their well-being after 2007. Leonard and Torreblanca defined a measure of Euroscepticism as "net trust in the EU." This net trust was defined as the difference between the proportion of Eurobarometer survey respondents indicating "they tend to trust the EU," and the proportion indicating "they tend to not trust the EU." Negative net trust is taken to mean the country is Eurosceptic. The authors examined the "trust data" for a sample of 13 EU countries in the Spring 2007 and in the Autumn 2012 issues of the Eurobarometer. In the Spring, 2007 Eurobarometer, the UK was the only "Eurosceptic" country in their sample (and in the full EU membership). Their 2012 results showed only Bulgaria as being non-Eurosceptic, although a few were very small negative numbers.

The 2016 results are somewhat less negative; however, only four countries showed positive trust. The trust levels appear to reflect economic conditions as reflected in the rising unemployment rates after 2008 through 2015. Particularly hard hit were the southern rim countries: Spain, Portugal, Greece, and Italy. Each of these countries hit double-digit unemployment for some of the time-period 2008 to 2015. Greece and Spain experienced unemployment rates exceeding 20% for four or five of the years. These countries were also suffering from major national debt problems. Greece faced severe austerity measures to receive debt relief.

Enlargement Fatigue

The Economist (2017a) referred to EU enlargement as "Perhaps the EU's most successful foreign policy of all". The Economist (2017a) noted the entry of 11 former central and eastern European countries over the two decades since the collapse of the Soviet Union. This move was consistent with the EU's original objective of assuring peace through economic integration. However, Europeans became less enthusiastic about further expansion of the EU's membership. The Economist (2006) argued that Europeans were not opposed to enlargement in general since "the 2004 enlargement to the east produced net benefits for Europe, increasing trade, investment and net income." The Economist (2006) believed that enlargement fatigue reflected a difference between perceived winners and losers in the expansion. Countries in favor of enlargement included Britain, Ireland and Sweden which saw gains from expanded labor opportunities. Those opposed to enlargement, Austria, France, Germany and Belgium, were opposed to globalization as well.

Of course, The Economist (2006) article preceded the economic collapse in late 2008. This Enlargement Fatigue resulted in part from the economic conditions which led to Euroscepticism. However, it also stemmed from the 2004 enlargement which saw the

largest number of countries join the EU in a short-period of time! Seven of which were former Warsaw Pact members joined the EU in 2004. Two more former Warsaw Pact joined in 2007. The economic status of the central and eastern European countries (classified in the 1990s as “Transition Economies”) was below that of the existing EU members. The EU faced the same issues that Germany faced during its re-unification. Some EU politicians believed “that public opinion is irrevocably opposed to enlargement.” In 2006, the EU suspended accession talks with Serbia, and considered postponing the entries of Bulgaria and Romania from 2007 to 2008 (*The Economist*, 2006). Bulgaria and Romania joined the EU as scheduled in 2007. Eleven years after its talks were suspended, Serbia remains in Candidate status. Szolucha (2010) commented that “enlargement seems to be one of the most divisive issues in the contemporary debate” regarding the future of the EU.

Europeans’ support for enlargement fell from 53% of respondents in May 2008 to 39% by the end of 2011 (Di Mauro and Fraile, 2013). The Autumn 2016 Eurobarometer Survey revealed 39% of respondents supporting further enlargement, and 51% opposing.

The foregoing results are for enlargement in general. In Di Mauro’s and Fraile’s analysis, respondents’ attitudes towards enlargement reflected their level of “Trust in the EU.” Respondents expressing trust in the EU were 15% more likely to support enlargement. Declining trust figures over time would lead to declining support for enlargement in general.

Barriers to Turkey’s Entry to the EU

The Economist (2006) alluded to the possibility that that the EU population could be resisting enlargement which specifically admits Turkey.

Some people argue that Turkey should not be admitted to the *European* Union because it is not really, *European*. Nicolas Sarkozy, former President of France, argued that ‘Turkey was geographically not part of Europe and has no place in Europe’ (The Guardian, 2016). However, geographically, part of Turkey is in Europe! Turkey is one of five countries (along with Russia, Kazakhstan, Azerbaijan, and Georgia) which are bisected by the Europe-Asia boundary. It seems likely that M. Sarkozy was not referring to physical geography, but rather cultural/political geography. Cyprus, an island-state member of the EU since 2004, lies entirely in Asia, physically. Cyprus is included in Europe as well as in Asia because it is considered culturally and politically, European (Countries of the World, 2015).

In the Di Mauro and Fraile (2013) analysis, Europeans’ attitude towards enlargement showed large variations between alternative country-candidates. A significant proportion, 65-80%, of respondents were supportive of applications from Switzerland, Norway or Iceland. However, only 30% of respondents would support applications from Albania, Turkey or Kosovo. Support for the former Yugoslavian republics and the Ukraine fell in between these two groups.

Di Mauro and Fraile's (2013) analysis noted that individuals who perceived the EU as a threat to their identity were 11% less likely to support enlargement. Possible threats to EU members' identities could come from admitting countries with relatively large populations, large economies, or significant differences in culture or religion, or some combination of these factors.

Table 2. Population and Economy Comparisons

	Turkey	Germany	France	U. K.
2016 Population in Millions ¹	80.9	83.1	65.0	66.2
GDP ² (\$US trillions)	.86	3.5	2.5	2.6
GNI per Capita ¹ (\$US '000s)	24	49.5	42.3	42.1

Sources: 1-PRB (2017); 2- World Bank (2016)

Table 2 provides 2016 population and economic sizes for Turkey and for the three largest EU countries in terms these factors. If admitted to the EU, Turkey would have the second largest population after Germany. Turkey's economy is unlikely to be viewed as a threat.

Religiously, Turkey is quite different from the rest of the EU. Turkey's population is 98% Muslim.

Germany is home to over three million Turks. Sixty percent of Germans "believe that Islam does not belong" in Germany (The Economist, 2017c).

The EU Copenhagen Criteria versus Turkey's Historic Character

Apart from the above issues, Turkey's lack of progress is made clear by an administrative fact: in 11 years of formal talks as an EU Candidate, only one of 35 Chapters required for accession to the EU has been agreed upon. Turkey has not completed the 2005 requirement to apply the Ankara Amendment to Cyprus.

The EU's expectations for EU membership, are specified in The Copenhagen Criteria. These criteria require a member state to have institutions to preserve democratic governance and human rights, have a functioning market economy, and to accept the obligations and intent of the EU.

Karaveli's (2016) assessment of Turkey's political history appears to be in direct conflict with the 1993 Copenhagen Criteria.

Turkey has never had a liberal leader. Since Kemal Ataturk founded the modern state...in the 1920s, authoritarianism has held sway. No Turkish government has ever respected freedom of expression or minority rights...The cornerstones of the illiberal order in Turkey--held up by military juntas and popularly elected

governments alike—have always been statism, nationalism, religious conservatism, and the protection of powerful business interests.

Erdogan's Turkey!

According to one Turkish intellectual, “all of the problems that haunt Turkey emanate from the personality and goals of Erdogan” (Karaveli, 2016). Accordingly, for an understanding of the most recent issues hampering EU-Turkey relations, a knowledge of the evolution of the career of Turkey's current President, Tayyip Erdogan is essential.

In the late 1980s and early 1990s, Erdogan was known as an unorthodox Islamist. However, once elected mayor of Istanbul in 1994, he took a more traditional Islamist view. In late 1997, he was convicted of “inciting the people to religious hatred”, and spent 120 days in jail. Following his release from jail, he became a conservative democrat. In favor of sharia law as Istanbul's mayor, the conservative democrat Erdogan claimed to be skeptical of sharia (Karaveli, 2016).

Erdogan became Prime Minister of Turkey in 2003. He had campaigned for the position with an attractive platform featuring liberal economic and political reforms. He would enhance the separation of powers. He would ensure the independence of the judiciary, the freedom of the Press, and he would support the Rule of Law. He vowed to reduce state role in the economy, and to lift stifling regulations (Karaveli, 2016).

By 2007, Erdogan began prosecuting his political opponents, charging some with planning coups (This tactic emerges again later in his career). Some of the trials were tainted with “judicial” impropriety (Karaveli, 2016).

By 2012, under orders from Erdogan, 9000 people were serving in prison for (alleged) terrorist activities. Those imprisoned included journalists, lawyers, university students, and trade unionists. There were more journalists in prison in Turkey than in China. Erdogan sought to eliminate public criticism of him. He directed prosecutors to indict the chief editor of a newspaper which was critical of him. Public displays of dissent were not to be tolerated.

In 2012, Erdogan complained that the ‘separation of powers’ was an obstacle to be overcome. Accordingly, he proceeded to “hollow out the judiciary.” In 2013, Erdogan authorized the use force against peaceful protesters. The resulting police intervention resulted in 11 deaths and hundreds of individuals being injured.

Term-limited, after three terms as Prime Minister, Erdogan decided to run for President of Turkey in 2014: an unprecedented move since Turkey's President, historically, has been a ceremonial appointment not an elected one. Winning the August 10, 2014 election, Recep Tayyip Erdogan became Turkey's first elected President! (CNN,).

The EU-Turkey Migration Crisis of 2015

Between 2005-2010, annual asylum applications to the EU were under 250 thousand. From 2011 to 2014 applications to the EU increased to about 675K annually. (The Economist, 2017a). Attempting to deal with rising immigration flow, the European Parliament adopted a resolution “on the situation in Mediterranean and the need for a holistic EU approach to migration” in December 2014. Revisiting the resolution in April 2015, the European Parliament produced a 10-point plan to increase financial resources to address the crisis, and to expand efforts to reduce the flow of migrants (Reuters, 2015). The European Agenda on Migration provided Turkey with €3 billion in financial resources to support its refugee efforts. Jumping to about 1.3 million in 2015 asylum applications overwhelmed the EU’s coping capacity (The Economist, 2017a).

An estimated 750,000 to 885,000 irregular Syrian migrants entered Europe through Turkey in 2015. Turkey itself was inundated. By September 2015, Turkey informed the EU that it had reached its capacity which meant more refugees would be headed to Europe. With 2.5 million refugees in 2015, Turkey was the host country for the largest number of refugees. During October 2015, the EU and Turkey developed the framework for the EU-Turkey Joint Action Plan (JAP) which was activated on November 29, 2015.

The objective of the JAP was “to step up the cooperation for the support of Syrian refugees under temporary protection and their host communities in Turkey, and to strengthen their cooperation to prevent irregular migration flows to the EU.”

The key components of the JAP included (European Commission, 2016a):

- Providing Turkey with an additional €3 billion in exchange for its support in curbing the migrant flow from Turkey to Greece by hosting displaced persons from countries such as Syria and Iraq.
- Granting Turkish residents Schengen visa-free travel rights in the EU member countries.
- Opening new chapters for Turkey’s EU accession.
- Implementing a one-for-one migrant return/resettlement scheme: for each Syrian migrant returned to Turkey from the Greek Isles, one migrant would be resettled from Turkey to an EU country.
- Returning to Turkey all irregular migrants arriving in the Greek islands from Turkey post March 20, 2016.

