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Managing Tax Revenue Volatility

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Abstract

During the initial decade of the twenty first century a number of scholars in the American public administration arena suggested that certain social science methods, particularly those pertaining to portfolio analysis, can play an important role in managing tax revenue volatility. Several discussions involved an adaptation of Modern Portfolio Theory which indicates that investment decisions should be based on the mean-variance characteristics of “portfolios” which are collections of financial assets. This paper contributes to the technical aspect of the dialogue by outlining a procedure which may reduce some tax portfolio analysis complexities when applied to these kinds of revenue decisions.

Introduction

In a September | October 2007 online edition, Public Administration Review (PAR) published an article by Fred Thomson and Bruce L. Gates titled *Betting on the Future with a Cloudy Crystal Ball? Revenue Forecasting, Financial Theory, and Budgets-An expanded Treatment*. The authors’ central research question is “given that we can’t predict the future, how can we get a good result no matter what the economy throws at us” (Thompson and Gates, 2007, p. 48)? Their fundamental answer is that certain modern financial economic theories and social science methods may have much to offer practitioners in terms of managing the volatility often associated with tax revenues. Portfolio analysis is one of four financial tools presented when supporting their position.

The article produced several immediate responses from well-known scholars. PAR has published them in a “Commentator” section of the September | October 2007 online edition. The general consensus might best be summarized with Meyers’ (2007) assertion that at the very least, the article is the type of thought provoking-contribution that will stimulate discussion-some of which will be quite critical from a traditionalist perspective. Those who are interested in moving beyond that lens will find that the article...can apply to public administration theory and practice” (P. 74).

The resistance aspect of Meyers’ declaration is likely to be true as taxation decisions involve revenue politics (Rubin, 2006). However, technocratic contests may also be expected to occur as portfolio analysis challenges existing methodologies and ways of thinking with a mean variance framework which is not necessarily intuitive. Furthermore, the technique requires a certain level of mathematical competence. As Meyers (2007) suggests “to truly understand the authors’ arguments, readers will have to immerse themselves in a finance textbook” (p. 74). Thus one might presume that simplifications and clarifications will be a welcomed addition to the practitioner oriented material presented thus far.

Given the above, this paper contributes to the technical aspect of the dialogue by outlining a procedure which may reduce some tax portfolio analysis complexities. Overall, the progression of the article follows Thompson and Gates (2007) in synthesizing a body of work practitioners may find useful. The next section briefly reviews pertinent research literature before delineating the approach. This is followed by an illustrative example. Additional comments are given in the conclusion section.

Literature Review

While Thompson and Gates’ (2007) article is an excellent conceptual synthesis for practitioners, the notion that portfolio analysis can be used to evaluate tax revenue volatility is not foreign to scholars interested in public budgeting and finance research oriented literature. Garret (2006), for example, employs the technique in a study examining tax revenue variability for a sample of U.S. states.

Furthermore, Berg, Marlin, and Heydarpour (2000) and Mallick and Harmon (1994) use a similar approach when examining New York City and State taxes.

A common feature of the above mentioned works is that Modern Portfolio Theory (MPT) is applied. Introduced by Markowitz (1952) MPT posits that when rational investors confront risk in a financial-economic environment they should focus on moments one and two of a portfolio's return distribution as there is a positive relationship between them that can be mitigated when assets are not perfectly correlated. The first moment, or mean, is defined as expected return. The second moment, or variance, is defined as volatility (or risk). Consequently each of the investigations necessarily adopts Markowitz's assumptions, including normality, and adapts the initial constructs and methods necessary for finding objectively efficient tax portfolios.

By way of extension, objectively efficient tax portfolios are defined as mixes of components which minimize volatility for an expected percent change in revenue or that maximize the expected percent change in revenue for a given level of volatility. Mathematically sets of efficient tax portfolios can be determined by finding solutions for the following optimization problem:

$$(1) \quad \begin{aligned} &\text{minimize } \sigma_p^2 = \sum_{i=1}^n \sum_{j=1}^n \omega_i \omega_j \sigma_{ij} \\ &\text{subject to } E(R_p) = \sum_{i=1}^n \omega_i r_i; \text{ and} \\ &\quad \sum_{i=1}^n \omega_i = 1; \text{ and} \\ &\quad \omega_i \geq 0 \end{aligned}$$

where:

- σ_p^2 = Variance of percentage change in revenue for a tax portfolio;
- $E(R_p)$ = Expected percent change in revenue for a tax portfolio;
- n = Total number of tax components;
- σ_{ij} = Covariance of tax components i and j ;
- r_i = Expected percent change in revenue for tax component i ; and
- ω_i = Tax component i 's share of total tax revenue.

As expected, empirical studies typically rely on historical observations for a predetermined time period. Some (e.g., Garrett, 2006) concentrate on finding a minimum variance portfolio(s) by setting the first derivative of σ_p^2 with respect to ω_i equal to zero. Most of the researchers cited above, however, portray solutions in a two dimensional space.

A generalized result is portrayed in Figure 1 under the assumption that tax components are not perfectly correlated. The central insight is that "AB" is a frontier which reveals the expected outcomes associated with all objectively efficient tax portfolios. By comparison, tax portfolio "C" is not efficient as superior mixes exist. Portfolio A, for example, affords an identical expected percent change in revenue with much less volatility. Portfolio B, by comparison, affords a greater expected percent change in revenue with the same volatility.

[See Figure 1]

What is not completely clear is which efficient tax mix should be chosen. Berg et al. (2000) essentially answer the query by holding $E(R_p)$ constant for New York City. Of course this requires adjusting the existing mix of components (ω_i) so that a tax portfolio such as "A" in Figure 1 is achieved. Naturally the intention is to reduce σ_p^2 for a target $E(R_p)$ that presumably is in-line with the subjective

preferences of the government. The conclusion is similar to that given in Garret (2006) if “A” is defined as the minimum variance tax portfolio. However, such a presumption may not always be correct.

Traditional financial economic analyses often incorporate subjective utility functions for risk-averse investors when answering such queries. Khan (2002) does this in a portfolio analysis that theoretically addresses Key’s (1940) expenditure side question “on what basis shall it be decided to allocate x dollars to activity A instead of activity B?” (p. 1138). Unfortunately, from the public practitioner’s point of view, computational complexities make the approach extremely problematic for even the simplest of cases (e.g., a tax portfolio with two components). Therefore methodological simplifications may be worth exploring if portfolio analysis is to become an accepted fiscal tool that is successfully implemented.

Methodology

One possible simplification can be found in Williams’ (1997) work which focuses on maximizing the likelihood of achieving an investment goal. Unlike Khan (2002) his primary contention is that probability is an appropriate measure of volatility that is consistent with risk averse-behavior and easier to work with. While not explicitly stated his probabilistic logic is rooted in Leibowitz and Henriksson’s (1989) efforts which demonstrate that portfolio optimization can incorporate shortfall constraints that highlighted downside risk.

Much of Williams’ article addresses econometric time series concerns but the central insight can be gleaned here by noting the following two points while referencing efficient tax portfolios A and B in Figure 1:

1. When considering tax portfolio A, $E(R_A)$ and $E(R_B)$ are values contained in tax portfolio A’s distribution of percent changes in revenue. While the probability that $E(R_A)$ will be realized or exceeded is fifty-percent, the probability that $E(R_B)$ will be realized or exceeded is less than fifty-percent.

2. When considering tax portfolio B, $E(R_B)$ and $E(R_A)$ are values contained in tax portfolio B’s distribution of percent changes in revenue. While the probability that $E(R_B)$ will be realized or exceeded is fifty-percent, the probability that $E(R_A)$ will be realized or exceeded is greater than fifty-percent.

Both points are based on known aspects of normal distributions and can be generalized to the entire efficient frontier. Consequently $E(R_A)$ and $E(R_B)$ are just two potential targets that a decision maker can choose to pursue in a variety of ways via tax mixes that are objectively efficient. Using this information the following three steps suggest a straightforward administrative procedure for incorporating subjective choice:

1. Choose a target value (R_T) for the percent change in revenue.
2. Calculate $Z = [R_T - E(R_p)] \div \sqrt{\sigma_p^2}$ for every tax portfolio on the efficient frontier.
3. Use each Z score in conjunction with a standardized table to calculate the probability that the percent change in revenue will be greater than or equal to R_T .

The final step is to choose the efficient tax portfolio with an acceptable probability of equaling or exceeding R_T .

Illustrative Results

The computations discussed above may appear complicated. However, certain technologies are available to alleviate most of these concerns. To illustrate, the information in Panel A of Table 1 is used to construct Figure 2 with various functions that are available in the Microsoft Excel spreadsheet. The data come from Berg et al.’s (2000) empirical study concerning New York City’s tax mix and can be found in the third table of their publication.⁵

With some exceptions Panel A of Figure 2 essentially replicates the efficient frontier provided by these researchers. One modification is that the horizontal axis replaces their volatility measure, σ_p^2 , with

σ_p as the latter computation is more useful for a probability oriented discussion. By comparison, Panel B presents probability frontiers for three ad hoc target values: 4%, 5.5%, and 6.5%.

[See Table 1 and Figure 2]

An important point to note is that the positions of the frontiers in the two dimensional space are consistent with intuition. For example, the frontier corresponding to $R_T = 4\%$ lies above $R_T = 5.5\%$ and $R_T = 6.5\%$. This should be expected given that the probability of equaling or exceeding a lower target value should be higher than the probability of equaling or exceeding a higher target value. Panel B of Table 2 supplements this conclusion with probability estimates for the least and most volatile tax portfolios reported in the Berg et al (2000) study.

Conclusion

Overall, portfolio analysis (e.g., MPT) seems to be an important investment tool that may also be appropriate for managing the volatility often associated with tax revenues. Conceptually and empirically the connection hinges on the positive relationship between the first and second moments for an expected distribution of percentage rate changes. Another link resides in the notion of covariance and the possibility of volatility (i.e., risk) reduction with sufficient diversification. With respect to this simplification oriented paper, however, one major clarification is in order as equity is not addressed.

Obviously fairness is an important aspect of tax policy analysis and this should be employed during the course of any investigation. The mean-variance and probability models discussed here are both capable of handling such concerns by means of imposing additional constraints on any specific tax component's share of total tax revenue. In either case, such constraints are likely to a) increase the volatility for a given level of expected percent change in revenue, or b) decrease the level of expected percent change in revenue for a given level of volatility.

Other potential concerns include issues surrounding normality and the fact that volatility can be reduced through ways other than tax mixes. These are not considered here as they are not specifically tied to the purpose at hand.

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Figure 1
Hypothetical Efficient Frontier

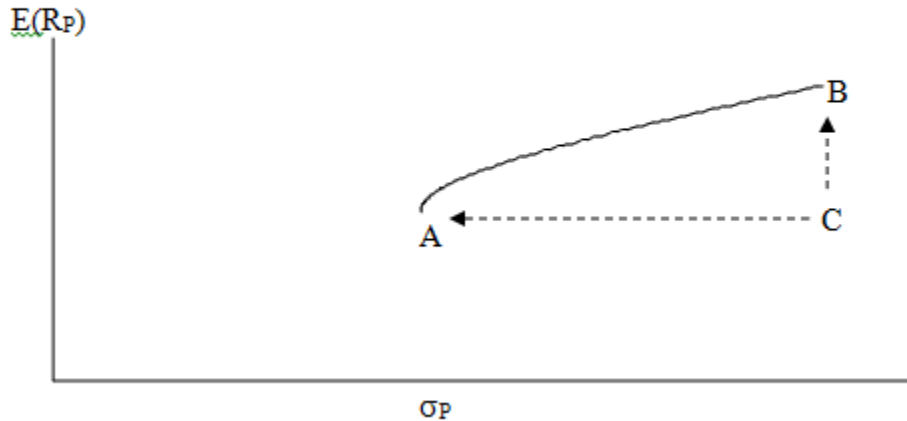


Table 1
Empirical Probability Frontiers Based on Berg et al. (2000)

Tax Portfolio	Least Volatile	Most Volatile
Panel A		
Revenue Component		
Business%	1.00	0.00
Personal Income%	0.00	100
Property%	43.40	0.00
Sales%	55.60	0.00
Outcomes		
$E(R_p)$ [%]	.039	0.069
σ_p [% age points]	.298	0.625
Panel B		
Probability $E(R_p) \geq E(R_T)$		
$E(R_T) = 4.0\%$	49.93%	51.85%
$E(R_T) = 5.50\%$	47.92%	50.89%
$E(R_T) = 6.50\%$	46.59%	50.26%

Note. Both the least and most volatile portfolios are on Berg et al.'s (2000) efficient frontier. Thus any linear combination of them is also efficient. The information in Panel A is used to deduce that the correlation coefficient is approximately equal to 0.48.