Turkey’s Attack on Democracy Continues

With the JAP in place, President Erdogan became “even more openly and arrogantly autocratic...” Lifting Turkey’s parliamentary immunity on May 20, 2016, allowed 50 of 59 members of the pro-Kurdish People’s Party to be prosecuted for “spurious terror charges.” Erdogan replaced the Ahmet Davutoglu as Turkey’s Prime Minister with a

loyalist, Binali Yildirim. It was reported that close to 900 journalists had lost their jobs in the first four months, and 33 of them were reported detained. During May 2016, cases were opened against more than 1800 people accused of insulting Erdogan since he was elected President in 2014 (*The Economist*, 2016).

A “coup d’etat” was attempted on Friday, July 15, 2016, by a faction of the Turkish armed forces (the Peace at Home Council). Erdogan called on “ordinary citizens” to oppose the coup attempt, and it was short-lived as the citizens responded to the call. Reports indicated that 241 people were killed, and 2,194 were injured in the conflict. Erdogan accused Fethullah Gulen (in exile in the United States) of provoking the coup attempt. CIA involvement was suggested. Since Erdogan believed that Gulen had infiltrated the judiciary, the government suspended 2,700 judges on Saturday morning. As of Sunday. 6000 people had been arrested (The Telegraph, 2016).

An indefinite state of emergency prevailed following the failed coup. Fifty thousand people were arrested including human rights activists, half of the senior military ranks, thousands of police officers, and hundreds of journalists. About 150 thousand public servants were fired, including judges, university professors (Globe and Mail, 2017).

Erdogan called for a referendum, dealing with several constitutional issues. The April 2017 Referendum passed by a slim majority of 51.4%! Erdogan proceeded to abolish the Office of Prime Minister. Several powers, including the appointment judges and prosecutors, Heads of military and intelligence agencies, university rectors and senior bureaucrats, and the issuance of laws and decrees, were placed in the President’s Office.

The one-year anniversary of the July 15 coup led to a fresh round-up of 6000 political opponents.

Turkey’s “Recent” Objections to EU Actions.

Upset with the slow implementation of the JAP in early 2016, Turkey began threatening retaliatory actions. The EU’s failure to provide Turkish residents with access to the promised visa-free travel as scheduled was a major concern. Turkey’s Foreign Minister Cavusoglu indicated that Turkey might cancel the “one-for-one” resettlement scheme because “the EU has been wasting our time on the visa liberalization” (Osborne, 2017). Rankin et al. (2016) reported that Turkey threatened to end the refugee agreement.

Turkey was offended that EU was not sufficiently supportive of Turkey after the failed July 2016 Coup attempt and by the EU’s objections to Turkey’s moves in response to the coup. Turkey thought that NATO did not appreciate the threats posed to Turkish stability by Gulenist and Kurdish terrorists. Turkey was quite upset when the EU parliament held a non-binding vote on November 24, 2016 demanding an end to Turkey’s accession negotiations (Rankin et al., 2016). Erdogan was quite upset with the Netherlands and Germany for refusing entry for Turkish politicians wanting to hold rallies supporting the Turkish 2017 Referendum (Osborne, 2017).

With the JAP migrant deal not progressing, Turkey considered its options to the east (Smith, 2016). The Voltaire Network (2017) announced that “Ankara has decided to suspend efforts to become a member of the EU.”

So, Whither Goest Thou, Turkey?

Erdogan’s behavior suggests that he believes Turkey can choose between the West (the EU) and one, or both, of the following Eastern organizations (which include Russia):

- The Eurasian Economic Union (Voltaire Network, 2017)
- The Shanghai Cooperation Organization (Rodriguez, 2017)

Erdogan may think he can play one side against the other. The EU can be faulted for creating this impression, and Putin has gone along with the game. Erdogan, as arrogant as he is, may have over-played his hand with both sides.

However, Turkey has some recent bad history with Russia. Turkey had been musing about turning eastward as early as 2014. During a July 2014 meeting of G-20 Trade Ministers in Australia, Russia’s Customs Union Economic Development Minister and Turkey’s Trade Minister reportedly met for a discussion. According to Russian Minister Ulyukayev they “discussed the possible forms of cooperation including the formation of free trade zone...” They also “agreed to create a working group and to begin a more detailed discussion...” (RTϵ, 2014; Ghazanchyan, 2014).

The meetings of the Russian-Turkish Cooperation Council stopped after the Turkish Airforce shot-down a Russian Su-24 bomber, killing the pilot, near the Turkish border on November 24, 2015 (RBTH, 2017). In rebuke, Russian President Putin levied sanctions on Turkey. Erdogan apologized to Putin for the shooting down of the Russian plane and for the death of its pilot. The sincerity of the apology has been questioned (Strokan, 2016). However, following Erdogan’s apology, Putin “ordered talks on restoring ties” between Russia and Turkey (Rainsford, 2016). Most of the Russian sanctions on Turkey have been lifted (FT, 2017), and the Russian-Turkish Cooperation Council meetings have resumed (voa News, 2017).

Turkey does not fit with Putin’s image and plans for the EAEU. Putin sees the EAEU confined to post-Soviet states with the exclusion of the three Baltic states already in the EU. It is Putin’s attempt to resurrect a bit of the former Soviet Union. Created in 2015, the EAEU has not lived up to its expectations. It has fallen short on social, economic and political matters. It has been responsible for “trade-wars, fresh frictions and concerns over Russian hegemony.” The organization began to breakdown after Russia invaded the Ukraine (Michel, 2017).

In another report, Erdogan asked “Why shouldn’t Turkey be in the Shanghai 5?” The Shanghai 5 is formally known as the Shanghai Cooperation Organization is led by China and Russia. Erdogan said he had already discussed the matter with Vladimir Putin and the Kazakh President Nazarbayev (RT€ , 2016). Turkey was scheduled to assume the presidency of the SCO’s Energy Club in 2017 (Turkish Minute, 2016).

Rodriguez (2017) suggests that Turkey’s interest in the eastern organizations may be in establishing an “almost Turkic organization” with the Turkic republics of Kazakhstan, Uzbekistan and Kyrgyzstan. However, these republics may not want to be in such an organization with Turkey as the dominant player.

Joining these organizations has downsides for Turkey. Since it is not possible to be a member of two customs union, Turkey would have to withdraw from its customs union with the EU. The EU is Turkey’s largest trading partner. Russia is its second largest.

The SCO is also a military organization. Turkey would have to exit NATO. Perhaps Turkey’s most compelling characteristic for either Russia or the NATO members is its strategic location. In addition to gaining a strategic location, Putin would delight in pulling a member of NATO over to the Russian side

Turkey’s repressive policies make it difficult for EU members to support Turkey’s membership. July 6, 2017, the EU Parliament passed a resolution calling “on the Commission and member states ... to formally suspend accession negotiations with Turkey without delay if the constitutional reform package is implemented unchanged” (Karadenz and Toksabay, 2017).

Each side has hurled such “threats” but action seldom follows. The EU, at this juncture, is concerned about losing Turkey’s cooperation with the Syrian migrant flow, and NATO is concerned about losing a strategically located ally. Turkey understands these concerns!

Appendix I: Members and Their Dates of entry into the EU, SCHENGEN, EUROZ and NATO

COUNTRY	EU?	EUROZ ?	SCHENGEN?	NATO?
BELGIUM	Y (1958)	Y (1999)	Y (1985)	Y (1949)
FRANCE	Y (1958)	Y (1999)	Y (1985)	Y (1949)
GERMANY	Y (1958)	Y (1999)	Y (1985)	Y (1955)
ITALY	Y (1958)	Y (1999)	Y (1990)	Y (1949)
LUXEMBOURG	Y (1958)	Y (1999)	Y (1985)	Y (1949)
NETHERLANDS	Y (1958)	Y (1999)	Y (1985)	Y (1949)
DENMARK	Y (1973)	N	Y (1996)	Y (1949)
IRELAND	Y (1973)	Y (1999)	N	N
U. K.**	Y (1973)	N	N	Y (1949)
GREECE	Y (1981)	Y (2001)	Y (1992)	Y (1952)
PORTUGAL	Y (1986)	Y (1999)	Y (1991)	Y (1949)
SPAIN	Y (1986)	Y (1999)	Y (1991)	Y (1982)
AUSTRIA	Y (1995)	Y (1999)	Y (1995)	N
FINLAND	Y (1995)	Y (1999)	Y (1996)	N*
SWEDEN	Y (1995)	N	Y (1996)	N
CYPRUS	Y (2004)	Y (2008)	N	N
CZECH REP.	Y (2004)	N	Y (2007)	Y (1999)*
ESTONIA	Y (2004)	Y (2011)	Y (2007)	Y (2004)*
HUNGARY	Y (2004)	N	Y (2007)	Y (1999)*
LATVIA	Y (2004)	Y (2014)	Y (1997)	Y (2004)*
LITHUANIA	Y (2004)	Y (2015)	Y (2007)	Y (2004)*
MALTA	Y (2004)	Y (2008)	Y (2007)	N
POLAND	Y (2004)	N	Y (2007)	Y (1999)*
SLOVAKIA	Y (2004)	Y (2009)	Y (2007)	Y (2004)*
SLOVENIA	Y (2004)	Y (2007)	Y (2007)	Y (2004)
BULGARIA	Y (2007)	N	N	Y (2004)*
ROMANIA	Y (2007)	N	N	Y (2004)*
CROATIA	Y (2013)	N	N	Y (2009)
TOTALS	28	18	22	22

*: Member of the former Warsaw Pact. **: The U.K. voted to leave the EU in June 2011

Appendix II. Formal Candidates for EU Membership Along with other Memberships held

FORMAL EU CANDIDATES	EU?	EUROZ ?	SCHENGEN?	NATO?
ICELAND	C	N	Y	Y (1949)
REPUBLIC OF MACEDONIA	C	N	N	N
MONTENEGRO	C	N	N	Y (2017)
SERBIA	C	N	N	N
TURKEY	C	N	N	Y (1952)

Appendix III. Potential Candidates for EU Membership

“POTENTIAL” CANDIDATES	EU?	EUROZ ?	SCHENGEN?	NATO?
Albania	PC	N	N	Y (2009)*
Bosnia and Herzegovina	PC	N	N	N
Kosovo	PC	N	N	N

Appendix IV: Other Countries with membership in at least one of the four organizations

“OTHER”	EU?	EUROZ ?	SCHENGEN?	NATO?
Canada	N	N	N	Y (1949)
Iceland	N	N	Y	N
Liechtenstein	N	N	Y	N
Norway	N	N	Y	Y (1949)
Switzerland	N	N	Y	N
United States	N	N	N	Y (1949)
TOTAL EU	28			
TOTAL EUROZ		18		
TOTAL SCHENGEN			26	
TOTAL NATO				29

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The Road to An Immigration Policy by Government Fiat:
Should We Really Make Immigration Policy Through the Courts?

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Introduction

"We ask, not what this man meant, but what those words would mean in the mouth of a normal speaker of English, using them in the circumstances in which they were used ... We do not inquire what the legislature meant; we ask only what the statutes mean." -Oliver Wendell Holmes, Jr. (Holmes, 1920).

President Trump's temporary travel ban will be headed to the U.S. Supreme Court (the Court) for review in October 2017. The courts (all levels) have often had to intervene to settle major clashes involving assertions of presidential power. In the fourth year of President George W. Bush's term, the justices challenged his unilateral approach to the U.S. military prison at Guantanamo Bay, Cuba. In the fourth year of President Barack Obama's term, the courts took up the challenge to his healthcare law (Savage, 2017). However, within the second week in office, Trump's first temporary travel ban suffered a defeat from lower federal courts that stopped the implementation of the travel ban, as the lower courts believed the president was acting with improper motives in creating the ban. This essay will argue that courts should interpret executive orders of presidents and statutes from Congress based on what is written within the four corners of the document. These writers believe it is not proper for courts to second guess the motives of politicians. These writers believe that the very exercise of second guessing motives is the same as the courts saying that they believe Congress or the president are not being straight-forward with the courts. It is a better practice to take another branch of government at its word as to why the bill or executive order exists.

Facts

First Travel Ban

President Donald Trump signed the initial travel ban on January 27, 2017, during his first week in office. The Executive Order 13769 was called *Protecting the Nation from Foreign Terrorist Entry into the United States* (Executive Order 13769, 2017). When he read the title of the executive order, he said, "We all know what that means." This comment has been subject to different interpretations (Kendall 1, 2017). Rudy Giuliani, a former mayor of New York and prior surrogate for Trump's campaign, said that Trump was looking for a way to carry out his campaign promise to ban Muslims (Kendall 1, 2017). Candidate Trump had claimed that terrorists were using the refugee resettlement program to enter the U.S. In *Trump's Contract with the American Voter*, Trump pledged to suspend immigration from "terror-prone regions" (Trump 1, 2016). The executive order suspended the U.S. Refugee Admissions Program ("United States refugee", 2011) for 120 days; lowered the number of refugees that could be admitted into the U.S. to 50,000; suspended the entry of Syrian refugees indefinitely; suspended entry of people from Iran, Iraq, Libya, Somalia, Sudan, and Yemen for 90 days until better vetting procedures could be developed; and allowed for some exceptions to the policy on a case-by-case basis. The order also provided for an exemption to the act for religious minorities in the listed countries. This allowed Christians from the Muslim countries to more easily enter the U.S. Chaos ensued from the temporary ban when it was implemented. There were problems at both United States airports and airports abroad as airport officials tried to figure out the ambiguous orders on exactly who was to be admitted into the U.S. (Dwyer, 2017).

There were protests and legal challenges to the order. From January 28 through January 31, almost 50 cases against the order were filed in federal courts (“Special collection”, 2017). Courts granted temporary relief that included a nationwide temporary restraining order. On February 3, U.S. District Court Judge James Robart, for the Western District of Washington in Seattle, blocked the implementation of the order with a nationwide temporary restraining order in *State of Washington v. Trump* (“Read the federal judge’s ruling”, 2017). In addition to the executive order being ambiguous, the order was implemented so fast there was not enough notice to travelers that their ability to travel to the U.S. would be restricted. The rationale for the ban was questioned because there was no evidence that any alien from any of the seven listed countries where travelers were banned committed any attacks on the U.S. Also, excluding people from Syria, including refugees, indefinitely was a problem because the Immigration and Nationality Act said no person could be “discriminated against in the issuance of an immigrant visa because of a person’s race, sex, nationality, place of birth or place of residence” (Immigration 1, 1952). Thus, the ban violated the First Amendment’s Establishment Clause because it was based on an anti-Muslim bias. It also violated the due process rights of certain people who wished to enter the country (Kendall, 2017). The Department of Homeland Security stopped enforcing the order and the State Department re-validated visas that were revoked under the order.

The due process position of the lower court was upheld by a panel of the U.S. Court of Appeals for the Ninth Circuit on February 9, 2017. Procedural due process means government must be following appropriate procedures to carry out its law. Procedural due process was lacking with this ban because it was not clear who exactly the travel ban applied to, people did not have notice so they could modify their travel plans, and what, if any, appeals process travelers could use was not clear (Howe, 2017). The court also declined to decide the Establishment Clause claim, which bars the government from establishing a religion. The first travel ban could have been a violation of the Establishment Clause because Christians were given special treatment in entering the country under the travel ban. The procedural due process problems alone, however, were enough for the appeals court to refuse to lift the stay placed on the travel ban by the lower court. On February 16, the Trump Administration stated in a filing to the court that they would replace the executive order with a new one.

On February 13, Judge Leonie Brinkema, from the Eastern District of Virginia, ordered a preliminary injunction based on the rationale that the executive order was discriminatory against Muslims. This was the first ruling to challenge the executive order for violating the Establishment Clause (de Vogue & Jarrett, 2017).

Second Travel Ban

The first travel ban was superseded by Executive Order 13780 (Executive Order 13780, 2017) on March 6, 2017. The new executive order (the second travel ban), dropped Iraq from the list of seven countries, no longer applied to green-card holders or people with valid visas who were inside the U.S., included a case-by-case waiver process for refugees from the affected countries, and lifted the indefinite ban on Syrian refugees (“Trump travel ban”, 2017). The new order also removed the exemption for religious minorities in the six banned countries. The six countries were singled out because they were either considered a state sponsor of terrorism, were considered compromised by terrorist organizations, or contained active conflict zones (“Trump

travel ban”, 2017). Finally, the second executive order allowed for a 10-day lead time so people could prepare for the changes.

On March 15, 2017, U.S. District Court Judge Derick Watson, from the District of Hawaii, issued a temporary restraining order preventing key provisions of Executive Order 13780, the second travel ban, from taking effect. He concluded that the State of Hawaii demonstrated a strong chance of succeeding under the Establishment Clause. He called the new executive order a “Muslim Ban,” and concluded that the order was based on anti-Muslim sentiment. He also concluded there was questionable evidence to support the order on national security grounds. He arrived at these conclusions by considering evidence “beyond” the language of the executive order (Gomez, 2017). His order was broader than other district courts reviewing the second ban because it affected the 90-day period as well as suspended the Refugee Admissions Program and the lowering of the maximum number of refugees who can enter the country (Chappell & Katkov, 2017). On the same day, U.S. District Court Judge Theodore Chuang, District of Maryland, reached a similar conclusion for staying the 90-day period (Domonoske, 2017).

Chief Judge Roger Gregory, from the Fourth Circuit Court of Appeals, while writing the majority opinion of the court, used the comment that President Trump made when signing the first executive order to conclude that the purpose of both executive orders was “to effectuate the promised Muslim ban” (de Vogue & Jarrett, 2017). The judge said the travel ban “drips with religious intolerance, animus, and discrimination.... Surely the Establishment Clause of the First Amendment yet stands as an untiring sentinel for the protection of one of our most cherished founding principles – that government shall not establish any religious orthodoxy, or favor or disfavor one religion over another” (Liptak 2, 2017). Although the president has broad power over immigration, “that power is not absolute. It cannot go unchecked” (Domonoske, 2017). Thus, the Maryland case decided against implementing the ban.

The dissenting justices in the case invited Supreme Court review, concluding the majority’s approach, unless overruled, ‘will become a sword for plaintiffs to challenge facially neutral government actions, particularly those affecting regions dominated by a single religion’ (Chappell & Katkov, 2017). Judge Paul Niemeyer, who wrote the dissenting opinion, concluded that the court’s ruling was particularly inappropriate on its national security analysis. He added that President Trump provided ample nonreligious justifications for imposing the ban. Niemeyer stated that the court’s decision to base its opinion mostly on Trump’s campaign statements “is fraught with danger and impracticability” (Kendall 1, 2017). On March 16, 2017, 5 of the 29 judges on the court wrote a letter saying that they believed the decision was in error. They concluded that the executive order was “well within the powers of the Presidency” (Ross, 2017). Claims of national security are not a “silver bullet” that will automatically defeat any additional probing or challenges, but a national security rationale for the ban was stated in the executive order.

In a surprising and late dissent on March 17, Judge Alex Kozinski, of the Ninth Circuit Court of Appeals, dissented to the Circuit opinion on the first travel ban (Hansen, 2017). He concluded that Trump’s speech during the campaign was protected under the First Amendment because relying on campaign statements to prove discriminatory motive violated the First Amendment rights of candidates to engage in political speech.

Kozinski also stated that it was also inappropriate for the court to use campaign statements when deciding Establishment Clause claims. Trump's statements during the campaign could not be taken seriously and could not be used in deciding the legitimacy of the first or second travel ban (Hansen, 2017). Kozinski concluded that using the statements would "chill campaign speech" and "eager research assistants" would mine the archives of campaign statements in a kind of "evidentiary snark hunt" (Hansen, 2017). As a result, candidates would not talk in an unscripted fashion.

U.S. District Judge Anthony Trenga in Alexandria, Virginia, in March, provided the one victory for Trump's travel ban (Gomez, 2017). He wrote that the courts around him were ignoring the fact that the administration made significant changes to the second travel ban. The judge concluded that the administration also bolstered its national security justification (Gomez, 2017). He would uphold the second travel ban.

The Administration's Request for Supreme Court Review

On June 1, 2017, lawyers asked the U.S. Supreme Court to review the lower court rulings on the second travel ban (Liptak 3, 2017). They argued that banning some travelers from the six Muslim countries was not an unconstitutional, discriminatory, religious travel ban. The president has broad authority to suspend the entry of foreigners. The lawyers also asked the Court to immediately lift the stay of the travel ban and allow the temporary 90-day ban on travelers from those six countries. It takes four justices for the Court to review the case on the merits, but it takes five justices to lift the stay and allow the ban to take effect (Savage, 2017). The lawyers had to decide whether "irreparable harm" would result if they did not lift the stay while they decided the issues in the case, which would not happen until October 2017 (de Vogue & Jarrett, 2017). Shortly after the request for review, questions on mootness were raised as the case. The case is now being referred to as *Trump v. International Refugee Assistance Project* (Trump 2, 2017). On June 2, 2017, the Court set a June 12 deadline for the American Civil Liberties Union, which represented the Muslim plaintiffs in the Maryland case, to respond to the petition (Chappell & Katkov, 2017).