Figure 2
Panel A: Empirical Efficient Frontier

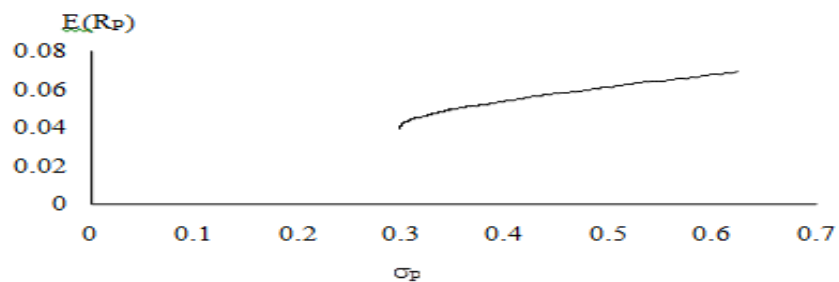
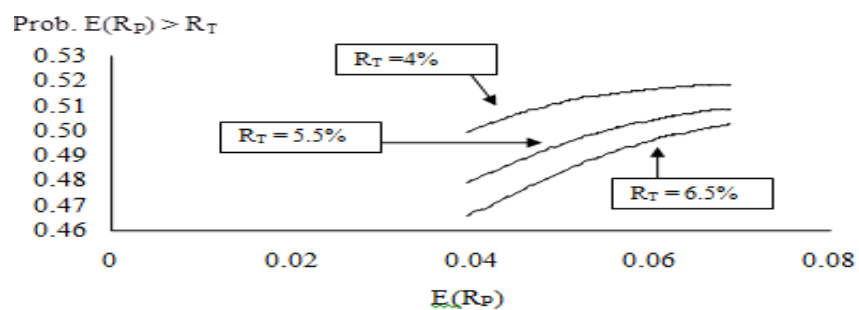


Figure 2
Panel B: Empirical Efficient Frontier



A Discourse Analysis of Preservice K-8 Teachers' Perceptions of the Fine Arts and Implications for Arts Integration across the Social Sciences

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Introduction

This study contributes additional knowledge and an updated understanding of K-8 preservice teachers' perceptions of the fine arts for an integrated curriculum approach in the context of experimental aesthetics education (Berlyne, 1974; Seifert, 1992; Oreck, 2004; Frawley, 2013) and discipline-based art education across subjects (Greer, 1984; Jalongo & Stamp, 1997) which addresses the larger discussion of an integrated approach to teaching the social sciences, English language arts, and other K-12 subjects (Keating & Gillin, 2019). This study is focused on preservice K-8 teachers' responses—at a university in the United States—to a survey on their perceptions and experiences with the fine arts in their education and how they may integrate the fine arts into their teaching practice. This study adds another data point to studies that address an integrated curriculum approach across K-12 subjects (see Keating & Gillin, 2019), and seeks to provide an answer to the research question: How do preservice elementary teachers conceptualize the fine arts in relation to self-efficacy?

Method

A discourse analysis is performed based on Gee's (2011a, 2011b) method. I followed the following six steps outlined by Gee (2011a) for a researcher doing a discourse analysis. First: "Pick a piece of data (a big or small interaction, narrative or other extended piece of language, an interview, or a written text, for example) that both interests you and that you believe will speak to or illuminate an important issue or question" (Gee, 2011a, p. 125). Second: "Transcribe it as closely as you can, but with an eye to the features you think will be most important for the issue or question in which you are interested" (Gee, 2011a, p. 125). Third: "Pick some key words and phrases in the data, or related families of them, and ask what situated meanings these words and phrases seem to have in your data, given what you know about the overall context in which the data occurred" (Gee, 2011a, p. 125). Fourth: "Think about . . . what and how social activities and socially situated identities are being enacted and/or recognized in your data" (Gee, 2011a, p. 125). The survey was designed to elucidate this, especially Question #8 of the survey: *Think of an activity that you enjoy (such as a hobby, game, sport, et cetera) and now consider how that personal passion could be translated into fine arts integration in a K-8 classroom. What activity would you choose to explore further for which you could potentially create an arts integration plan?* This is also in harmony with Gee's (2011a) assertion that "A discourse analysis argues that certain data supports a given theme or point (hypothesis)" (p. 124). Fifth: "Think about the social languages and Discourses that appear to be relevant, in whatever ways, to your data" (Gee, 2011a, p. 125). And sixth: "You can, if appropriate, try to extend your analysis to other parts of your data or new sources of related data (or to data in the literature)" (Gee, 2011a, p. 126).

There is evidence that the integration of the arts across the curriculum tends to increase many students' creative engagement with course content (Smithrim & Uptis, 2005; Lynch, 2007; Furniss, 2008; Hartjen, 2012). However, art has tended to be among the first programs removed from school programs during times of fiscal stress in school districts (Cahan & Kocur, 1996; Apple, 2004; Gelineau, 2012). *Aesthetics* education may be more inviting to more students as it is predicated on *creativity* broadly defined rather than the more rigid notion of the fine arts. Despite this, there was no second edition of Jalongo and Stamp's (1997) textbook on aesthetic early childhood education, and the general lack of

aesthetics education textbooks seemed to coincide with the No Child Left Behind Act (NCLB) of 2001 that emphasized summative assessments in the form of multiple-choice tests.

Participants and Protocol of the Two Surveys

Based on Yin's (2014) and Fowler's (2014) suggestions for alternative approaches for interview styles in which empirical data is part of the study design as a background and not the foreground for developing a new theory (Charmaz, 2014), I used what Fowler (2014) noted: "a good strategy may be to put the questions in a self-administered form either in a questionnaire or on the computer" (p. 64). That self-administered form in this study is the survey.

Participants were preservice K-8 teachers (n = 37 in year one [Y1], and n = 33 in year two[Y2]) at a public university in the United States in the arts integration methods course as part of their elementary education degree program, with data collection concluding in 2015. The Y1 survey was primarily a qualitative short-answer survey and the Y2 survey was a quantitative survey. The two surveys were answered by two different groups of K-8 preservice teachers in the same teacher education program at the same public university in the United States in which the two groups of participants were similar.

Participants were told to not write their name or any other identifying information on the survey. Participants were invited to complete the survey the first week of class and place the completed or non-completed survey in a file folder at a desk in the classroom. I was not at the desk that the file folder was located, so that I did not know who did or did not complete the survey, nor would I be able to link participants' individual identity to any survey submitted.

Procedures

This study features a qualitative case study design using discourse analysis (Yin, 2014; Gee, 2011a, 2011b). The design of this study is not seeking to assert a specific causal relationship; therefore, the traditional empirical internal validity assumption is "inapplicable to descriptive or exploratory studies (whether the studies are case studies, surveys, or experiments)" (Yin, 2014, p. 47, parenthetical in original).

The definition of aesthetics education (see Greene, 2001) is applied in this study for teacher education and K-8 curriculum in which aesthetics is integrated throughout the core subjects to foster greater investment—passion—in learning and demonstration of learning through the design and production of aesthetic products. This is both an operationalization of aesthetics as art inquiry and philosophical inquiry for an ever-emergent curriculum.

Addressing Validity

The empirical component is part of the foundation for developing a theory—in this case an aesthetic curriculum theory—and that data is descriptive and exploratory for identifying how a theory may fill gaps in current understanding of a given phenomenon or field. In this study, the development of aesthetic identities in preservice teachers and the implications for teacher education curriculum are broadly identified based in part on data collected through two survey instruments. Surveys were designed for this study "To meet analysis needs," as stated by survey theorist and methodologist Floyd Fowler (2014), who concluded: "A *special-purpose survey* may be the only way to ensure that all the data needed for a given analysis are available and can be related" (p. 3, emphasis in original). In other words, the data in this study provides a baseline of the preservice teacher vantage point in their prior experiences with the arts. This calls for an exploratory special-purpose survey research study (Yin, 2014; Fowler, 2014). Data is collected that is analyzed for a baseline direction which the researcher may utilize to develop a conceptual framework that informs an understanding of how to define, address, and guide aesthetic identity through teacher education. The type of study that is developed here can have the further purpose of adaptation for presentation to legislators and funding organizations to support arts-integration in schools.

Internal validity comes from the emergence of a theory supported by the data when contextualized with the extant literature. With the understanding that experimental aesthetics was rooted in a grounded theory approach, as the survey instrument "quickens the speed of gaining a clear focus on what is happening in your data without sacrificing the detail of enacted scenes" (Charmaz, 2006, p. 14). Charmaz (2006) explained grounded theory through artistic metaphor: "Like a camera with many lenses, first you view a broad sweep of the landscape. Subsequently, you change your lens several times to bring scenes

closer and closer into view” (p 14). As Patti Lather (1993) posited: “the conditions of possibility for validity are also its conditions of impossibility” (p. 687). What is particularly important for this study—as one influenced by grounded theory (Charmaz, 2006, 2014)—is Lather’s (1986) suggestion that: “The search is for theory which grows out of context-embedded data, not in a way that automatically rejects a priori theory, but in a way that keeps preconceptions from distorting the logic of evidence” (p. 267). The surveys that I designed for the background data for this study are rooted in those conceptualizations of qualitative exploration in which I seek to understand K-8 preservice teachers’ perceptions of the arts from their point of view so that a systematic aesthetic curriculum may be designed that is responsive to them and generates eventual intrinsic interest in integrating the arts across the curriculum to foster students’ creativity in each subject of the elementary curriculum.

The discourse analysis that I conducted on the Y1 survey data—analyzed in the next chapter—is predicated on Gee’s (2011a, 2011b) discourse analysis method. As Yin (2014) explained of exploratory case studies, validity as a term under a quantitative definition just does not apply to a qualitative study even if the exploratory case study draws inspiration for lines of inquiry from empirical data. Patricia Leavy (2009) stated it this way: “Qualitative researchers do not simply gather and write; they *compose*, *orchestrate*, and *weave*” (p. 10, emphasis in original).

Findings of the Discourse Analysis

The first tool that is applied is the form-function correlation (Gee, 2011a). I identified key constructs of grammatical person and key action words and phrases on Question #3 (see Table 1). I coded the sentences and sentence fragments into key thematic understandings based on the “utterance-type” (Gee, 2011a, p. 64) and correlated the thematic categories with the utterance-type based on the use of grammatical person in the text (see Table 2). Question #3 of the survey is: “Please define ‘Fine Arts’ (What do the fine arts mean to you?).” The form-function correlation spotlighted three correlations for the overall study: (1) preservice elementary teachers use certain linguistic constructions, such as first person pronouns, to associate themselves directly with positive information about their abilities entering the teaching profession; (2) they respond in the reverse to information that may be negative to their abilities entering the teaching profession; and (3) positive or negative content questions seem to correlate to the majority responses with words and phrases that indicate they are interpersonally oriented (when question is positive) or technically oriented (when question is negative).

As seen in Table 1 and Table 2, three key thematic categories emerged: (1) *mind-ethereal (intangible)*; (2) *practical (tangible)*; and (3) *combined intangible and tangible*. Four key constructs of grammatical person emerged: (1) *passive grammatical third person subcategory*; (2) *passive grammatical second person subcategory*; (3) *passive without grammatical person subcategory*; and (4) *action oriented first person*. I will now explain these categories and the form-function correlation.

Mind-ethereal (intangible) was derived from responses that included phrases such as “any expression,” “thinking outside the box,” and “express yourself” standing as a dependent clause that infer an assumption that the fine arts are ethereal and need no grounding in shared reality. The person in question did not need their art to be validated by another person. The inference is that the fine arts are all about the individual’s own internal world.

Practical (tangible) was derived from responses that included phrases or words grounded in shared realities. For example, expression through “music,” “dance,” “photo,” “painting,” “drawing,” and “sculpture” are tangible and, thus, verifiable by some community standard. Sentence structure indicated an assumption and assertion that a tangible medium must be used and visible to people other than the artist. Therefore, artful endeavors are “creative,” but only in so far as the products from that artful creation are useful to someone other than the artist.

The passive grammatical third person subcategory use “people,” “oneself,” or similar distancing pronouns. The passive grammatical second person subcategory is a different type of distancing technique in which the reader is “talked at,” so to speak, with an assumption that “you” know that the speaker does not really mean “you” personally, but generically. The passive without grammatical person subcategory completely leaves out any mention of a person. The reader is left with an assumption based on the context of the question. Finally, there is the action oriented first person subcategory in which the participant more

definitively states their personal stake in a “figured world” (Gee, 2011a, p. 76). I will discuss figured worlds in the next section on the researcher’s assumption of preservice elementary teacher agency (See Table 6).

The three participants who were categorized as “action oriented first person” in their understanding of the fine arts were all also categorized as practical (tangible) (see Table 2). The combined intangible and tangible thematic category was derived from the responses that included phrases and words that were roughly balanced between what seemed to appear as the two opposite categories of mind-ethereal (intangible) vis-à-vis practical (tangible). The categories are not necessarily rigid, except I would suggest that the exception is the action oriented first person category. The grammatical structure is different from the second and third person in that “I” seems to assert a “claim” as an independent clause (Gee, 2011a, p. 64) or as the beginning to a second sentence. Even as the beginning to a second sentence, the use of the first person pronoun in this context essentially functions similarly to an independent clause. However, only three participants used the first person pronoun, despite the question specifically being phrased as: “What do the fine arts mean to you?” The last word in the question is “you,” and yet only three of thirty-seven participants used the first person pronoun in their response.

The other forms of response may suggest an inferred first person, but many more participants used the first person pronoun in the next question prompting them to “explain an experience you have had with fine arts.” The last word in the prompt is not “you,” but twelve participants used “I” in their responses. The reason(s) for this grammatical shift in pronoun use between Question #3 and Question #4 are inconclusive. However, the shift in pronoun use between Question #6 and Question #7 seem to be more closely correlated to allow for a conclusion on what emerged as the pronoun use question.

An implication for personal pronoun use and frequencies. The form-function correlation and then “situated meanings” (Gee, 2011a, p. 65) of Question #6 and Question #7 yield an interesting correlation. The participants’ grammatical person usage is nearly evenly split between grammatical first person and no person or inferred person, when they responded to Question #6 about their “greatest strengths entering the teaching profession.” And grammatical second person is absent (see Table 4). However, when participants respond to Question #7 about their “greatest challenge entering the teaching profession,” the use of the first person pronoun drops significantly and there is a corresponding increase in the use of no grammatical person at all nor what could be interpreted as an inferred first person (see Table 5). This suggests that preservice elementary teachers more often prefer to distance themselves through the use of grammatical constructs from something personally negative than positive.

Table 5 shows the correlation of thematic constructs with personal pronoun use. Two thematic constructs emerged: (1) *interpersonal* and (2) *technical*. Interpersonal is defined here as responses that included words and phrases such as “patience,” “politics,” and other similar words that infer relational interaction. Technical is defined here as responses that included words and phrases such as “discipline,” “curriculum planning,” and other similar words or phrases that infer measurable production in a school.

Five of the six participants who used the first person pronoun in their response to Question #7 were categorized as *technical*. The vast majority of participants answered without any grammatical personal pronouns; however, they were close to an even split between *interpersonal* and *technical*. A small majority were *technical*. Overall, the majority of responses, eighteen, were coded as *technical* and thirteen were coded as *interpersonal* (See Table 5). However, this was inverted when comparing the numbers in the thematic constructs of *interpersonal* and *technical* in Question #7 with the numbers in Question #6. The majority of the participants’ (n = 26) responses were coded as *interpersonal* and the remaining participant responses (n = 11) were coded *technical* (see Table 4).

The implication is that the number of participants responses about their perceived strengths use the first person pronoun with a response that suggests an *interpersonal* orientation more frequently and in opposite correlation to their responses to their perceived greatest challenge entering the teaching profession. Not only does their use of the first person pronoun differ in correlation, but their responses are also more focused in *technical* rather than *interpersonal* themes (see Table 4 and Table 5). In other words, when talking about their strengths, more participants were *interpersonal* using the first person pronoun (see Table 4 for words associated with the *interpersonal* code). However, when talking about their

challenges, the numbers flip with more participants using an inferred third (perhaps first, but still only inferred) grammatical person. Ultimately, the implication is that the majority of participants linguistically disassociate themselves from their challenges, but linguistically associate themselves with their strengths.

Meaning and the imaginary. The discussion of the results thus far has focused on the correlation between first person pronoun form-function correlations to thematic constructs. Gee (2011a) asserts that in addition to the form-function correlation, there are two additional tools for discourse analysis: “situated meaning” (p. 65) and “figured worlds” (p. 76). The theme of the importance of *educational environment* emerged from the responses to Question #4 on participants’ personal in-school “experiences with the fine arts” (see Table 3). Although the question asked about participants’ experiences with the fine arts, nothing about context was stated. Participants seem to have situated the question within the context of formal schooling environments, even though the question does *not* limit the response to discussing in-school experiences with the fine arts. The responses were significantly tilted toward experiences in schools with the majority mentioning “high school” as the center of their understanding of fine arts. This may indicate that students are approaching these questions with unconscious background knowledge of recent policy language, such as the former Common Core State Standards Initiative (2011). A number of the participants mention “math” and “curriculum” in their responses, some positively and some negatively. Most mentions are positive, perhaps because of the emphasis on STEM training and the positive language used in various sources (National Council on Teacher Quality, n.d., 2012) for the importance of STEM.

As seen in Table 4 and Table 5, when participants reply to the question about their “greatest challenge” entering the teaching profession, the thematic correlation is the inverse of their response to their response to the question about their “greatest strength.” Two thematic categories were coded: (1) *interpersonal* and (2) *technical*. Each question was coded to include similar phrases, but slightly different. The “interpersonal” thematic category for Question #6 (“greatest strength” question) includes words such as “compassionate,” “enthusiastic,” and “patience.” The *interpersonal* thematic category for Question #7 (“greatest challenge”) includes words such as “patience” and “politics.” The “technical” category is essentially identical across both questions and includes words such as “curriculum” and “discipline.” *Patience* was the word used that overlapped the most between the two thematic strength categories. Not only do the participants tend to disassociate themselves from their “greatest challenge” through the use of the grammatical third person or non-person, but there is also an inverse correlation in the thematic categories based on their responses. The inverse correlation is that when responding to the question about their greatest strength, the majority is in the *interpersonal* category, indicating that compassion, enthusiasm, and passion are their greatest strengths. However, when responding to the question about their greatest challenge, the majority is in the *technical* category, indicating that curriculum planning, politics, and classroom management seem to be their greatest challenge entering the teaching profession (see Table 4 and Table 5).

Assumption on Standardization and results implication to Question #7. This researcher assumed that standardized policy language—especially around science, engineering, technology, and mathematics (STEM)—would affect student responses more than it did on Question #7 about challenges entering the teaching profession. I began this research with this assumption because of “nonpartisan” reports on STEM competency (National Council on Teacher Quality, n.d.) and case reports such as those from the National Council on Teacher Quality (2012). The former Common Core standards inferred a power relationship in which state and, increasingly, nationally mandated curriculum language projects power downward. I coded participant responses to Question #7 into two thematic categories: “macro-level” and “micro-level” challenges. Most participants identify their “greatest challenge” at the “micro-level” and not at the “macro-level” (see Table 6).

Gee (2011a) asserted: “A figured world is a picture of a simplified world that captures what is taken to be typical or normal” (p. 71). What was “normal” for the participants seems to have been that their individual agency *within their local school* is their greatest challenge. I refer to the participants coded as “micro-level” for their “greatest challenge inference” as *MicroGCIers*. For most participants, macro-level challenges that will affect them—such as the Common Core State Standards Initiative—are apparently

not of greatest concern at this stage in their career. These were the *MicroGCIs*. They used words and phrases that symbolically limited their agency or self-efficacy in designing curriculum.

However, of the participants who suggested that macro-level challenges were their greatest challenge—these participants will now be referred to as *MacroGCIs*—there was a correlation in their use of the grammatical first person. Only one of the six *MacroGCIs* used the first person pronoun, while five of the twenty-six *MicroGCIs* used the first person pronoun. (See Table 6). This is still a relatively small number but is significant in comparison of the two groups. This is also important for its implication for the participants' view of their own personal agency as they enter schools as teachers that I discuss below.

My analysis earlier of the grammatical first person being an “action” is in parallel with Gee’s (2011a) assertion. The implication here is for preservice elementary teachers’ view of their personal agency in the schools and how this may affect their artfulness. In this case, “artfulness” can mean “creativity” in general.

As seen in Table 6, participants’ responses indicated that the majority is not concerned with Common Core standardization, or at the very least the concern is not in the foreground. Interestingly, the *MicroGCIs* (those who indicate that micro-level challenges are their greatest challenge) use first person pronouns far more than the *MacroGCIs*. This may suggest that *MicroGCIs* subconsciously practice personal agency. This correlates to their focus on micro-level challenges in that looking at the small challenges offers more opportunities to personally affect change. Macro-level challenges, however, may be seen as too big to affect change individually, and so the potential challenge of enforced standardization was that it could potentially be too *powerful* for personal agency to have any effect. This would explain why the *MacroGCIs* use the third person or no grammatical person at all. In both cases, the two groups suggest an understanding of their political limitations within the overall structure of the formal schooling system.

Key words and motifs. Gee (2011a) suggests that the researcher doing a discourse analysis should: “Pick some key words and phrases in the data, or related families of them, and ask what situated meanings these words and phrases seem to have in your data, given what you know about the overall context in which the data occurred” (p. 125). The top four words in the participants’ responses were: art, school, arts, and students. Participants’ mention of art seems to be geared toward the visual arts. The most commonly mentioned form of art other than the visual arts was the aural art “music” with sixteen mentions. “Dance” and “drama” also featured prominently with sixteen mentions and seven mentions respectively. The responses that included dance and drama tended to come from the third question on definition of the fine arts, so the number of mentions for dance and drama is probably overrepresented in terms of actual interests of the participants long-term.

Of the visual arts, “painting” featured most prominently with eleven mentions, followed by “draw[ing],” “photography,” and “scrapbooking.” “Art” seemed to be a stand in term for any and all of the visual arts. Interestingly, ceramics was barely mentioned in the aggregate responses. Reasons for this omission are nebulous. An explanation is that participants inferred ceramics as part of the visual arts and so did not mention ceramics specifically in their responses; however, this explanation does not explain why other visual arts were specifically mentioned (such as painting and drawing) while ceramics was the only major medium of visual arts hardly mentioned at all. Speculative answers may be possible, but the data does not seem to offer any illumination on the question of the missing mentions on ceramics. Another speculative answer may be that materials for ceramics are perhaps not as easily acquired as drawing and painting materials. There may also be a perception that clay has to be fired in a kiln to be “finished,” and perhaps participants have not had easy access to a kiln.

In terms of aesthetic words, “creativity” featured prominently with thirteen mentions. The majority of participants indicated that they would prefer to teach in Grades 1-3 with a significant, yet smaller, number indicating Kindergarten and the upper elementary grades of 4-6. Only a few indicated preference in teaching Grades 7 and 8. Mathematics was indicated the most (N = 16) as the “favorite” subject that the participants wanted to teach. This is why I discuss STEM at various points in this paper and include STEM as having a certain situated power in the background of the survey responses. English/Language

Arts was the second most indicated “favorite” (N = 13), followed by social studies (N = 10). Perhaps the increase in Science, Technology, Engineering, and Mathematics (STEM) discourse plays a role in mathematics being indicated the most by participants as their preferred “favorite” subject. Furthermore, only two of the written responses directly indicated that they thought teaching mathematics was one of their notable challenges entering the K-8 teaching profession. This could possibly be indicative of training in mathematics teaching methods or perhaps STEM training in general.