The Request to Lift the Stay on the Travel Ban

The administration asked for the travel ban to go into effect as soon as possible (for a stay on the lower court orders stopping the travel ban) while the Court looked at the ultimate legality of the executive order (a review on the merits of the case) in October 2017. The Court usually moves quickly on requests for stays. Five justices would have to agree to decide the request for a stay. The justices would have to consider whether there is a "reasonable probability" that four of the justices would eventually agree to hear the case and that there was a "fair prospect" that a majority would hold the lower court opinion in error. They also had to consider if irreparable harm would result from the delay of the implementation of the travel ban (de Vogue & Jarrett, 2017). Granting the stay would allow the travel ban to take effect while the Court waits until after their summer break to decide the actual merits of the case in the fall. Justices decide whether to grant the stay based on the written arguments from the government and, in this case, the Civil Liberties Union. They did not use oral argument to decide the request. The Court simply issued a per curiam opinion to announced the outcome of their decision and included brief orders on exception criteria that the Court added to the ban. Consistent with a per curiam opinion, there was little legal reasoning accompanying the orders (Liptak 3, 2017). However, this decision may be sending

signals as to how the Court may ultimately decide the main issues in the case (Kendall 2, 2017). At least five justices agreed to hear the case to lift the stay, and nine justices agreed to a plan to lift the lower courts stay, with a few additional restrictions, and implement the travel ban. This may indicate that a majority on the Court may find the lower courts' interference in the use of executive power to be improper when the case is heard on the merits in October.

The focus of the Court in lifting the stay was on whether irreparable harm would result if they did not grant the administration the emergency relief they requested. The Justice Department, in its court filing, said the harm is clear. "Preventing the executive from effectuating his national-security judgement will continue to cause irreparable harm to the government and the public interest" (Kendall 2, 2017). The 90-day ban was to develop better vetting procedures for people coming from the six listed countries and the 120-day ban was to develop better procedures for vetting refugees entering the country under the U.S. Refugee Admissions Program. The Justice Department claimed that the vetting procedures did not adequately vet people because the countries where the people are coming from or fleeing from do not have the capability to assist in the vetting process. New procedures are needed to account for a lack of information on the people from home or war-torn countries (Gomez, 2017). Peter Spiro, a professor at Temple University Beasley School of Law, commented, "There's this long line of immigration law, of precedence at the Supreme Court, that are premised on that kind of reasoning. If they want to uphold the ban, the opinion writes itself" (Gomez, 2017). There is a long line of court precedent that gives the president wide ability to act in the areas of immigration and national security.

Challengers to the travel ban argue that national security was not the administration's real motivation. They argue that the real motivation was to fulfill a campaign promise to stop Muslim entry into the U.S. In a tweet in June, after his administration asked for the court to grant a stay, Trump tweeted, "People, the lawyers, and the courts can call it whatever they want, but I am calling it what we need and what it is, a TRAVEL BAN!" (Zapotosky, 2017). Neal Katyal, the lawyer who argued for the challengers in the U.S. Court of Appeals for the Ninth Circuit, wrote on Twitter, "We don't need the help but will take it!" (Zapotosky, 2017). They hoped comments like this, made after the election and while president, would have made it harder for the administration to get five votes to implement the ban. They still hope these comments will be considered when the Court, this fall, decides the merits of the case. Lower federal judges focused on Trump's comments to argue that the ban is really a tool for discrimination disguised as a national security device. They also argued that national security cannot be the motivation because the government has been slow to develop vetting procedures. The first ban, calling for time to develop better, enhanced vetting procedures, occurred in January. They argued that, if enhanced procedures were so important for national security, certainly the administration would have developed and implemented them by now (Zapotosky, 2017).

The Travel Ban Again Is Implemented

On June 26, 2017, the Court lifted the stay on the travel ban and allowed a partial travel ban to take effect (Kendall 1, 2017). The Court allowed a partial ban because the justices said Trump could enforce the ban against foreign nationals who have no connection to the U.S. The president's powers to ban U.S. entry "are undoubtedly at

their peak” with these travelers (Kendall 1, 2017). However, foreign nationals from the six countries who have “a bona fide relationship” with people or organizations in the U.S. are to be treated differently. The president cannot prohibit the travel of these people while the case is pending with the Court. The Court also allowed the refugees to be banned unless they could show the same bona fide relationships as the other travelers. The 50,000 cap on refugees was allowed, but refugees entering with a bona fide relationship would not count against the cap (Kendall 1, 2017). The Court also decided to hear the case on the merits in October 2017, after the Court’s summer recess. The justices did indicate that they realized that the case might be moot by then.

Supreme Court Justices Clarence Thomas, Samuel Alito, and Neil Gorsuch offered a partial dissent. These justices would have allowed the entire travel ban to take effect. They would not have created an exception for those with certain relationships as they concluded that applying this standard would be unworkable and “invite a flood of litigation until the case is finally resolved on the merits” (Mark, 2017). These cases, Justice Thomas noted, would likely reach the same courts that blocked the travel ban from being implemented in the first place, resulting in another stay.

What exactly a “bona fide relationship” is could cause confusion in deciding who can come into the country. The Court said a close familial relationship is required to enter the country. A spouse or mother-in-law were given as examples of close family relationships. A foreigner who wishes to enter the country to visit or live with a family member would also qualify to enter with the close family relationship. The Trump Administration concluded that “appropriate family relationships” means a parent, spouse, child, adult son or daughter, son-in-law, daughter-in-law, or sibling of a U.S. resident. State Department spokesperson Heather Nauert said officials looked to definitions of family in federal immigration law when crafting additional guidance to immigration officials. Fiancés, grandparents, grandchildren, aunts, uncles, nieces, nephews, cousins, and other extended family members did not meet the standard (Mark, 2017). The administration later added fiancées to the list of those in a close family relationship (Lee & Caldwell, 2017).

A relationship to an organization for entry purposes means that “the relationship must be formal, documented, and formed in the ordinary course, rather than for the purpose of ‘evading’ the travel ban” (Mark, 2017). The Court noted that a student, accepted to the University of Hawaii, would have such an organizational relationship, as would a worker who has been offered and accepted an employment contract. People who have had green-card cases processed overseas would also gain admittance. However, the Court said that refugee resettlement agencies may not contact foreign nationals from the designated countries, add them to their client lists, and then bring them to the U.S. based on a connection to an organization. The administration concluded that ties to resettlement agencies are not bona fide relationships and are not enough of a connection to gain admittance. The Department of Homeland Security, the State Department, the Justice Department, and the White House all participate in decisions as to what relationships are bona fide ones (Mark, 2017).

New Challenges to The Revived Travel Ban

As Justices Thomas, Alito, and Gorsuch predicted, The State of Hawaii asked U.S. District Court Judge Derick Watson, from the District of Hawaii, to rule that the administration’s newest plan to carry out the travel ban defies the Supreme Court’s

ruling and conditions to reinstate the travel ban (Gerstein, 2017). This is the same judge that placed the stay on the second travel ban, and went the broadest in imposing a stay that not only affected the part of the ban concerning travelers from the six countries, but also the part of the ban concerning refugees. The lawyers for the state are arguing that the guidance from the Trump Administration is too narrow in its list of family relationships that qualify to be exempt from the ban. At about the same time the motion was filed, the administration added fiancés to the list of those who would be exempt from the travel ban (Gerstein, 2017). Watson indicated that he would not rule on the motion immediately, but he called for submission of briefs from the two sides to be submitted after the Fourth of July. The State of Hawaii argued that grandparents and grandchildren were ‘close’ family members. The Justice Department argued that if their interpretation did not mean ‘close’ family members, then all family members would be required to be admitted, which is beyond what the Court required (Hurley, 2017). Even the requirement necessitating ties to an organization was questioned. The Hawaii motion states, “It is extremely difficult to see how a foreigner with an agreement to give a lecture within the United States may be considered to have a ‘formal, documented’ relationship with an entity in the United States...but a refugee with a guarantee of a local sponsor and a place to live cannot” (Gerstein, 2017). When Watson ruled on the Hawaii decision, he expanded the list of relationships to include grandparents and grandchildren. He also allowed refugees formally working with a resettlement agency in the U.S. (“Trump administration appeals”, 2017). The Supreme Court justices may now find the need to interrupt their summer vacation to decide whether Watson’s ruling is consistent with their prior guidance in lifting the travel bans.

The October Supreme Court Review on the Merits

Potential Mootness Concerns

Mootness occurs when the case cannot be heard by the courts because the issues in the case have resolved themselves before the case can be heard by the justices. The Supreme Court was aware of this problem when they lifted the stay on the travel ban. First, if the justices agreed to lift the stay and allow Trump’s executive order to take effect, the 90-day hold on travelers coming to this country would take effect and then expire before the issue of whether the ban was constitutional could be heard by the justices in October (Lovelace, 2017). Leah Litman, a University of California, Irvine, law professor and former clerk to Justice Kennedy, argues that Trump could simply issue an amended order to extend the timeframe in the executive order and avoid mootness (Lovelace, 2017). Second, Marty Lederman, a Georgetown University law professor, argued that, unlike the original order that was blocked by the lower courts, the second order that took effect March 16 did not have the 90-day period specifically blocked by courts. That 90-day period is running and will run out mid-June (Savage, 2017). The administration’s lawyers contend that the 90-day period in the second order was effectively put on hold when the larger issue of whether the president could even issue the order in the first place was addressed (Savage, 2017). The issue of mootness probably does not matter. The Supreme Court decided to take the case in October. If they did not wish to decide the case, they did not have to do this. They could have just dealt with the stay. If the Court wishes to decide the merits of the case, Trump could simply issue a new executive order or modify the timeframe in the second order. Either action could take care of any mootness problems. If the Court changes its mind and

decides not to decide the merits of the case (does not wish to hear the case) they could simply find the case moot and dismiss the case without deciding it.

The Request to Affirm the President's Authority to Make the Travel Ban

The Constitution divides foreign relations between the president and Congress. The command of the military is given to the president while the regulation of foreign commerce is given to Congress. A purpose of this division was to have the two branches check each other. Presidential power in foreign affairs has increased over time. Increases in presidential power often comes during periods of war or national emergency (Masters, 2017).

The Constitution gives Congress enumerated powers in Article 1 Section 8. For example, Congress can "regulate commerce with foreign nations," "raise and support armies," and "declare war." Congress also has implied powers as the Constitution also says Congress can do whatever is "necessary and proper" to carry out the listed functions in Article I Section 8. The president's authority in foreign affair comes more generally from Article II. The president has some listed powers in the Constitution such as being the Commander-in-Chief and having the power to negotiate treaties and appoint ambassadors. Congress does check the president. Congress must approve the treaties that the president negotiates with a two-thirds vote in the Senate, and the Senate approves the presidential appointments with a simple majority vote in the Senate before they can take the job. Implied powers, as with Congress, come from the ability to carry out listed powers. Implied powers, and maybe even inherent powers, also come from the fact that the president is the Chief Executive. This concept has allowed powers that do not stem from the listed powers. In *United States v. Curtiss-Wright Export Corporation*, the Court held that President Franklin D. Roosevelt acted within his constitutional authority when he brought charges against the Curtiss-Wright Export Corporation for selling arms, in violation of federal law, to Paraguay and Bolivia (Curtiss-Wright, 1936). Justice George Sutherland justified expansive presidential powers in foreign affairs because the president is "the sole organ of the federal government in the field of international relations...He, not Congress, has the better opportunity of knowing conditions which will prevail in foreign countries and especially is this true in time of war" (Curtiss-Wright, 1936). The president was considered to have "plenary," full and complete, powers in foreign affairs.