Participants seem to focus on the importance of creativity in their conceptualization of the fine arts. Assessment procedures should reflect this with an emphasis on individual student evaluation instead of teacher-centered grading. Perhaps this can be accomplished by asking the teacher to be a facilitator or coach-curator who fosters the development of individual creativity and expression. In this way, *students may evaluate their own work* according to an intrinsically developed aesthetic. The teacher would then record the student’s created art piece accompanied by a written reflection consistent with a rubric co-constructed with the student based on their own aesthetic. The teacher would record that the students have done these two assessment pieces and the grade is awarded based on the student’s creativity and not wholly on the teacher’s own sense of aesthetics. In this way, there is a rubric that external evaluators can verify while students retain control over their intellectual work and still receive constructive feedback from the experienced teacher operating as a coach-curator.

I identified two major motifs from the text that the participants indicated in aggregate: (1) arts assessment and (2) attitude disjuncture. The two overall themes emerged from the aggregate analysis discussed. The participants did not specifically use those words/phrases.

The motif of *arts assessment* emerged in which participants noted their reaction to how their artwork was graded in their own K-12 experience. The majority of responses seem positive toward prior experiences with fine arts classes. However, there were some negative responses that indicated that some of the fine arts courses taken in K-12 and college were “not as fun” (or similar allusions) to less than positive experiences with grading or instructional delivery. In parallel with these assertions from some participants, is the suggestion in the responses that the participants’ beliefs about their learning strengths and weaknesses were formed by the response from their teachers.

The aggregated responses suggest that participants believed that they were good at some subjects—such as mathematics—and worried about perceived weaknesses in teaching other subjects—such as English language arts. This is also suggested in their perceptions of what fine arts they believe they are good at or not so good at doing. If the arts are a diverse methodological, theoretical, and practical learning medium—and, as I suggest, the participants’ aggregate responses indicate—there is also a complication in that one medium may work for one student but not for another. When introducing an alternative form of papier-mâché, for example, one student may think it is great while another student may say that it does not work for them. The teacher’s grading and remarks tended to be associated with a particular medium and appeared to be a motivating participants’ responses.

Fewer than twenty-five percent of the participants indicated sharply negative experiences with fine arts instruction. However, there were a substantive number of comments that focused on the negativity of teacher *assessment* of their work as students. Participant 2 stated: “In younger grades I liked them a lot, but taking FA in college was not as fun.” Participant 3 stated: “My teachers were always correcting me w/ my art & calling it not art.” Participant 4 stated: “Took art classes throughout school but I’m horrible at them.”

Another motif to emerge was *attitude disjuncture*. Personal agency relative to the arts from the preservice teachers’ perspectives varied depending on the question. As the sample below suggests, the participants’ experience with prior arts-based courses seemed to reify *high fashion* as an exclusionary concept linked to “being artistic.” This seemed to suggest a more nuanced practical view when considering Bayles and Orland’s (2001) statement that “in most matters of art it is more nourishing to be a maker than a viewer” (p. 51). This may generally be the case, unless the teacher creates a negative assessment environment. The assessment of students’ work by an authority figure had a profoundly long-lasting impact years after the grade, as suggested in this sample of responses to Question #4: *What best describes your experience with the fine arts?*

Negative

1. “When I think of fine arts I first thinking of paintings and my lack of ability to create artistic things. I so appreciate art and learning art, but being artistic is a talent I lack.”
2. “In younger grades I liked them a lot, but taking FA in college was not as fun.”
3. “My teachers were always correcting me w/ my art & calling it not art.”
4. “Took art classes throughout school but I’m horrible at them.”

Neutral

5. “I have not taken any non-required art courses since I don’t really consider myself artistic. However, I do enjoy painting on my own.”
6. “Anything that has to do with using creativity and not only logical thinking.”
7. “Fine arts can be only expression of emotion or just interpretation through the use of different materials.”
8. “I took basic art throughout school. I love to do crafty things at home, but I have never done any actual fine arts as an adult.”
9. “I took only the required fine arts courses in middle and high school.”

Positive

10. “My teacher was very enthusiastic about teaching which made it fun.”
11. “I took 2 art classes in middle school & loved it. One project that was particularly memorable was doing mosaic benches for our school garden.”
12. “I have taken drama every year in high school. I also played the flute in high school, and I love to paint on my free time. I have never taken any classes but I enjoy doing it.”
13. “I have taken drawing class at WSU and love to paint. I also played piano and done choir my whole life.”

As can be seen in the sample of participants’ responses above, emotions were associated with the fine arts (see Bayles & Orland, 2001, for discussion of the arts and emotion). Kozulin (1986) noted in discussing Vygotsky’s work that emotion tends to be an integral part of the work people do, even if emotions are not readily apparent to the casual observer. The tension of external standards and internal standards may help account for some of the respondents’ ironic assertions. For example, Participant 13 stated: “I have not taken any non-required art courses since I don’t really consider myself artistic. However, I do enjoy painting on my own.” Even when not considering themselves to be “artistic,” respondents still identified a creative activity that they liked to do that was “artsy.” The disconnection here seemed to be from the assessment system utilized in schools that rigidly judged their artwork within deficit models. The preservice teachers in this sample seemed to indicate that their artwork was personal; therefore, arts assessment that was critical of their work was seen as an *ad hominem* declaration of negative value. They seemed to see the grade they were given on their artwork as a personal judgment.

The survey responses further suggested that preservice elementary teachers conceptualized the fine arts broadly, yet consistently, and they self-assessed their abilities with the fine arts within a *hierarchical* model. Some participants suggested that they were skilled in one arts field—such as dance—yet not skilled in another field and indicated that they were worried about other classroom factors such as classroom management and discipline. The participants’ responses to the eighth question on what activity or hobby they could specifically use in an artful way suggested that they were creative thinkers who were just beginning to see themselves as artistic whereas before they may not have viewed themselves as artistic.

Encouraging the participants to see that the arts are within their capability should be a systemic component in teacher education. The way to accomplish this is by requiring participants/students to do studio art labs as part of their teacher education program based on a new understanding of Greer’s (1984) discipline-based approach to art education that focuses more on interdisciplinarity that tends to be the focus of multiple-subject elementary curriculum. In this way, preservice teachers may better see some of their hobbies—such as scrapbooking (which was mentioned a number of times by participants)—as potentially a decorative arts practice under the auspices of the fine arts. Thus, preservice K-8 teachers

should be affirmed as artsy—as artistically efficacious individuals—who can and should integrate their creative talents into and across the curriculum.

As seen in Table 7, participants’ responses to Question #8 about what hobby they like that could be utilized as a fine arts practice featured the broadest mix of grammatical person pronoun usage. The majority of responses were again in the third grammatical person, but six participants “spoke” in the grammatical second person (see Table 7). This is the least used grammatical pronoun structure in the responses across all survey questions. The implication is that a question about personal interests triggered a voice from the teacher persona in six participants whereas all the other questions never triggered a voice from the teacher persona, but instead maintained the voice of the student persona. This is especially interesting in comparison to the absence of the second person pronouns in the responses to Question #7 on participants’ perception of their “greatest challenge” entering the teaching profession. Six of the participants indicated that they are “speaking” to a student when discussing an activity or hobby that they like to do (when using the second person pronoun “you” in their responses). An implication for elementary teacher education programs to explore may be how to foster preservice elementary teachers’ sense of personal investment in fine arts integration with core curriculum that encourages them to build upon one of their hobbies and/or activities that could be related to the fine arts.

Implication for preservice teacher education with the arts. Highlighting teacher identity formation through arts processes is an emerging field. Using the arts to explore professional identity may be beneficial for preservice and veteran in-service teachers. The arts may include artful linguistics, painting, and the many other media that comprise the fine arts. This line of inquiry may be of interest internationally. Joseph and Heading’s (2010) goal, for example, is to improve music pedagogy through narrative methodology in which preservice teachers reflect on their identity as teachers by journaling. Although not specifically about teachers, Stanley Crouch’s (2006) narrative style in *Considering Genius: Writings on Jazz* suggests how jazz music can be a cultural teaching and learning method in an informal curriculum and potentially a formal curriculum.

Thomas and Beauchamp’s (2011) study on new teachers in Quebec, Canada utilized metaphor as an artful linguistic approach to exploring how teachers form their identities. Thomas and Beauchamp (2011) assert that some of “the complexity of identity can be revealed through metaphor” (p. 764) and that those metaphors may indicate that some teachers transformed during their teacher education programs. Thomas and Beauchamp (2011) conclude: “Development of a professional identity does not automatically come with experience, and that some form of deliberate action is necessary to ensure that new teachers begin their careers with the appropriate tools to negotiate the rocky waters of the first few years” (p. 767). This is in parallel with the recommendations of Hong (2010) and Cheng, Chan, Tang, and Cheng (2009) to systematically implement a teacher education program that requires preservice teachers to critically reflect upon their professional identity development. The conclusion to be taken from the commentary cited above is that the vantage points of preservice teachers are important for understanding the role of the arts in the general classroom. The arts are also a tool that should be used by the preservice teacher to communicate their own teacher identity.

Summary of findings. Within the research question for this study, I assumed that Common Core policy language—especially around Science, Technology, Engineering, and Math (STEM)—would negatively affect the majority of student responses. This data suggests the opposite conclusion to that assumption.

Participants who indicated that micro-level challenges are their greatest challenge (see Table 6) seem to exercise more personal agency *textually*, than do those participants who indicate that macro-level challenges (such as standardized national curriculum) are their greatest concern. This may have implications for their exercise of agency in practice. Most notable is the correlation between first person pronoun use and thematic categories of the participants’ understanding of the arts as either “tangible” or “intangible.” All of those participants who used the first-person pronoun indicated the importance of the practical or tangible use of the arts rather than art for art’s sake (see Table 2).

The implications for personal agency with the arts are founded on the basis of a form-function correlation of their use of grammatical person with thematic categories (Gee, 2011a). The form-function

correlation spotlighted three correlations for the overall study: (1) preservice elementary teachers who used first person pronoun usage vis-à-vis the arts is suggestive of their self-efficacy with the arts by associating themselves directly with *positive* information about their abilities entering the teaching profession; (2) they responded in the reverse by using third person or omitting personal pronoun usage altogether to disassociate themselves from information that was viewed as a *negative* reflection on their abilities entering the teaching profession.

Each student's written response is like a *tessera* tile: A mosaic is formed when the tesserae are put together which portrays an image greater in impact than the sum of its individual parts. The tesserae mosaic's aesthetic is greater than its constituent elements apart. Seemingly disparate responses—when analyzed through the discourse analysis of this study—coalesce to form a cohesive mosaic inferred in this summary of findings.

Discussion

I assumed that standardized policy language such as Common Core—especially around Science, Technology, Engineering, and Math (STEM)—would negatively affect the majority of student responses. This data suggests the opposite conclusion to that assumption. Participants who indicated that micro-level challenges are their greatest challenge seemed to exercise more personal agency *textually*, than do those participants who indicate that macro-level challenges (such as standardized national curriculum) are their greatest concern. This may have implications for their exercise of agency in practice. Most notable is the correlation between first person pronoun use and thematic categories of the participants' understanding of the arts as either “tangible” or “intangible.” All of those participants who used the first-person pronoun indicated the importance of the practical or tangible use of the arts rather than art for art's sake.

The majority of responses seem positive toward prior experiences with fine arts classes. However, there are some negative responses that indicate that some of the fine arts courses taken in K-12 and college were “not as fun” or similar allusions to less than positive experiences with grading or instructional delivery. Fewer than 25 percent of the participants indicated sharply negative experiences with fine arts instruction. However, there were a substantive number of negative comments that focused on the negativity of teacher *assessment* of their work as students. Participant 2 stated: “In younger grades I liked them a lot, but taking FA [Fine Arts] in college was not as fun.” Participant 3 stated: “My teachers were always correcting me w/ my art & calling it not art.” Participant 4 stated: “Took art classes throughout school but I'm horrible at them.”

Some participants had neutral comments, such as: “I took basic art throughout school. I love to do crafty things at home, but I have never done any actual fine arts as an adult.” Some participants had positive comments, such as: “My teacher was very enthusiastic about teaching which made it fun;” and “I took 2 art classes in middle school & loved it. One project that was particularly memorable was doing mosaic benches for our school garden.”

Ironic assertions were also made by some participants, such as the one by Participant 13: “I have not taken any non-required art courses since I don't really consider myself artistic. However, I do enjoy painting on my own.” Even when not considering themselves to be “artistic” they do still identify a creative activity that they like to do that is indeed what would be considered artistic. The disconnection here seemed to be from the assessment system utilized in schools that seemed to rigidly judge their artwork. The preservice teachers in this sample seemed to indicate that their artwork was personal; therefore, arts assessment that was critical of their work was seen as an *ad hominem* declaration of negative value. In other words, they seemed to see the grade they were given on their artwork as a personal judgment.

The survey responses further suggested that preservice elementary teachers conceptualize the fine arts broadly, yet consistently, and they self-assess their abilities with the fine arts within a hierarchical model. Some participants suggested that they were skilled in one arts field—such as dance—yet not skilled in another field and indicated that they were worried about other classroom factors such as classroom management and discipline. The participants' responses to the eighth question on what activity or hobby they could specifically use in an artistic way suggested that many considered themselves creative thinkers

who were saw themselves as having potentially artistic abilities, whereas before they may not have viewed themselves as artistic.

In parallel with these assertions from some participants, was the suggestion in the responses about the participants' beliefs about their learning strengths and weaknesses. Looking at the aggregated responses inferred that students believe that they are good at some subjects—such as mathematics—and worried about perceived weaknesses in teaching other subjects—such as English/language arts. This is also suggested in their perceptions of what fine arts they believe they are good at or not so good at doing. If the arts are a diverse methodological, theoretical, and practical learning medium—as I suggest the participants' aggregate responses indicate—there is also a complication in that one medium may work for one student but not for another. When introducing an alternative form of paper mâché, for example, one student may think it is great while another student may say that it does not work for them. Context seems to be a motivating factor. Although not about arts education, Pashler, McDaniel, Rohrer, and Bjork (2009) made a related pedagogical suggestion in their study of the learning-styles differentiation instructional model in which they note “how often one student may achieve enlightenment from an approach that seems useless for another student” (p. 116). In a study of aesthetics in teacher education, Frawley (2013) suggested that aesthetic education may be important for preservice teachers because being comfortable with this area of art inquiry is likely to encourage teachers to be comfortable with many art forms that foster creativity across the curriculum.

Key Findings

Of the findings from this study, there were six key highlights. (1) Preservice elementary teachers who used first person pronoun usage vis-à-vis the arts is suggestive of their self-efficacy with the arts by associating themselves directly with positive information about their abilities entering the teaching profession. However, (2) those participants who did not have confidence responded in the reverse by using third person or omitting personal pronoun usage altogether to disassociate themselves from information that was viewed as a negative reflection on their creative abilities entering the teaching profession. (3) Arts assessment produced ironic results. For example, Participant 13 stated: “I have not taken any non-required art courses since I don't really consider myself artistic. However, I do enjoy painting on my own.” And (4), even when not considering themselves to be “artistic,” respondents still identified a creative activity that they liked to do that was “artsy.” The disconnection here seemed to be from the assessment system utilized in schools that assessed their artwork within a deficit model. (5) If participants had taken an arts-based course in school, then there is a likely increased chance that they have visited an art museum in the past two years. And, (6) if participants were interested in art history, they tended to be interested in the performing arts.

Key Implications

There are two major implications of this study for practice. (1) Assessment of aesthetic curriculum products should generally not be conducted within a deficit model. (2) All preservice K-8 teachers should be encouraged to explore aesthetic curriculum design in an arts-integration course or similar arts-based course in which they explore aesthetic responsiveness by utilizing a broad range of the visual and performing arts in the design of social science curriculum and curriculum in the other content areas taught in elementary and middle school. This study adds to the view espoused by Gelineau (2012) who asserted: “A teacher need not be an artist, musician, dancer, or other arts professional in order to provide a nurturing arts climate that will vitalize the learning process” (p. 12). This adds to Jalongo and Stamp's (1997) explanation: “Mr. Brody, a student teacher, is a good example . . . By sharing his enthusiasm for art with the children (rather than by being a professional artist himself) Mr. Brody has contributed to children's aesthetic education” (p. 17, parenthetical in original).

There are two major implications of this study for curriculum theory. (1) This study established a way for constructing an aesthetic curriculum theory that bridges theory and practice—especially for social science—in a way that was inclusive of the arts for all. (2) The teacher can be a personification of an aesthetic that affects student perceptions of their own self-efficacy with co-constructing an inclusive classroom environment. Therefore, teachers should develop self-efficacy with arts integration in their

teacher education programs through an aesthetics education course or similar arts-integration course so that they project a learning environment in which student creativity is fostered across the curriculum.

There are two implications of this study for policy. (1) This exploratory case study establishes a precedent and foundation for additional research to be conducted in which larger sample sizes of preservice K-8 teachers can be organized for developing aesthetically responsive curriculum design in social science, mathematics, science, language learning, and health/physical education. (2) This study provides a new framework for discussing aesthetics education as that which can be defined and implemented across the curriculum.

In sum, for aesthetics to be applied across K-8 curriculum as a responsive praxis for all students, it must also be implemented in teacher education programs and ideally throughout what Ingersoll (2012) called teacher induction. Aesthetic theory can be applied to teacher education when it is a praxis model with an empirical foundation. Teacher candidates can develop their aesthetic identity through an aesthetics education course or similar arts-integration course in which students are encouraged to explore the visual and performing arts through production-based inquiry. Students design arts-based products across the curriculum. Aesthetic teacher identity is important because it can increase teacher self-efficacy and “investment” in the classroom. When teachers design and create, they are infusing their own aesthetic into the curriculum. Aesthetic teacher identity is developed through learning with the arts and designing curriculum with arts-informed processes during their teacher education program.

Through an arts integrated approach across the social sciences, preservice teachers may develop their individual and group styles based on their pre-knowledge. As they create, preservice teachers can move beyond pre-knowledge and acquire new knowledge through creating aesthetic curriculum products. As they become more comfortable with the aesthetic, they are more likely to see themselves as efficacious creators of aesthetically responsive curriculum that adapts to their students in which creativity may flourish while simultaneously meeting the assessment protocols of the Common Core and celebrating the individual aesthetic of all students.

Tables

Table 1

Key Grammatical Person Usage and Key Action Words from Question #3

Participant responses N = 37	Key Constructs of Grammatical Person and Key Action Words					
	First Person Pronoun (“I”)	Second Person Pronoun (“you”)	Third Person (“one” / “oneself” / “people” / “persons” / “themselves” / “individual”)	No Grammatical Person	Word use: “Expression” and/or “Expressing”	Word use: “Create” and/or “Creativity”
<i>n</i>	3	4	8	22	13	22

Table 2

Frequency of Key Thematic Understandings of the Fine Arts with Key Constructs of Grammatical Person from Question #3

		Key Thematic Categories		
		Mind-Ethereal (Intangible)	Practical (Tangible)	Combined Intangible & Tangible
Totals		7	27	4
Key Constructs of Grammatical Person	Passive grammatical third person subcategory	3	5	-
	Passive grammatical second person subcategory	1	3	-
	Passive without grammatical person subcategory	3	16	4
	Action oriented first person	-	3	-

Table 3

References to In-School Experiences with Fine Arts: Question #4 Please explain an experience you have had with fine arts.

Participant responses	Key Places Related to Educational Environment and First Person					
	“Elementary school”	“Middle school”	“High school” or “HS”	“College”	“school” written in response without specification of grade level	Begins response with grammatical first person (“I”)
Number of responses that include the listed construct	2	1	10	2	4	12
Total	19					

Table 4

Frequency of Grammatical Person and Themes of Personal Strengths (Question #6).

Participant responses N = 37	Key Constructs of Grammatical Person and Key Themes for Personal Strengths entering the Teaching Profession				
	First Person Pronoun (“I” or “My”)	Second Person Pronoun (“you”)	Without person or Inferred Third Person	Interpersonal: compassionate, enthusiastic, passionate, patience, etc.	Technical: curriculum, planning, teaching (technical)
Totals	18	-	19	26	11
Interpersonal	12	-	14		
Technical	4	-	7		

Table 5

Frequency of Grammatical Person and Themes of Personal Challenges (Question #7).

Participant responses N = 37	Key Constructs of Grammatical Person and Key Themes of Personal Challenges entering the Teaching Profession				
	First Person Pronoun (“I” or “My”)	Second Person Pronoun (“you”)	Without person or Inferred First Person	Interpersonal: patience, politics, etc.	Technical: discipline, curriculum planning, etc.
Totals	6	-	31	14	23
Interpersonal	1	-	13		
Technical	5	-	18		

Table 6

Frequency of “Greatest Challenge” Themes with Grammatical Person Usage

Participant responses N = 37	Key Constructs of Grammatical Person and Key Themes of Personal Challenges entering the Teaching Profession				
	Grammatical Person Usage (coded from Question #7)			Thematic Strength Inference (coded from Question #6)	
	First Person Pronoun (“I” or “My”)	Second Person Pronoun (“you”)	Without person or Inferred First Person	Interpersonal: patience, politics, etc.	Technical: discipline, curriculum planning, etc.
Totals for Grammatical Person Usage and thematic Strength Inference categories	6	-	31	26	11
Interpersonal	1	-	13		
Technical	5	-	18		
Greatest Challenge Inference (GCI) coded from Question #7					
Micro-level (MicroGCI)	5	-	26		
Macro-level (MacroGCI)	1	-	5		
Totals for Greatest Challenge Thematic Categories	6	-	31		

Table 7

Frequency between Grammatical Person and Key Activities (Question #8)

	Correlations				
	Grammatical Person Usage (coded from Question #8)			Thematic Strength Inference (coded from Question #6), N = 37	
	First Person Pronoun ("I" or "My")	Second Person Pronoun ("you")	Without person or Inferred First Person	Interpersonal: patience, politics, etc.	Technical: discipline, curriculum planning, etc.
Totals for Grammatical Person Usage and thematic Strength Inference categories	4	6	25	26	11
	Greatest Challenge Inference (GCI) (coded from Question #7), N = 37			Thematic Challenge Inference (coded from Question #7), N = 37	
Micro-level (MicroGCI)	5	-	26		
Macro-level (MacroGCI)	1	-	5	Interpersonal: patience, politics, etc.	Technical: discipline, curriculum planning, etc.
Totals for Greatest Challenge Thematic Categories	6	-	31	14	23

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SWOSU Serves: An Integration of Service-Learning

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Abstract

This article presents the findings of a study integrating service-learning into a freshman orientation course at a regional university. The purpose of the service-learning experience was to introduce university students to the concept of service learning while also promoting a sense of belonging among the participants. Participants engaged in critical reflection as a means of analyzing and processing their experience. Prior to the one-time service-learning event, participants completed a written pre-reflection exercise. Upon completion of their day of service, participants completed a written post-reflection exercise. Results indicated that participants felt confident prior to their service-learning experience, citing their positive attitudes and strong work ethic as preparation for the experience. Upon completion of the service-learning project, participants stated that they learned to be more collaborative in the process and that they also learned of their satisfaction in helping others. When asked how the experience might change their future behavior, participants indicated that they were inspired to engage in future opportunities of service and noted increased feelings of gratitude. Questions raised for future research include replicating the study with future freshmen cohorts and tracking future service-learning engagement in other university courses.

Introduction

Service-learning is a form of community engagement that may be used as a pedagogical strategy, engaging students in a participative learning experience in order to address a community need. The philosophy of service-learning is embraced by many institutions, including institutions of higher education. Campus Compact, a national coalition of colleges and universities, provides guidance to campuses to effectively integrate service-learning into the curriculum (Jacoby, 2015). A popular definition of service-learning is attributed to Jacoby (2015) who defines it, “as a form of experiential education in which students engage in activities that address human and community needs, together with structured opportunities for reflection designed to achieve desired learning outcomes” (p. 2).