First issue.

The Court will hear the case on the merits in the fall of 2017. There are three issues the Court will probably have to resolve in the case when it starts its new session in October. The first, and arguably most important issue, is whether the courts can second guess a president in immigration and foreign affairs. The Constitution clearly leaves the making of policy to Congress and the president. The administration will also argue that, in the Immigration and Naturalization Act of 1952, Congress clearly authorized the president to make executive orders in immigration (Immigration, 1952). The law gives the president the authority to deny entry to any alien or class of aliens. One provision of the immigration laws passed by Congress says: The president may "suspend the entry of all aliens or any class of aliens as immigrants or nonimmigrants" if it is determined that their entry "would be detrimental to the interests of the United States" (Liptak 1, 2017). But another, later, congressional provision appears to limit that power by saying that "no person shall receive any preference or priority or be

discriminated against in the issuance of an immigrant visa because of the person's race, sex, nationality, place of birth or place of residence" (Liptak 1, 2017). The Court may not conclude that the second provision limits the president's powers in immigration and the making of travel bans. Precedent may cause the Court to interpret this congressional provision differently. In *Youngstown v. Sawyer*, the 1952 Steel Seizure Case, the Court said that the president's authority is most formidable when he is acting with Congress's consent (Youngstown, 1952). The Court may accept the grant of power to the president from Congress to make laws in immigration, especially since the president already has implied authority to act from the Constitution in Article II. If the president is the primary player in foreign affairs, and if the president is in the best position to assess national security threats, the Court may not conclude that Congress limited the president unless the limitation is very clear and the Court follows the language closely, especially because the travel ban is temporary and in response to national security threats (Jarrett, 2017). Immigration visas are different from temporary travel bans. The congressional limitation may not apply to this case (Weiss, 2017).

A line of Supreme Court cases has traditionally given the president complete and nearly unchecked power to deny foreigners permission to enter the U.S. Three cases are cited often by the government in arguments (Rivkin & Casey, 2017). First, in *Kleindienst v. Mandel*, 1972, the Court rejected a petition from American scholars trying to bring a foreign colleague into the country (Kleindienst, 1972). The colleague was denied admission because he advocated communism. In the Immigration and Nationality Act of 1952, in the exercise of Congress's plenary power to exclude aliens or create conditions for their entry into the country, Congress delegated conditional exercise of this power to the president. In the 1972 case, The Court concluded three things concerning the president's exercise of the delegated power from Congress: first, aliens have no constitutional right to enter the country; second, U.S. citizens have no constitutional right to demand the entry of aliens; and third, the executive branch decision to deny admission into the country must be upheld if it is based on "a factually legitimate and bona fide reason" (Kleindienst, 1972). A common "factually legitimate and bona fide reason" for denying admission has been national security.

Second, in *Fiallo v. Bell*, 1977, the Court held that it was constitutional for Congress to grant special preference immigration status to legitimate children and their parents, or illegitimate children and their mothers, while denying admission to illegitimate children and their fathers (Fiallo v. Bell, 1977). Justice Powell, for the majority, said this distinction was a political question best left for Congress, not the judiciary. These distinctions would be unconstitutional in a domestic-policy context, but in immigration, Congress's power is plenary.

Third, in *Kerry v. Din*, 2015, the Court upheld denying a visa to the complainant's husband who was a member of the Taliban (Kerry, 2015). Justice Kennedy, in a concurring opinion and quoting *Kleindienst v. Mandel*, stated that, once the government had articulated a facially legitimate purpose, the courts cannot probe whether there might be an additional improper purpose. Taken together, these three cases indicate that courts should give deference to Congress when Congress decides to delegate law making powers on immigration policy. The courts also should give deference to the executive branch when the president exercises the delegated powers and makes immigration rules.

Chief Justice Roger Gregory, writing for the majority of the Fourth Circuit in *International Refugee Assistance Project v. Trump*, said that “the stated national security interest is, on its face, a valid reason” for the order (International, 2017). The Court may conclude, when they review the case, that lower courts should have upheld the president’s actions based on the fact the presidential powers on immigration are plenary, and they cannot be limited by implication by Congress. If Congress does not clearly limit the president when granting law making powers, the Courts can conclude that Congress did not limit the president. To counter this argument, those challenging the administration will point to the Immigration and Nationality Act of 1965 which bars discrimination against immigrants based on national origin (Immigration 2, 1965). They will make two arguments. First, they will argue the president is beyond delegated lawmaking powers because he is discriminating in the travel bans on national origin, and this is not allowed by Congress. Although this 1965 law protects immigrants from national origin discrimination, it does not apply to refugees or temporary visitors. Thus, it cannot apply to this case. Second, they will try to argue that the 1965 law bars religious discrimination. However, 1965 law also does not ban discrimination based on religion, or even mention religion, so the law cannot be used to try to strike down the travel bans for religious reasons. The Court may use these distinctions to ignore the 1965 provision and not apply it to this case.

A stronger attack on Trump’s ban may be to challenge the ban based on religious discrimination that violates the First Amendment’s Establishment Clause. This challenge would be important in the first travel ban which gave priority to Christian refugees. However, that provision was removed from the second travel ban. As not all Muslims or people from all Muslim countries are banned, it is hard to argue that a religion is being banned from the country.

It could be argued that, regardless of the 1965 limitation, a ban to keep Muslims out of the country violates the Establishment Clause of the Constitution. The Establishment Clause does not allow the government to treat one religion differently from another. Muslims cannot be kept out of the country simply because they are Muslim. It could be argued that the first travel ban is an unconstitutional and discriminatory travel ban. It clearly treated Muslims and Christians differently when entering the country. The second travel ban, however, may not violate the Establishment Clause. Taken on its face, the second travel ban does not seem to discriminate against Muslims. It all depends on how the Court decides executive orders should be interpreted.

The government will argue that Trump’s travel bans do not ban all Muslims from around the world from coming into this country, only people from certain countries. The reason for banning people from certain countries is clearly stated in the travel ban. The listed countries are unstable and any people from those countries cannot be properly vetted. People coming from those countries are mostly Muslim simply because they are Muslim-majority countries. Should they come in the United States, any Christians from those countries are not treated differently from the Muslims in the second travel ban. The people from the listed countries are kept out for national security reasons. Thus, it is hard to argue that the second travel ban is a Muslim ban.

The only way to attempt to argue that the second travel ban is discriminatory against Muslims is to go past the language of the bans and consider Trump’s

statements about Muslims that he made during his campaign when trying to interpret the intent of the bans. However, this argument may not be persuasive because the Court could require interpretations of Congressional statutes and executive orders to be solely based on what is written in those laws and orders. The Court may also decide that the Fourth Circuit, in this particular case, should not have concluded that Trump was acting in bad faith when making the travel bans based on statements about Muslims while a candidate. The fact that there were valid national security reasons stated in the executive order as the reason for making the ban should have ended the inquiry into its constitutionality. Like Justice Holmes once wrote, the job of the courts, when interpreting statutes of Congress, and in this case presidential executive orders, is to take the statute and order at face value (Holmes, 1920). If this approach is used, it would be hard to call the ban a “Muslim ban” because the executive order does not state that it is based on religion.

The Fourth U.S. Circuit Court of Appeals, among other federal courts, in the guise of reviewing the travel ban, has ignored Supreme Court precedent. Acting Solicitor General Jeffrey B. Wall argued that the constitutional conflict over presidential powers and questions over how the judiciary should interpret statutes and executive orders have taken on greater importance than the details of the travel ban. He wrote, “This order has been the subject of passionate political debate. But whatever one’s views, the precedent set by this case for the judiciary’s role in reviewing the president’s national-security and immigration authority will transcend this debate, this order and this constitutional moment. Precisely in cases that spark such intense feelings, it is all the more critical to adhere to foundational rules” (Savage, 2017). If the lower courts are followed, looking beyond what is written in executive orders or looking past the text of a congressional statute will cause the courts to engage in unacceptable policy making. It could also cripple the president’s ability to defend the country. Making foreign policy is simply not the job of the courts.

As these two lines of attack may not be successful, challengers to the second travel ban are looking at Trump’s statements both before becoming president and as president. They are trying to argue that the president is making travel bans to discriminate against certain types of people and certain religions. They point to Supreme Court cases where the executive branch was checked by the Court. For example, in *Youngstown v. Sawyer*, President Truman was not allowed to seize and operate domestic, privately owned steel mills even in a time of emergency (Youngstown, 1952). But, in this case and others, the Court is very clear that there is a difference between domestic and foreign policy. The president has far more latitude to do things in foreign affairs than he can do in domestic affairs. No president can discriminate in domestic affairs. But these constitutional constraints have not been applied in the same way by the Court in foreign affairs. If the Court makes a sharp break with precedent and now looks beyond orders and statutes to decide their meaning and whether the framers of these documents are lying and secretly trying to achieve discriminatory purposes, this will be a very profound and far reaching case. Deciding the case this way would also, then, require the Court to decide two other issues.

Second issue.

A second issue, especially if the Court decides to go beyond the reasons stated in the executive orders for the ban, is whether the administration is banning a territory or

a religion. Candidate Trump advocated for a Muslim ban. Justice lawyers argue that his thinking on the bans has evolved and he is focused on national security threats from particular areas (Gomez, 2017). They point to the fact that not all Muslims are banned. The ban only applies to six specific countries. They also point to the fact that Christians are not given preference under the second travel ban. Those challenging the bans will point to statements that Trump made around the same time that the administration requested Supreme Court review. He referred to the ban as a Muslim ban. Therefore, isn't he really trying to discriminate on the basis of religion when he made these travel bans? This analysis is the type of analysis the courts will have to engage in if they do not limit their analysis to what is actually written in the order ("The Fourth Circuit presidency", 2017). It is hard to see how courts would want to go down this road.

Third issue.

The third issue is whether the national security concerns are sufficient. The second travel ban included a country-by-country outline of on-the-ground conditions that makes it difficult, if not impossible, to have the countries input in the vetting process on people coming from those countries to the U.S. The second travel ban also includes ties of the banned countries to terrorist organizations. They have either been significantly compromised by terrorist organizations or they contain active conflict zones. The order says that these conditions "diminishes the foreign government's willingness or ability to share or validate important information about individuals seeking to travel to the United States" ("Trump travel ban", 2017). Judge Dennis Shedd, a justice on the Fourth Circuit, also pointed to statements by Attorney General Jeff Sessions and Department of Homeland Security Director John Kelly who both argued that the ban was necessary for national security. Judge Shedd, during oral arguments, asked whether these statements should also be considered when analyzing the national security threat. Judge Barbara Milano Keenan, also on the Fourth Circuit, wrote that the travel ban outlines broad conditions of lawlessness in the six targeted countries and the travel ban establishes them as terrorist safe havens (Gomez, 2017). However, she was concerned because she believed that the government never clearly established a link between those countries and the likelihood that someone coming from one of those countries would become a terrorist. None of the people who committed major terrorist attacks against this country came from those countries. But, should a sitting president have the rational for national security be so probed? This probing demonstrates more of a decision that the president is lying and trying to find ulterior motives for the president's actions than it demonstrates a review that simply looks to see that a rational reason exists for the order.