Theoretical Framework

Dewey’s (1933) learning theory, incorporating critical reflection, provides the theoretical framework for this study, defined as “the active, persistent, and careful consideration of any belief or supposed form of knowledge in the light of the grounds that support it and the further conclusions to which it tends” (p. 9). Critical reflection allows students to consider their experiences in the context of self-inspection, consideration, analysis, and evaluation. Jacoby (2015) emphasizes, “Experience without critical reflection can all too easily allow students to reinforce their stereotypes about people who are different from themselves, develop simplistic solutions to complex problems, and generalize inaccurately based on limited data” (p. 26).

Literature Review

The foundation of American educational philosophy is often attributed to John Dewey as the belief that education is “a process of continuous reconstruction of experience with the purpose of widening and deepening its social content” (as cited in Winn, 2015, p. 37). Dewey further elaborates on this social content and the development of societal similarities as “all the ways in which by associating together men

share their experiences, and build up common interests and aims...[it] is either an abstract or a collective noun” (as cited in Winn, 2015, p. 130). Universities have long sought to provide supportive environments that encourage students to build upon the collective noun by establishing common interests with their peers in order to foster student retention and success. Tinto’s (1987, 1993) research on social integration suggests that universities foster informal connections among students so that they might develop a sense of belonging with campus peers. Tinto stated, “Incongruence with one’s student peers proves to be a particularly important element in voluntary departure” (as cited in Simonet, 2008, p. 7).

It is important to understand how research corroborates the positive correlation between service-learning opportunities and university student retention. Service-learning, embedded within course curriculum, enables students to use their classroom experiences to build relationships with individuals both on and off campus. “The development of interpersonal relationships – in and out of the classroom – is important because it is against this backdrop of a supportive network of peers that other academic support mechanisms can begin to operate” (Simonet, 2008, p. 7). First-year seminar or gateway courses are often used “to introduce students to the concept of service-learning, the community in which the university is located, and how students can build skills in writing, critical thinking, and a content area through experiential learning” (Jacoby, 2015, p. 91). This philosophy provided the impetus for this research study; SWOSU Serves was implemented as a single day of service, imbedded in the Freshmen Orientation course.

Method

This research study consisted of qualitative inquiry and was implemented using a case study approach. The participants consisted of a random sample of 48 undergraduate students enrolled in a one-credit hour freshmen orientation course during the fall 2018 semester. This purposeful sample was appropriate, as it was selected for information-rich purposes (Patton, 2002). Embedded within the course curriculum was a one-time service learning event, common among colleges and universities. As Jacoby (2015) states, “...service days can provide opportunities for new students to meet one another and to begin the process of building a community, familiarize themselves with the community in which the campus is located...and become interested in further service-learning” (p. 130).

Data Collection

The strategic framework of critical reflection provides the foundation for this study. Therefore, Jacoby’s (2015) steps for designing and implementing critical reflection opportunities were utilized: “1) state learning outcomes; 2) introduce the concept and practice of critical reflection; 3) design a reflection strategy to achieve the learning outcomes; 4) engage the students; 5) assess learning through critical reflection” (p. 31-40).

The course syllabus incorporated language from the American Association of Colleges and Universities (AACU) to state student learner outcomes. Two course outcomes stated: 1) *Students will engage in service-learning activity and reflection in order to develop a better understanding of the SWOSU/Weatherford community* and 2) *Students will describe what they have learned about themselves as it relates to a growing sense of civic identity* (AACU, 2009). In order to introduce the concept and practice of critical reflection, students were provided with rubrics to guide their reflective writing. “Providing rubrics that concretely describe critical reflection...are helpful to students” (Jacoby, 2015, p. 32). The design of the reflective strategy included a written pre-flection, followed by engagement in the service-learning project, and a written post-flection; this methodology follows Jacoby’s counsel that “an effective strategy should combine several reflection modes and should be continuous, connected, challenging, and contextualized” (p. 32).

Results

Written Pre-flection

Prior to the service-learning event, students completed a pre-flection. The pre-flection was in the form of a discussion board post on the Canvas Learning Management System. The pre-flection prompt consisted of the following questions: 1) *What do you bring (skills, attitudes, values) to a service-learning activity?* 2) *Have you ever participated in a service-learning activity? If yes, how did the experience make you feel?*

Table 1 indicates that students were quick to identify a positive attitude as a personal attribute that would contribute to the service-learning activity; thirty participants echoed this statement. “The best thing that I can bring is a positive attitude. The attitude that you show up with determines the outcome of your entire experience” (Student JL). Student DP also responded, “I am going to work hard and have a good attitude about it, because that is how I was raised and just how I work.”

Twelve students discussed the second most identified personal attribute, a strong work ethic. “One good skill of mine is I have a good work ethic. No matter what I’m doing, I try to do it the best I can” (Student MG). Another student stated, “I bring a good work ethic and a can-do attitude to this weekend’s service-learning project” (Student RH).

Fifty-six percent of the student participants had participated in a service-learning opportunity previously. When asked how that experience made them feel, the top three responses included increased positive attitudes, satisfaction in helping others, and further development of their personal work ethic (see Table 2). “I love the feeling of knowing I helped someone” (Student KG), “I love doing service projects because it makes me feel like I’m helping the community as best I can” (Student KQ) and “I felt good about helping others” (Student CB) are examples of student responses. Regarding the development of their personal work ethic, participants stated, “I think I learned to have a good work ethic and how that helps to be active in the community” (Student MP) and “The experience left me feeling somewhat accomplished, that if I work hard, I can learn a little bit about general handiness and how to work quickly” (Student CT).

Written Post-reflection

Following the service-learning event, participants completed a written post-reflection post on the Canvas Learning Management System. After describing their service-learning experience, the post-reflection prompt asked participants the following questions: *1) How have you changed as a result of this service-learning experience? 2) How will these changes affect your future behaviors?*

The top responses of how participants felt they had changed as a result of the service-learning experience included feelings of being more collaborative and discovering enjoyment in helping others (see Table 3). One participant stated, “I’ve never been much for crowds, but we all managed to work together really well and enjoyed our time while doing it” (Student KB). Others stated, “The thing I liked most about this project was working with my classmates and some friends” (Student KC) and “[This] will allow me to work better in the groups in the future” (Student HU). Regarding helping others, Student KG reflected, “The best thing about this experience would easily be seeing the smiles on the kids’ faces throughout the day.” Student KH wrote, “I really enjoyed being able to lend a helping hand and getting to meet all of the amazing people.”

Table 4 outlines participants’ responses to how these changes in self might affect their future behaviors. The majority of participants said they felt inspired to increase their amount of community service in the future. Student CM stated, “It gives me reasons to not deny [myself] other opportunities because I ‘haven’t done it before.’” Other students affirmed the thought, adding, “These changes will make me a nicer person and someone who will help out the community” (Student BS) and “I will probably be more open to finding avenues for service within university organizations because of my time with SWOSU Serves” (Student KB).

Discussion

The participants in this study engaged in a structured service-learning opportunity during a university freshmen orientation course. As part of the structure, participants were asked to complete a written pre-reflection exercise in which they addressed the following questions: *1) What do you bring (skills, attitudes, values) to a service-learning activity? 2) Have you ever participated in a service-learning activity? If yes, how did the experience make you feel?* After completing the one-time service learning day, entitled SWOSU Serves after the regional institution at which they were enrolled, students also completed a written post-reflection exercise, addressing these questions: *1) How have you changed as a result of this service-learning experience? 2) How will these changes affect your future behaviors?*

Participants’ responses indicated a level of comfort that their good attitude and work ethic would enable them to successfully complete their service-learning experience. These feelings of well-being may

be attributed to the percentage of students who had participated in previous service-learning (56%) and the determination that students' personal outcomes are enhanced by service-learning experiences (Jacoby, 2015). Of the participants who had previously participated in a service-learning activity, feelings of developing a more positive attitude and finding satisfaction in helping others dominated the responses. These feelings correlate to Jacoby's (2015) findings that students "gain a deeper understanding of the complexity of social issues and are more connected to their communities" (p. 12) and Simonet's (2008) findings that "service-learning can build students' resiliency by improving their interactions with others, strengthening their character" (p. 6).

Upon completion of the day of service, participants identified two primary ways that they had experienced change within themselves. The attribute most commonly mentioned was becoming more collaborative in nature. Student JH stated, "The thing I loved the most was the companionship. I met a lot of nice girls and we were very social throughout the whole volunteering process." Student MM summarized it well, "It made me realize how much a small group of people working together can impact a whole community." From a university's perspective, these statements are a positive indication of how service-learning assists students with developing a sense of belonging, as evidenced by Simone's (2008) observation that "students must feel vitally connected to their cohort group in order to feel socially integrated...students are more likely to withdraw when they are not yet vitally connected to a group" (p. 7). The second most recognized area of growth was in participants' finding enjoyment in helping others. Participants commented, "I think that in the future I would like to volunteer and help others more because it was very enlightening and it made me happy to help others out" (Student JM) and "my future behavior will be to help others for the greater good" (Student CB).

When viewed through Dewey's (1933) lens of educational reflection, a concept that frees students from the inhibiting influence of tradition, perhaps the most important question was the one on which students last reflected: *How will these changes affect your future behaviors?* Students responded that they would be inspired to do more community service; this outcome is not surprising given their previous statements of finding joy in helping others. However, participants also stated that in the future they would express more gratitude as a result of their service-learning experience. Individual responses were revealing, "I'll be more mindful" (Student DB); "We are provided with so much [on this campus]. I think from here on out I'll be more grateful for it all" (Student LW); and "Overall it was a humbling experience and I am glad that I went" (Student KM). This emotional engagement, "relates to greater meaning by establishing stronger attachments and bonds" (Simonet, 2009, p. 3); it indicates a positive measure of the stated student learner outcome, since students described what they learned about themselves as it relates to a growing sense of civic identity.

Future Research

Future plans for this research will be to replicate this study of service-learning with the fall 2019 freshmen cohort. Additionally, retention rates of the study cohort will be monitored in order to determine if service-learning outcomes, when engaged in early in a university experience, positively correlate to increase retention. The university will also begin to collect enrollment data on future service-learning course offerings.

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Appendix

Table 1. Preflection: What do you bring to the S-L activity?

Skills, Attitudes, Values (Top Reponses)
Attitude
Work ethic
Helpfulness
Communication skills

Table 2. Pre-flection: How did your previous S-L activity make you feel?

Feelings (Top Reponses)
Positive attitude developed
Satisfaction in helping others
Developed stronger work ethic
Understanding of teamwork

Table 3. Post-flection: How have you changed as a result of this S-L experience?

Responses (Top Reponses)
More collaborative
Enjoyment in helping others
Increased respect for others
More appreciation for peers

Table 4. Post-flection: How will these changes affect your future behaviors?

Responses (Top Reponses)
Inspired to do more community service
Express more gratitude
Improved attitude
Willingness to try new things

College Students Who Experience Depression and Loneliness: The Influences of Sexual and Gender Minority Status

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Abstract

Loneliness and depression are common problems among college students, as well as among gender and sexual minorities. The purpose of this quantitative study was to examine rates of loneliness and depression in LGBT+ students versus in cisgender heterosexual students at Southern Arkansas University (SAU). The independent variables were the orientation and gender identity of the participant, and the dependent variables were the rates of loneliness and depression. Using the 123 participants' scores on the UCLA Loneliness Scale and the Beck Depression Inventory, loneliness and depression were found to have a strong positive correlation ($r=0.72$), indicating their frequent comorbidity. It was also found that those who held sexual minority status, especially non-monosexual status, were significantly more likely to experience elevated levels of both loneliness ($p=0.001$) and depression ($p=0.000$). The roles of family acceptance and year in school were also examined, but the study found no significant correlations between either of those variables with loneliness or depression.

Depression and loneliness are similar, but not identical, emotional ailments. Depression is a mental illness which is characterized in the Diagnostic and Statistical Manual Fifth Edition (DSM-V) by a low mood in addition to a variety of physical symptoms (American Psychiatric Association, 2013). Loneliness, a sense of lacking sufficient social relationships or support, is not a mental illness; however, a large portion of the literature on loneliness indicates that it contributes to both physical and mental illness (e.g. Hawkey & Cacioppo, 2010b). Loneliness has repeatedly been found to be associated with depression in adult populations, (Richard et al., 2017; Victor & Yang, 2012), and is correlated with suicidal ideation in youth, which is one of the nine DSM-V criteria for depression, (Lui & Mustanski, 2012; Victor & Yang, 2012). While both depression and loneliness are relatively common in the general population, there are certain groups with a higher likelihood of experiencing either state, including the elderly (Smith, 2012) the chronically ill (Hawkey & Cacioppo, 2010b), and college students (as cited in McWhirter, 1990). While studies have relatively consistently shown that sexual and gender minorities are more likely to suffer from mood disorders including depression (American Psychological Association, 2017; Botswick, Boyd, Hughes, & McCabe, 2010; Hatzenbuehler, Keyes, & Hasin, 2009; Meyer, 2007), there is little research on rates of loneliness in this population.

Gender and sexual minorities include individuals who identify as not-heterosexual or not-cisgender, or as neither heterosexual nor cisgender. Gender minorities include those who identify as Transgender, Nonbinary, Intersex, or another gender; sexual minorities include those who identify as Lesbian, Gay, Bisexual, Queer, Asexual, Pansexual, or another non-heterosexual orientation. Throughout this paper, both groups will be combined and abbreviated as LGBT+. Much of the research available on this population occurred during eras of social changes regarding LGBT+ rights (Meyer, 2007), and a significant portion focuses primarily on mood disorders such as depression.

In its first edition, the DSM included Homosexuality as a mental illness (as cited in Drescher, 2015). Subsequent versions of the DSM included diagnoses which applied to homosexuality without explicitly including it as a diagnosis, such as Sexual Orientation Disturbance and, later, Ego Dystonic Homosexuality (as cited in Drescher, 2015). During the period when non-heterosexual acts and attractions were considered pathological, much research on “comorbid” mental disorders was conducted. According to Meyer (2007), this research primarily served to either support or deny the claim that Homosexuality in itself was a mental disorder; thus, bias toward positive results was mitigated by researchers’ opposing definitions of positive results.

In his meta-analysis of LGBT+-related literature, Meyer (2007) found that depression was frequently found to be more likely among LGBT+ individuals. Based on this analysis, Meyer (2007) applied the minority stress model to LGBT+ populations, asserting that constant awareness of one’s status as a sexual minority leads to heightened stress in LGBT+ populations, and that that stress has a variety of detrimental effects. The minority stress theory is supported by more recent literature which has found that Bisexuals, who are regarded as outsiders by both LGBT+ and heterosexual populations and thus experience discrimination from a larger group than other LGBT+ groups, tend to have the highest rates of distress among LGBT+ samples (Botswick, et. al, 2010).

Loneliness is consistently found to be a risk factor for a variety of health concerns, including depression. In recent years, loneliness has been studied primarily in elderly adults, who tend to have high rates of loneliness. This is especially true in elderly men whose spouses have died (Rico-Uribe et al., 2018) and in the chronically ill (Hawkey & Cacioppo, 2010a). Much research indicates that loneliness tends to follow a lifetime U-shaped curve, with higher rates of loneliness in young adulthood and late adulthood than in middle adulthood (Hawkey & Cacioppo, 2010a; Richard, et al., 2017; Victor & Yang, 2012). College students, then, are at a relatively high risk of experiencing loneliness.

Sex differences in rates of loneliness are cross-culturally inconsistent, with some results indicating women to be more likely to be lonely (Lasgaard, Friis, & Shevlin, 2016) and some indicating that males have a higher likelihood of loneliness (Upmanyu, Bhagat, Dwivedi, & Upmanyu, 2013). Interestingly, there may be sex differences in the effects of loneliness, with being a lonely male as a risk factor for higher likelihood of negative health outcomes (Rico-Uribe, et al., 2018). Little research has focused on loneliness in LGBT+ populations, although many studies of suicidal ideation among LGBT+ youth find that social isolation, a contributor to loneliness, is a common risk factor for suicidal ideation (Lui & Mustanski, 2012). In a study examining loneliness in Thai Transgender youth, loneliness was found to be related to higher levels of education (Yadegarfar, Ho, & Bahramabadian, 2013).

Depression and loneliness are both widespread, serious mental health concerns. While the two have been studied together many times over, there is a dearth of literature on their correlation in LGBT+ populations, and much of the research occurred decades ago. There is value in understanding the relationship between loneliness and depression in a more modern context, especially given the rising rates of depression and dramatic shifts in technology in the years since many of the mentioned projects were completed.

Present Study

The purpose of this study was to examine rates of loneliness and depression in LGBT+ students versus in cisgender heterosexual students. The independent variables were the orientation and gender identity of the participant, and the dependent variables were the rates of loneliness and depression. The study functioned to examine whether LGBT+ students are more likely to experience loneliness and depression than sexual and gender majority students. This research also examined the role of family acceptance in predicting each dependent variable. Correlations between year in school with rates of loneliness and depression were investigated. And finally, the research sought to evaluate the strength of loneliness as a predictor for depression. The study utilized the UCLA Loneliness Scale and the Beck Depression Inventory in conjunction with self-reported demographic data to make this evaluation.

Hypotheses

This study explored five hypotheses:

1. LGBT+ students will be lonelier and more depressed than heterosexual, cisgender students.

2. Students who are lonelier will be more depressed than students who are less lonely.
3. Loneliness will be more common in LGBT+ students who do not feel accepted by their families than those who do.
4. Bisexual and pansexual students will be lonelier and more depressed than students of other sexual orientations.
5. First year students will be lonelier and more depressed than students who have been in school longer.

Method

Participants

Participants for this study were drawn from a combined convenience sample and purposive sample. The majority of participants were chosen because they were enrolled in courses with professors who allowed the researcher to survey. Other participants were chosen for their participation in the SAU Gay-Straight Alliance (GSA), which allowed the researcher to ensure that at least a 10% of participants were LGBT+ participants.

The participants were primarily heterosexual. Seventy-eight percent, or 96 of the total participants were Heterosexual, followed by 6.5% Pansexual ($n=8$), 5.7% Bisexual ($n=7$), 3.3% Asexual ($n=4$), 3.3% Gay ($n=4$), 1.6% Questioning ($n=2$), 0.8% Lesbian ($n=1$), and 0.8% Queer ($n=1$). Of the 22% ($n=27$) of LGBT+ participants, 80% ($n=20$) were out to their families, and only 15% ($n=5$) of those who were out felt unsafe and/or unaccepted by their families.

By gender, the sample was 61.8% Cisgender Women ($n=76$), followed by 32.5% Cisgender Men ($n=40$). Only one participant, 0.8% of the sample, was a Transgender Woman; there was also one Intersex participant. Three, or 2.4%, of the participants were Nonbinary. No participants self-identified as a Transgender Man.

Fifty eight participants (47.9%) of participants were first-year students in college, 29.3% were in their second year ($n=36$), 12.4% their third year ($n=15$), and 8.3% were in their fourth year ($n=10$). Two participants, (1.7%) were in their fifth year of school or later.

Due to the relatively small sample of LGBT+ participants and the heavy bias toward first year cisgender women, results must be interpreted with caution. There may be differences than were detected by this sample given that it is a sample of convenience.

Instruments

This study utilized the UCLA Loneliness Scale and the Beck Depression Inventory in conjunction with researcher-designed demographic questions. The UCLA Loneliness Scale-3 is a widely used instrument which has a reliability coefficient of 0.92 in populations of college students (Russell, 1996). The Beck Depression Inventory Version Two (BDI-II) has a reliability coefficient of 0.93 for college students (Beck, Steer, & Brown, 1996).

Both the UCLA Loneliness Scale (UCLA-LS) and the BDI-II are scored on a Likert-type scale. The UCLA-LS asks participants to rate twenty statements by how often they experience particular feelings; participants may select “Always,” “Rarely,” “Sometimes,” or “Never.” These are then scored to determine the participant’s overall loneliness score. The UCLA-LS scores can be between 20, the least lonely, and 80, the most lonely.

The BDI-II offers participants four choices, from 0 to 3, each of which corresponds to DSM-V symptoms of depression (Beck, et al., 1996). These are added up to a score between 0 and 63. Like the UCLA-LS, lower scores indicate less depression, while higher scores indicate more depression. Depression is considered severe when scores exceed 29. The BDI-II is a Level B assessment tool which requires licensure to administer; this study did not use the survey for diagnostic purposes and the researcher was trained and supervised in its administration by a Licensed Psychological Examiner.

The demographic questions were formatted in the same way that the UCLA-LS was formatted to maintain consistency. Only information which was directly related to a specific hypothesis was collected in order to ensure that the survey, which did ask participants for sensitive information, was as noninvasive as possible. This included asking participants for their Year In School, Sexual Orientation, and Gender. There were also two questions to be answered only if a participant was not heterosexual: “...are you ‘out’

to members of your immediate family?” and “...do you feel safe...and/or accepted by your family?” Instructions for the demographic section defined “cisgender,” which is not part of the vernacular for most students; this definition was based on available literature.

Procedure

Participants received the informed consent form, and two stapled survey pages: one UCLA-LS with demographic questions, and one BDI-II. As a group, the participants were informed of the purpose of the study, as well. Confidentiality was ensured at each step of the data collection process.

The researcher used SPSS for data analysis. Each UCLA-LS and BDI-II was scored according to published guidelines. ANOVA analyses were run in SPSS to compare BDI-II scores and UCLA-LS scores across Year In School, Sexual Orientation, and Gender. Additional analyses were run comparing the mean scores of particular questions on the UCLA-LS across those groups. Finally, a Paired-Sample T-Test was conducted to compare BDI-II and UCLA-LS scores between individuals who answered yes to feeling safe and accepted by their families and those who answered no. The Pearson correlation was also run to assess the relationship between loneliness and depression.

Results

The purpose of this study was to explore the correlation between sexual orientation and gender with levels of loneliness and depression. In order to examine depression and loneliness, the study employed the BDI-II and the UCLA-LS along with demographic questions. The study was based on five hypotheses: that LGBT+ students would be lonelier and more depressed than heterosexual, cisgender students; that depression will be positively correlated with loneliness; that loneliness would be negatively correlated with family acceptance; that bisexual and pansexual identity would predict higher depression and loneliness; and that first year students would be lonelier and more depressed than other students. Several of the hypotheses were supported, but year in school was not found to have significant predictive value for loneliness or depression.

Hypothesis One

ANOVA analyses by sexual orientation and gender found that LGBT+ status predicted a higher mean for both loneliness and depression. The mean UCLA-LS score for all participants ($n=123$) was 44.20, indicating mid-range loneliness; for participants who identified as non-heterosexual ($n=27$), loneliness rose to a mean of 53.12. There is a significant ($p=0.001$) difference in levels of loneliness between all groups, indicating that sexual orientation likely has an effect on one's level of loneliness.

Hypothesis Two

Loneliness and depression did have a strong positive correlation ($r=0.72$). This indicates that loneliness and depression were commonly comorbid; higher levels of loneliness often indicative of higher levels of depression, and vice versa. While some individuals reported loneliness but not depression, there were no participants who reported mild to severe depressive symptoms without reporting loneliness.

Hypothesis Three

This study examined the role of family acceptance in experiences of loneliness. There was a slight difference in loneliness scores between participants who rated themselves as accepted versus participants who did not; however, the difference was not significant. Additionally, both groups had relatively high scores: The mean UCLA-LS score for those who felt accepted was 53.27, while the mean for those who did not feel accepted was 57.40. Given the small sample of those who were out to their families ($n=20$), these results are difficult to generalize, and may not be sufficient to either support or reject the hypothesis.

Hypothesis Four

Bisexual and pansexual participants were hypothesized to be more lonely and more depressed than both their heterosexual and LGBT+ counterparts. This hypothesis was supported by both groups' higher means in both categories. Bisexual and pansexual individuals scored a mean 28.66 on the BDI-II, while heterosexual individuals scored a mean 9.87 and other LGBT+ groups scored a mean 19.70 on the BDI-II. UCLA-LS scores produced similar results: Bisexual and pansexual participants scored a combined average 54.13, while heterosexual participants scored a mean 41.76, and other LGBT+ participants scored 51.6. Possibly depression has a stronger relationship with sexual orientation than loneliness, but both were higher in bisexual and pansexual groups.