Conclusion

Justice Oliver Wendell Holmes did not want courts second-guessing what lawmakers and presidents meant in statutes and executive orders. Congress is in control of lawmaking including immigration. Congress is elected by, and answerable to, the people. If Congress is unhappy with the second travel ban, Congress should create and pass a comprehensive immigration policy. Until that time, the president has been delegated, by Congress, the ability to make immigration adjustments to the law Congress has passed and fill in the details of the law as needed. Judges do not make policy. Especially in the federal courts, judges are not elected and they are not directly answerable to the people. They are appointed and have their job for life. They are not

given the power to make policy by the Constitution. Judges may disagree with this administration's policies. They may believe the wrong person won the election and wish to correct what they consider to be a serious mistake on the part of the electorate. However, Alexander Hamilton, in Federalist No. 78, said that the judicial branch would be the weakest of the three branches. It had "no influence over either the sword or the purse, ...It may truly be said to have neither FORCE nor WILL, but merely judgement." A courts job is to interpret and decide if what they interpreted is constitutional. It is not to make policy especially when they simply do not like a president or the president's policies. If the courts go down this road, they will rapidly lose legitimacy. They need to allow political questions over whether the correct policy was chosen to resolve itself in the political arena. The courts only real authority to operate depends on whether citizens believe the courts have the authority to act and the courts actions are legitimate. If the courts start weighing in on political matters, they will easily lose a sense of authority and legitimacy with at least half of the nation. To avoid being seen as making policy or taking sides in the political arena, the courts need to assume that what is said in statutes or executive orders is legitimate. They need to resist the urge to assume other branches of government are lying to the courts to open the door to making policy. This would open the door to excessive legislating by courts.

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The Pleasures and Perils of Publishing a Digital Text

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Introduction

Publishing an e-textbook, like childbirth, involves pain diminished by the joy of new creation. Difficult memories fade; others are worth remembering. For one of the authors, his first view of the digital version of *Strategic Literacy* (2017) was overwhelming. There were vivid images, everything from hornbooks to bobo dolls, amazing pictures that entertained, captivated, and educated. A combination of text, images, and online sites provided the student with the opportunity to learn in a unique and powerful way. This paper grew out of an effort to share the pride and joy of authorship and encourage others contemplating the same journey.

The Publication Manual of the American Psychological Association (2010) noted APA style is relevant to types of articles more common to business than academia. This paper combines elements of a report and a case study. Thus it falls into the APA class of “other types of articles” (p. 11). It discusses the pros and cons of e-books, to include cost, student learning, and health issues. It analyzes how to overcome instructor and student resistance to e-textbooks, and the problem of conflict of interest. It spells out how prospective authors of e-textbooks can find a publisher, and it details the experiences of five authors in publishing an interactive e-textbook.

Digital and Print

Interactive e-texts merge traditional textbooks with the most advanced electronic information and communication technologies available. They offer video, audio, powerpoints, cognitive maps, Internet links, supplementary material, testing, and the ability to download forms and lesson plans. These synergistic features engage and inform the reader, while addressing the various learning styles of the students. These unique graphic additions enhance the learning potential of the e-textbook exponentially.

When comparing e-textbooks to print textbooks, it is not so much a question of one versus the other, as it is what is right for the individual in his or her own learning environment. It is obvious e-textbooks are cheaper and lighter than print textbooks, but there is always someone willing to pay for a print textbook. At the same time, there are visual learners, bored with print texts, who jump at the chance to use a digital book. According to Jeremy Greenfield, an e-text industry expert, in his article (2013), “Students Still Not Taking to E-textbooks,” only six percent of college students now use e-text books, but usage is “migrating” in the direction of digital (p. 1).

Cost

The most important force behind the adoption of e-textbooks is price. The cost of textbooks has increased faster than tuition and fees, 800 percent in the last thirty years (College Textbooks, 2015). The average college student paid from \$900 to \$1500 a semester for textbooks in 2015 (College Textbooks). Publishing course materials is a 4.3 billion dollar industry (Musilin, 2013). One maker of educational videos and short films says the cost of textbooks is high because the industry is like piracy, “Everyone wants a cut of the action” (Bostwiki, 2014, p. 1). Half the cost of new textbooks goes to publishers and bookstores (ATTN: Staff). And, of course, the authors receive a royalty for their work.

The textbook industry is not a free market. Students form a captive audience, with no choice in what textbooks to buy. Five companies publish 80% of the texts on the

market (Nicholls, 2012, p. 7). Publishers sometimes bundle textbooks, CDs, and learning materials students may not need or want. Another marketing ploy is the special edition. This is a textbook published for a particular university, for example, a Federal Government text that includes a section on state politics. Molly Redden (2011) in her article, “Seven in Ten Students Have Skipped Buying a Textbook Because of Its Cost, Survey Finds,” in the *Chronicle of Higher Education*, noted “many students are unwilling or unable to come up with more money to buy books—one of the very things that helps turn tuition dollars into academic success” (p. 1).

A study, “Demographic Data on Textbook Cost Saving Analysis, University of Michigan” (2012), by Dr. Natsuko Nicholls, Research Manager, showed students have more options besides buying a new textbook; Thirteen percent rented a textbook, eight percent borrowed a text from a friend or classmate, two percent used library copies and one percent rented an e-textbook (p. 32). Nicholls argued the cheapest course of action for students is to buy and resell used textbooks. The problem with this plan is publishers often issue new editions to put an end to the used textbook market. The study also found that if one purchased a new textbook and resold it for fifty-three percent of the initial price, the total cost roughly equaled that of purchasing a digital text (Nicholls, p. 31). Schools interested in lowering textbook costs ought to reproduce this University of Michigan study at their own institutions.

Ten percent of the students surveyed did not have a book for their course (Nicholls, 2012, p. 21). Reporter Nicole Allen (2014) in an article in SPARC, “Survey Says Textbook Costs a Threat to Student Success,” wrote that a growing body of evidence links lack of a textbook to negative academic consequences (p. 1). Kristin Musilin (2013) in an article titled “High Textbook Prices Affect Student Grades, Study Shows” reported eighty-two percent of the students surveyed said they would do “significantly better” in a course, if the textbook was offered free online and the hard copy was an optional purchase.

Even though instructors and students insist reading the textbook affects students’ grades, in practice, students are often overwhelmed by the amount of reading professors expect in college. They may buy the book, but tailor their reading to the demands of a particular course. They can do well in some classes reading chapter summaries or studying vocabulary lists. In others, all they need are a professor’s PowerPoint presentations. In an interview for their study, Aagaard and Skidmore, reported that one student observed, “PowerPoint has taken the place of textbooks. Just go to class and you don’t have to have the textbook” (p. 8).

Podolefsky and Finkelstien (2006) produced evidence that science and math students who did not read the text achieved the same or better grades than those who did read the text (p. 1). They found reading the textbooks helped good students somewhat, but not average and poor students. They concluded reading the text is more a problem in the minds of instructors than students.

Administrators caught in the dilemma of rising salary and health care costs for faculty, try to save students’ money by adopting digital texts. In 2012, Yaseem Abutaleb (2012), technology reporter for *USA Today*, indicated Indiana University, Virginia State, University of California-Berkeley, and Cornell, all require students to buy e-textbooks in selected courses. The Louisiana State University library allows instructors to pick free e-textbooks from over 250,00 titles (LSU library, 2017). If they do not have a particular title

the library promises to purchase it. In some schools, students pay a course materials fee covering the cost of e-textbooks for all their courses. Universities negotiate with professors who write e-textbooks for their courses and e-text companies to ensure the lowest possible costs. In 2012, over half of American college students had used an e-textbook in at least one course (de Noyelles et al.).

E-textbooks offer savings of forty to sixty percent of the cost of a new print book (Traditional Textbooks, 2017). A comparable print text to the authors' e-text, *Strategic Literacy*, cost two-thirds more and contained half as many pages. Publishers, retailers, and authors are predisposed to dislike digital texts because these books earn less profit for them than printed texts. Proponents of print books weight the argument against digital texts by adding the cost of the device used to read the e-text (Phelps, 2017). This argument might have had some merit twenty years ago, but studies show today's college students have one or more devices on which to read their e-textbook. If they don't have access to an electronic device, they can use the computers in the library. In the case of the authors' text, students can also order a free printed copy from the publisher. Of course, they will miss the dynamic characteristics of an interactive textbook.

An excellent poll with striking tables and charts conducted by Harris Poll for Pearson Publishing (N=1,212), "Student Mobile Device Survey" (2015) discovered how imbedded today's students (18-30) are in the digital age (p. 3). One in three students considered themselves early adopters of technology. Black and Hispanic students led respondents in this category (p. 13). The survey examined student use for the following devices: smart phone, tablet, notebook, laptop, and ipad (p. 5). Nine out of ten students preferred a computer to do their schoolwork. Eight in ten regularly used a smartphone. Four out of ten regularly used two or more devices (p. 8). Students strongly believed they needed access to the internet at home, going to school, and at school (p. 36). Students believed they performed better in school with such devices and these electronic marvels made school more fun (p. 7).

Student Learning

Digital texts are interactive, durable, and have substantial content. Students who have reservations about e-textbooks still believe they are the wave of the future. Sixty to eighty percent of students prefer printed textbooks (Crum, 2015). Students in the humanities are more likely to use print books than those in the sciences and mathematics, even if digital books are available for free (Crum, 2015). The answer to removing these obstacles lies more with the nature of the textbook market and how instructors use e-textbooks in their classroom (de Noyelles et al., 2012).

A digital format provides interactive elements like connections to videos, a search feature, and copying not possible in a printed text. As a result, students learn differently and at a faster rate. The US Department of Education concurred that technology based instruction reduced the time students take to reach a learning objective (Szalavitz, 2012). Studies conducted at the University of Leicester in England and University of Indiana, found when the exact same material was presented in both print and digital media; there was no measurable difference in student performance (Sickling, 2013).

Seventy-seven percent of students reported an increase in motivation using digital texts (Etextbooks vs. Print books 2012). Visual students find a variety of learning

styles and additional time for practice helpful in learning. Sixty-nine percent of students observed e-textbooks changed the pace of the classroom and reported instructors had more hands-on time with students (Ebooks vs. Paperbooks, 2012). Of those students surveyed, sixty-nine percent expressed a desire to use mobile electronic devices often in class (BookWars, 2015).

There is a plethora of material comparing digital textbooks with print textbooks. A few common sense facts are not in dispute. E-texts are convenient, portable, and searchable. They are easy for publishers to update. History is a great place to start. A history book is a growing adventure. Authors can link to the most current information. They can adjust and grow with the changing environment and conditions. (Moushon, 2011).

Many e-textbooks feature access across all connected components, called “bring your own device” (BYOD). One leading publisher offers e-texts that students can highlight, take notes, and view the annotations of other students. E-textbooks have properties that help students with disabilities. Dyslexics and the blind benefit from listening to the text. Students with low or impaired vision can make the text larger.

Studies show students learn from print textbooks and e-textbooks in different ways. When they want to study something seriously and in depth, they prefer print. They look at e-books as resources they can skim to find pertinent material. For this reason, they spend less time reading e-texts than they do print textbooks (Colvin et al., 2012). Students can copy lines and paragraphs in most e-textbooks and print them out. Students reading e-text with links to other sources may hopscotch through the literature. The tremendous amount of information available may result in cognitive overload and a failure to retain or translate new material into conceptual knowledge.

Studies show students do more multi-tasking when reading on screen. Maia Szalavitz, a health reporter for *Time* cited studies suggested students remember things longer when presented in printed form. This is because the brain interprets printed and digital text in different ways. Students read digital text twenty to thirty percent slower than print (Crum, 2015). Colvin et al. (2012) found eighty percent of the students in their study (N=259) purchased and used a paper textbook even though they had access to it online. This survey showed students often did not use many e-textbook components designed to boost learning (Colvin et al., 2012).

Lottie Nilsen (2016) reported some students favor print textbooks because they want to build a library in their field and found distractions when going online. She reported the comments of one student; “Anytime I really get on my computer, my mind and my hands automatically go to Facebook or Gmail or all the different things I do on my computer every day” (Nilsen, 2016, p. 1). The answer is that instructors must model how to use these features, explain why they are important for student learning, and counsel students on the pitfalls of surfing the net instead of reading their textbook. In print, as well as digital, it is important what you read and how you read it.

Health Issues

Print textbooks are a heavy load on the pocketbook and backs of college students. Pediatricians and chiropractors recommend students carry less than fifteen percent of their body weight in a backpack. The combined weight of print textbooks for any given day exceeds this percentage according to the US Consumer Product Safety

Commission. Hence, you see many of today's students using a wheeled suitcase to carry their books. E-textbooks represent a significant savings in weight. A student can carry all the textbooks they need with a lightweight computer or an even lighter e-reader (Nilsen, 2016). A Harris Interactive Statistics Survey reported eighty-seven percent of students surveyed liked this aspect (Ebooks vs Paperbooks, 2012).

Studies show people with good eyesight complain about eyestrain when reading e-textbooks. However, people with poor vision love the ability to read text in a larger size, a facet of digital texts, or listen to the text. In order to avoid eyestrain, headaches, blurred vision, and dry eyes when reading digital media, students should turn down the backlighting, adjust the device to avoid glare, take regular breaks, and keep their eyes moist. One eye care professional recommended an artificial tears eye spray before starting work, rather than waiting until eyes are sore.

There is plenty of good advice on minimizing computer eyestrain on the web. The American Academy of Ophthalmology stated one can minimize computer eyestrain, by blinking more often. Normally, humans blink eighteen times a minute, according to the website, but blink half as many times while using a computer. Students ought to position the screen below eye level so eyes are not wide open and look at least twenty feet away from the screen every twenty minutes, for at least twenty seconds. Students must get enough sleep and, if they wear contacts, don their glasses for "contact breaks" (Mann, 2013)

A Harvard study indicated that light-emitting devices lead to sleep deprivation. The study found that participants who used e-texts took an average of ten minutes longer to fall asleep than those reading print texts (Crum, 2015). Other studies show people who use mobile devices have a higher incidence of musculoskeletal disorders associated with repetitive strain on muscles, including carpal tunnel syndrome, neck pain, shoulder pain, and fibromyalgia. A discussion in class and quick research of the literature on health problems will help students avoid some of the pitfalls of technology.

Overcoming Resistance.

Most American professors vocally and insistently dislike e-textbooks. Brian Alexander, an education columnist, reported when a survey by Casey Green of the Campus Computer Project asked professors when they would adopt digital materials, one fourth indicated "never" (p. 2). The two main considerations for professors in choosing textbooks were quality and cost. Eighty per cent of the college instructors surveyed admitted digital textbooks were cheaper, but only nineteen percent thought they measured up to the quality expected at the university level. In addition, they believed print material is authentic, natural, and fulfilling; something one can see, touch, and smell (BookWars, 2015). A clear majority of instructors were not familiar with the benefits of digital textbooks. The survey found more support for digital textbooks in community colleges than universities, but also more concern about the availability of devices for students to use them (p. 2).

Instructors persist in requiring students to purchase expensive print textbooks. Dr. Randy Brown (2013) of the University of Mary Hardin-Baylor conducted a survey (N=42) of professor acceptance and use of e-textbooks. Brown found three groups of professors: those who opposed technology in general, those who were not sure e-textbooks were appropriate for higher education, and those who were willing to accept

them when appropriate. Brown cautiously concluded, “We need much more research in this area before we jump in over our heads” (p. 212).

Student reluctance

Forty-eight percent of the students used e-textbooks in portable document format (PDF) devoid of extra features according to a 2014 study by de Noyelles et al. at Central Florida University (N=707). Many students and instructors are reluctant to accept e-textbooks because they think of stolid PDFs found online for free. The de Noyelles et al. study emphasized e-textbooks come in a variety of formats besides PDFs. Twenty-four percent of the students surveyed used e-textbooks offering interactive elements. One-quarter used free textbooks available on the Internet. Only six percent reported using an instructor-created e-textbook (p.1).

Research indicated what students prefer in an e-text. O’Hare and Smith (2012) found over fifty percent of their respondents thought the ability to print sections of digital texts was extremely important. They deemed text searching very important by almost forty percent. Students gave highlighting and annotation low importance ratings. In detailed follow-up interviews, students noted their preference for reading e-books in chunks or skimming portions of them. If they found “useful” material, they printed those pages for intensive reading (O’Hare & Smith, 2012).

Several studies showed students and faculty have a mixed, but overwhelming uneasiness about using e-textbooks. According to *Rough Type* (2013), some perceive real advantages in using print text: “fewer distractions, deep engagement, better comprehension and retention” (p. 1). The key of overcoming negative feelings toward digital learning lies in expanding the way instructors teach. De Noyelles et al. (2012) suggested the need for further professional development for instructors including increased awareness, instruction, and active participation.

Instructors shouldn’t introduce digital texts without adequate student preparation, a situation that unfortunately is quite common. Only a third of the instructors who use an e-textbook mention it in their syllabus. Professors should discuss the advantages and disadvantages of digital texts on the first day of class. The best way to change the minds of college students and professors is to prove to them e-textbooks, properly used, will help them accomplish their goals.

These authors examined how an instructor would explain to students how to get the most out of *Strategic Literacy*, (2017). During a first day discussion the instructor should remind students that, while they cannot highlight or annotate *Strategic Literacy* (2017), the text does have a search function, links to websites, videos, and downloads. Students can save and print important sections of the text for reading and study before a test and, if they wish, students can order a free printed copy of the text from the National Social Science Press.

The Future of E-textbooks

College students and professors think of e-textbooks only in traditional face-to-face classes. In the modern world, e-books occur in a number of different settings including online courses with an instructor, or for massive open on-line courses (MOOCs). The latter is a recent development among top tier universities. Harvard, MIT, and Stanford offer free or low cost courses to a large number of students. These

courses offer short engaging videos, automated tests, and games. They have a high dropout rate and typically offer certificates of proficiency rather than degrees (Learning New Lessons, 2012).

An investigation of MOOCs found a course on Chinese Language and Culture offered free by the Australian Open University Group, *Open2Study*. It took three minutes to sign up for a four-week course that offered a certificate upon completion and required two to four hours a week. This course featured well-designed videos by Professor Liu Chen of the University of South China located in Guangzhou, PRC. The videos were straightforward classroom lectures with visuals. There were quizzes for each of the seven or eight themes and an assessment (test) over each of the four modules. Communication among all 467 classmates is possible.

Chegg books of Santa Clara, CA. offers another model for renting or selling e-texts to college students. Their eReaders allow students to stream from their favorite device: PC, Mac, or iPad, using popular internet browsers. Chegg e-textbooks offer quick search, note-taking in the margins and 1-click note review, color-coded highlighting, visual bookmarking, inline dictionary, and Wikipedia access. Students can scan important sections and view key highlights from other students using the same e-text. Chegg study solutions offers students answers to study questions and free on-line tutoring for up to thirty minutes (Chegg website, 2017).

E-textbooks lead the way in technological innovation from MOOCs to VitalSource software that can show instructors how much students are reading and how they are doing on quizzes. The next step is McGraw Hills ALEKS math software that builds a database detailing the proficiency of each student, information used to formulate questions tailored to students based on what they find most challenging (Ross 2015). Students can create their own e-texts with software like Kindlegen and Calibre. They can put their notes, research and ideas into their own e-text and have it as a reference during their class or while they are studying for a test (Mouson, 2011). Students can receive individualized instruction from their e-textbooks.

Conflict of Interest

Several states and universities have strict conflict of interest policies. Jane Robbins (2012) in her article, "Is It a Conflict of Interest to Assign Your Own Book," published by *Inside Higher Education*, stated, "If the professor stands to gain from the adoption of the book in her institution, even if the book is judged on a set of criteria to be the best, a conflict of interests exists because she would benefit out-of-role" (p. 1). Kris, in an online response, to Robbins' (2012) article, stated her students liked snacks as "a gesture and the mini-lesson in how publishing and royalties work." But not everyone agreed, Asmythe32 argued, "What a silly discussion! If a professor's textbook is effective in communicating the subject matter and is fairly priced, the author has every right to profit from his/her intellectual work product" (online response Robbins, 2012).

The *Faculty Handbook* of the University of Massachusetts Dartmouth used similar language to forbid faculty members from profiting from instructor-authored materials. It added that employees could receive no royalties or tax benefits and must fill out a Financial Disclosure and Disgorgement Form (Umass Dartmouth).

The University of Akron stated in its conflict of interest policy, "No university employee is to receive private gain arising from the sale of textbooks or other materials

used in a course in which the employee is an instructor” (Summary of Principles). The policy outlines common sense courses of action for employees, who may waive royalties or other type of personal gain. They may designate the university or a recognized professional organization as a recipient of the royalties. Employees must submit proposed plans to the appropriate Department Chair. The university requires employees to sign an annual disclosure form (Akron University)

The University of Wisconsin Madison, *Instructor Handbook*, acknowledged that an instructor-authored textbook is often the best and only one available. It stated instructors can mitigate the appearance of a conflict of interest by placing copies of the material on reserve in the library, donating royalties to the University Foundation, reimbursing students directly who provide proof of purchase, and discussing the situation with students (cited in Pecorino).

Two factors mitigate worries over conflict of interest. First, universities are committed to reducing the cost of textbooks for students. Second, universities have dealt with the problem of conflict of interest for a long time with printed texts and have a well-developed set of procedures. There is a copious amount of comment and opinion on the subject. The Association of University Professors noted a conflict of interest is not necessarily unethical (AAUP 2004).

Psychology professor Mitchel Handelsman in a *Psychology Today* (2015) article titled, “Is It Ethical for Professors to Assign Their Own Books?” urged transparency as the best way of dealing with the problem. He suggested practical ways of overcoming this situation. Instructors should communicate directly to the students the reasoning behind the adoption, potential advantages, and what actual profits they make. Professors might also consider having students suggest a charity for the donation of profits (p. 1).

Philip Pecorino and Jay Weiser (2016) in “Faculty Assigning Their Own Textbooks,” emphasized that since the royalties were small and conflict of interest infrequent, an honor system was more appropriate. They related the story of one professor that bought the students who purchased their textbook dinner as a practical way of avoiding any perceived conflict of interest. E-textbook authors can solve most conflict of interest problems with a little ingenuity and great deal of transparency. The real hurdle for prospective authors is finding the right publisher.

Finding a publisher

There are two basic ways of publishing a digital textbook, publish it yourself, or find a middle or large sized publisher. Authors publish forty-eight percent of all e-textbooks online in PDF format. Some hire a company to enter their book on the world wide web. These books are not interactive. If one desires to self-publish an e-text with more interactivity, there is a free app for that. iBooks Author allows instructors to create beautiful interactive textbooks for iPad and Mac. It brings content to life with galleries, video, interactive diagrams, 3D objects, and mathematical expressions in ways the printed page cannot. Apple’s iBooksAuthor helps teachers to aggregate, curate, and create their own content. iTunes expedites marketing digital books on the iTunes store, app store, and iBooks store (iBooks Author website, 2017).

Preston McAfee, formerly of the California Institute for Technology, a fierce advocate of open access to scholarly materials, published his Economics textbook

Introduction to Economic Analysis for Students (2006) a free, open sourced, creative-commons-licensed, textbook covering introductory and intermediate microeconomics for students with a working knowledge of calculus. McAfee's textbook is in a static PDF format. He presents students with a series of problems that they solve sequentially. The answers are at the end of the text. McAfee considered the NSS press honorarium program for test marketing new e-texts a conflict of interest. Perhaps, he has moderated his opinion, now that he is the chief economist for a profit making company, Microsoft.

There are several mid-sized e-textbook publishers on the web. Prospective authors should check to see what they offer in the way of royalties and assistance in publishing work. The National Social Science Press uses a targeted email campaign and offers an honorarium for first time users who provide feedback on the text.

The NSSP website provides a catalogue of e-textbook and YouTube presentations. "The Overall Demonstration" (2010), lists and displays the interactive features of a digital textbook and invites viewers to look at the NSSP catalog. "The Instructional Educator" (2015), contains everything an instructor needs to know who has adopted an NSSP digital text: powerpoints, quizzes, and instructor's guide. In addition, it explains the review program. The "Instructional Student Video" (2015), leads students step-by-step to access their new digital textbook. The "Thank You for Your Consideration" (2015), video sends prospective instructors a packet and password to look at digital books on the NSSP and/or send them a printed copy. It reminds instructors that NSSP sells their interactive e-textbooks at campus bookstores and online through the National Digital Book Company.

Big companies such as Apple, Amazon, and Pearson offer an amazing variety of e-texts. The Microsoft store offers technical manuals and certification. Search the website of the larger e-text book companies like Apple, Nook-Study, and Chegg. It is helpful to view e-texts similar to *Strategic Literacy* (2017) offered by these major sources. These large companies claim they are always looking for new authors. In reality they generally consider only proven authors of print texts. What they offer in the way of services and savings is more of concern to administrators than individual professors.

Pearson's *Authors' Website* (2017) noted "writing a textbook or digital media project is a major undertaking for a new author" (p. 1). They stated the best place to start is to write a prospectus in which the authors describe their experience and the market for their work. If authors submit a prospectus, Pearson asks that they address the advantages of this product over print and submit a prototype of the final product. They offer larger royalties for e-texts (25%) than print texts (10%). Even so, e-textbook authors make less profit than print authors because e-texts sell at a much lower price. The author's guide also contains a list of seven reasons why they might turn down a proposal for an e-textbook (Authors' Guide, 2017).

VitalSource offers a million titles to over 7,000 institutions. The company licenses its catalog to a college or university. Students pay a book fee to the bookstore for e-texts for all their courses. The bookstore takes its percentage of the fee and pays VitalSource for the license. Administrators receive analytics with easy-to-use dashboards to provide snapshots of how often and how long students read their etext. These actionable insights improve student outcomes (VitalSource website). VitalSource offers educators and academic publishers a simplified way to publish e-texts. The

VitalSource Content Studio authoring platform provides authors with customizable content managed through a simple interface. It gives them the tools to produce material that are standards based, responsive, interactive, and accessible (VitalSource Launches, 2016).

Suggestions for Authors

Author, Ashley Taylor Anderson (2015) in her article, “Five Things Not To Do When Creating An Interactive eBook,” had several excellent suggestions. First, she urged prospective authors to eschew a PDF format. “Interactive eBooks are a million times better than PDF eBooks” (Anderson, 2015). Secondly, she suggested that eBook authors write less. (Textbooks are an exception because of the comprehensiveness, documentation, and high level of writing required.) Third, Anderson suggested careful consideration of visuals because they are “so integral to the story you are telling.” The authors of *Strategic Literacy* (2017) considered images early on resulting in a colorful, vibrant finished product. Fourth, she advised authors to employ a thematic approach. The authors chose a different topic for each of the weeks of a semester. Fifth, she urged readers to emphasize a call to action. One of the strengths of *Strategic Literacy* (2017) is the authors stressed the vital importance of literacy throughout and urged reading teachers to strive for excellence.

An Invitation to Participate

First time e-textbook authors need to clarify their intent before publishing an e-textbook. The publishing process will test even the most resolute person. Those who have written a dissertation know the time, effort, and talent it takes to research and write an extended work. But, an e-textbook is not a dissertation. Budgeting time is imperative. A summer or a sabbatical would be ideal. However, potential authors may feel that they need to write a textbook to teach a course the best way possible for their students.

In any writing endeavor, particularly one in which the author seeks to teach others, the author is usually the one who learns the most. Writing an e-book is no exception. The initial consideration in any form of writing is to carefully ponder the intended recipients. College students destined to become elementary school instructors are technologically capable and eager to utilize their skills. E-textbooks complement and encourage their enthusiastic participation. It is time to adapt college classroom instruction to include these aptitudes in the curriculum.

Some instructors decide to produce an original textbook that provides helpful, comprehensive, and inclusive educational material for their students. *Strategic Literacy* (2017) is the compilation of one author’s life-long teaching passion updated and extended to reach and teach current elementary instruction students. Five dedicated individuals joined to produce this work as a positive, all-encompassing, definitive educational textbook. The authors of this text encourage others to consider writing and especially utilizing e-textbooks in their classes.

Working With a Publisher

One major consideration for potential new e-book authors is finding a publisher.

Marketing is the most vicious phase in the brutal process of publishing. Those who utilize self-publication are often frustrated. The five authors of *Strategic Literacy* learned from the experience of self-publishing three books, that marketing is crucial.

A publisher's agreement to publish a new e-text includes a contract. Authors must read the proposed contract, discuss it with the publisher, and clarify the author's responsibilities. Authors should consider royalties and delivery of content. One significant fact is the publisher has complete control when a book is ready for publishing. Taking the time to ask questions in this initial phase is extremely beneficial to both parties. Establish the format and style: APA or other. Determining required number of chapters and page count of each chapter is essential. Select a title to ensure it correctly describes the content indicating not only the subject area but the scope of the work as well.

One very important area is communication. Professors often have multiple email addresses, both personal and professional. Authors should establish one email address for communication with the publisher that is easily accessible, especially during school vacations. They should also create a specific file-naming convention and means of time stamping to avoid confusion. Authors should select one specific postal mailing address that is current for both classroom and vacation time in order to avoid lapses in communication.

All five authors of *Strategic Literacy* (2017) agreed on a practical and positive approach to the subject matter including helpful lesson plans and classroom activities. The authors shared a sincere goal of helping prospective instructors become the best reading, writing, listening, spelling, and speaking instructors in the world. There is pain in the process; but there is also joy in the creation of a technological approach that helps students learn and, at the same time, provides a substantial economic student benefit.

Conclusion

The authors of *Strategic Literacy* (2017) believe in e-textbooks and are proud of the high level of writing in this book. They urge prospective authors to consider writing an e-text and offer helpful information based on the experience. One reviewer described *Strategic Literacy* as the best and most comprehensive in its field. This paper first discussed the high cost of textbooks. Theoretically, the lower cost of e-textbooks should drive down the cost of print textbooks. However, this has not happened in a rigid market controlled by professors, bookstores, and publishers.

This paper described how and when e-texts help students learn. Evidence shows e-texts and print texts encourage student learning in many ways. Today's students live in an audio-visual environment that fosters learning from pictures, charts, and cognitive organizers. Those with vision problems can use a simple hand-held device to increase the size of the print of e-texts. Dyslexics profit from seeing and hearing the text. However, some studies show that, when students study to retain important material, they prefer to see it in print. This is possible with either a print or a digital book. Indeed, there is a way to read and study both types of books. When instructors select texts, they should consider the technological aptitude and interest of their students. E-textbooks provide a plethora of color, graphs, and animation to capture and retain student interest.

The reluctance of some professors to utilize e-textbooks may stem from early offerings. E-textbooks have improved exponentially since their inauguration, moving from stale PDF's to truly challenging and exciting interactive works. Reluctant professors should revisit the current e-publications in their subject area. Some instructors might overcome their reluctance to technology, profiting from in-services and seminars and finding what media helps them maintain their high standards and achieve their classroom objectives. Instructors should at least evaluate an e-book the next time they pick a textbook or are on an adoption panel.

Instructors who wish to utilize a personally authored e-text, must determine if their institution or state will allow it and there is no conflict of interest. Once again, the answer often concerns transparency with the students. When students understand how much money they save, they are usually willing to accept the fact that the professor might earn a small royalty. Students take their cues about e-texts from their instructor. If they know that digital texts save them money and increase the possibility of a good grade, they will support them. Interactive e-texts are exciting new developments that will provide education to more people at reasonable cost.

E-textbooks are the intimations of the future. Some instructors may avail themselves of the opportunity to produce an e-textbook to share valuable information about their academic area. The authors of this paper issue an invitation to join in the endeavor to be part of the future of educational textbooks and offer helpful and necessary information for prospective authors including the assistance they can expect from a publisher and outlining the advantages and disadvantages of individual, middle sized, and large publishers. The growth and future of academia lies in encouraging and including technology and developing bright, colorful, interactive, and informative e-textbooks.

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