Hypothesis Five

No significant correlation ($p=0.715$) was found between year in school and loneliness or depression. While third and fourth year students were somewhat more lonely and depressed, this difference could easily have been a result of sampling bias.

Discussion

The purpose of this study was to explore the differences in experiences of depression and loneliness between different sexual orientation and gender groups. The study also considered social factors that may contribute to those experiences, including year in school and family acceptance. While year in school and family acceptance were not found to be strongly correlated with the types of emotional distress examined in this study, it was found that non-heterosexual individuals were more likely than their heterosexual counterparts to experience both loneliness and depression.

The results of this study were consistent with previous research which tended to find that LGBT+ samples were more likely to suffer from mood disorders. Additionally, because bisexual and pansexual often experience discrimination on some level from both heterosexual and strictly homosexual peers, the increased levels of both depression and loneliness in bisexual and pansexual participants of this study supports Meyer's (2007) hypothesis that minority stress contributes to LGBT+ individuals' experiences of distress. This may also have contributed to the one queer-identified participant's high scores in both categories, but given the small sample and the queer label has historically had relatively ambiguous definition, that conclusion must be drawn with caution.

This study employed a primarily convenience sample. While some participants were chosen for their known LGBT+ status, most were simply available to the researcher to survey. As such, results may be skewed by the overabundance of cisgender participants, the large majority of whom were women, as well as by the large portion of first year students as compared with any other years. These imbalances in participant demographics may have contributed to bias in the results; with only two participants in their fifth year or later, for example, the mean BDI-II and UCLA-LS scores are unlikely to be truly representative of all individuals in that group, even when only SAU students are considered. In subsequent iterations of this study, a representative sample should be sought after.

Confounding variables were not heavily considered in this study. These may include race, ethnicity, socioeconomic status, religion, and many other considerations. All of these variables may have significant effects on loneliness and depression, and further research should work to include them in their considerations. Additionally, more information should be collected regarding family acceptance; while this variable was included in this research, its inclusion as a yes or no question provided little insight into the definition of acceptance or its role in mental health for LGBT+ individuals.

The results of this study provide important insight into LGBT+ college students' experiences. The increased likelihood of LGBT+ students being lonely and depressed highlights a need for counselors who are not only open and accepting, but vocally so; a lonely student who is unsure if they will be accepted may not seek treatment that they need for fear of discrimination.

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Madison v. Alabama: Does the 8Th Amendment Prohibit the Execution of a Person Who Does Not Remember His Crime?

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Sir William Blackstone, in 1765, in *The Commentaries on the Law of England*, wrote:

Idiots and lunatics are not chargeable for their own acts, if committed when under these incapacities: no, not even for treason itself. Also, if a man in his sound memory commits a capital offence, and before arraignment for it, he becomes mad, he ought not to be arraigned for it: because he is not able to plead to it with that advice and caution that he ought. And if, after he has pleaded, the prisoner becomes mad, he shall not be tried: for how can he make his defense? If, after he be tried and found guilty, he loses his senses before judgment, judgment shall not be pronounced; and if, after judgment, he becomes of nonsane memory, execution shall be stayed: for peradventure, says the humanity of the English law, had the prisoner been of sound memory, he might have alleged something in stay of judgment or execution. (Blackstone, 1765)

Under the common law of England and America, insane persons were not given the death penalty. But what is an insane person? The Supreme Court, in *Madison v. Alabama*, attempted to provide some clarity to this question (*Madison v. Alabama*, 2019).

Facts

In April 1985, in Mobile, Alabama, Police Officer Julius Schultz was mediating a domestic dispute between Vernon Madison and Cheryl Green, his former girlfriend. Schultz remained at the house in his squad car to protect Green and her daughter while Madison moved out of the house. While Schultz sat in the car, Madison shot him twice in the back of the head killing him, and also shot and injured his former girlfriend. Madison was tried three times in 1985, 1990, and 1994. The conviction from his first trial was overturned because prosecutors excluded black people from the jury. His conviction in his second trial was overturned because evidence, not properly introduced, was brought to the jury through an expert witness's improper testimony (*Madison v. Alabama*, 2019). In his third trial, the jury convicted Madison and recommended life in prison. Madison's third trial judge, Judge Ferrill McRae of Mobile County Circuit Court, decided to impose the death penalty instead of life in prison. The conviction and sentence were affirmed by the Alabama Court of Criminal Appeals and the Alabama Supreme Court (Liptak, 2018).

Madison has been an inmate in the Holman Correctional Facility since 1985. He had severe strokes in 2015 and 2016 that resulted in brain damage, vascular dementia, cognitive impairment, long-term memory loss, physical decline, and an inability to remember his crime of shooting Schultz (Liptak, 2019). Madison told psychologists, in 2016, "I never went around killing folks" (Baptiste, 2018). He was supposed to be executed May 2016. The state court, after a competency hearing, may have allowed Madison's execution because the state court believed the Supreme Court only barred execution if the prisoner was incompetent from insanity or gross delusions. Madison was arguing that he was incompetent because of suffering from dementia. Alabama concluded that Madison had a rational understanding of the reasons for his execution, even if he had no recollection of his crime (Liptak, 2018). The federal District Court rejected his petition.

The 11th Circuit Court of Appeals granted a stay on the day of the execution and later concluded Madison should not be executed because he lacked a "rational understanding" that *he* is being executed as

punishment for a crime (*Madison v. Alabama*, 2017). The Supreme Court upheld the stay. But on November 2017 in *Dunn v. Madison*, the Supreme Court, on federal habeas corpus review, overturned the decision by the 11th Circuit and allowed the execution to proceed (*Dunn v. Madison*, 2017). The Supreme Court concluded that neither *Ford* nor *Panetti* clearly established that a person is incompetent to be executed simply because he failed to remember his crime. The state court's determinations of law and fact were not "so lacking in justification" as to give rise to error "beyond any possibility for fair-minded disagreement" (Swoyer, 2017). The 11th Circuit Court overstepped its authority under the Antiterrorism and Effective Death Penalty Act (AEDPA) of 1996. This Act set the standard that federal courts, in habeas corpus reviews, are to follow in order to overturn a lower court's decision. The 1996 Act tightened habeas corpus laws that had been used to appeal death sentences from state courts and required greater deference to state court findings in death penalty cases (AEDPA, 1996).

Madison's execution was rescheduled for January 2018. Madison again argued to the state court that his mental condition precluded Alabama from going forward with the death penalty. The state court responded that nothing extensive changed since the first competency hearing and the execution could continue. However, the Supreme Court granted a stay 30 minutes before the execution was supposed to take place. The Supreme Court decided to hear the case, under a writ of certiorari not habeas corpus, in February 2018, and oral arguments were held October 2, 2018 (*Madison v. Alabama*, 2019).

Precedent

The Supreme Court, in two key cases, has given lower courts some guidance on the applicability of the death penalty to criminals with mental problems. In 1986, in *Ford v. Weinwright*, the Supreme Court ruled that the Eighth Amendment's ban on cruel and unusual punishment bars the execution of inmates who have lost their sanity after sentencing. To arrive at this decision, the Supreme Court upheld the common law rule that the insane could not be executed. Justice Thurgood Marshall, writing for the majority, concluded early English and American common law had reasoned that executing insane prisoners would not serve any penological goals, and the state's procedures for determining competency were inadequate (*Ford v. Weinwright*, 1986). The determination of insanity could not be left to the governor, the executive branch. Defendants need a competency hearing in a court, and the judicial branch should make the decision. The prisoner was entitled to a competency evaluation and a judicial competency hearing that provided for full procedural rights including the right to counsel and the right to cross-examine witnesses (*Ford v. Weinwright*, 1986).

In 2007, in *Panetti v. Quarterman*, the Supreme Court set out the competency standard. It held that criminals sentenced to death may not be executed if they do not have a rational understanding of the reason for their execution. Justice Anthony Kennedy wrote the majority opinion. He wrote that the Texas courts failed to hold an adequate competency hearing as required by *Ford*. *Panetti* was considered competent because he knew the state's reason for requiring executions was as a punishment for the crime of murder. However, the Texas courts ignored the fact that delusions could prevent *Panetti* from understanding that he was the one who committed the murders. It was also not decided, as required by *Ford*, whether he has a "rational understanding" of the reason for his execution. The Supreme Court concluded that the lower courts should have considered the claim that the criminal suffered from "a documented mental illness that is the source of gross delusions preventing him from comprehending the meaning and purpose of" his death sentence (*Panetti v. Quarterman*, 2007).

Oral Arguments

Chief Justice John Roberts, quickly in the hearing, focused oral arguments on two questions: whether the Constitution bars the execution of an inmate simply because he does not remember the details of his crime; and whether dementia can cause someone to be so incompetent that the person cannot be executed. Bryan Stevenson, executive director of the anti-death penalty Equal Justice Initiative in Montgomery, Alabama, and Madison's lawyer, had to convince a majority of the justices that they could spare Madison without opening the floodgates to challenges from many other death row inmates who could claim that they also do not remember their crimes (Wolf, 2018). To avoid the floodgate's concern, Stevenson stated that an inability to remember the details of the crime does not, by itself, mean that an inmate cannot be executed. He suggested that an inmate would have to not only be suffering from dementia, but also have

brain damage (Totenberg, 2018). He stated that “the state has an interest in being able to impose punishment and execute these kinds of sentences” (Howe, 2018). Roberts then asked Thomas Govan, Alabama’s deputy attorney general, if the only issue the two sides were arguing about was whether vascular dementia could be the basis for determining that an inmate is too incompetent to be executed. Govan responded that only “if someone has vascular dementia or any other type of mental illness, if it precludes them from having a rational understanding of their punishment, and that they will die when they are executed,” then the person would meet the standard for incompetency (Howe, 2018). His position was that the state courts had already decided this issue in Alabama’s favor, meaning Alabama courts concluded that Madison had a rational understanding of the circumstances of his execution (Totenberg, 2018).

The Supreme Court’s attention then shifted to whether dementia could leave a person incompetent to be executed, or whether only insanity or gross delusions, as in *Ford* and *Panetti*, could result in incompetency, and whether state courts adequately concluded whether Madison’s dementia left him incompetent. Justice Ruth Bader Ginsburg questioned whether the state only focused on insanity or delusions as conditions for incompetence to be executed. Justice Elena Kagan asked Govan to point to excerpts in the state’s order that support the idea that the state courts considered whether Madison’s dementia resulted in incompetence. Govan responded that Madison knows he is in prison because he was found guilty of committing murder (Barnes, 2018). Stevenson told Ginsburg that an abstract understanding of whether a person can be executed for committing murder is not enough. Madison has been told that he is in prison for committing murder, but he does not remember committing the crime. He does not understand why *he* is being punished. Stevenson suggested, not knowing why Madison is being punished, does not result in a rational understanding of the reasons for Madison’s execution (Barnes, 2018). Justice Stephen Breyer suggested a standard for inmates who were not insane or suffering from delusions. If dementia makes a person unable to remember that they have committed a crime, then the person is incompetent. Govan responded that the state would “still have a strong interest in seeking retribution for a horrible crime” (Barnes, 2018). Thus, Roberts’ questioning got both sides to agree that any mental condition could support the refusal to execute the inmate provided the condition resulted in a lack of rational understanding.

Decision

Justice Kagan wrote the majority opinion. She was joined in the opinion by Justices Ginsburg, Breyer, Sonia Sotomayor, and Chief Justice Roberts. Kagan wrote that the Supreme Court has already decided that an inmate who suffers from a mental illness cannot be executed if the person does not understand why the state is trying to execute him. The exact diagnosis does not matter. Delusions, dementia other mental illnesses, or physical diseases can lead to a lack of rational understanding. The simple fact a person lacks memory does not automatically mean the person cannot be punished with the death penalty. A person, lacking memory of their crime, may still be able to form a rational understanding for the reasons for the death sentence. The focus of the court’s inquiry in this type of case is the inmate’s comprehension of the reason for his death sentence. The Eighth Amendment does not automatically prohibit the execution of someone who does not remember committing a crime. The inmate could understand why he is being executed even if he does not remember committing the crime. “Do you have an independent recollection of the Civil War?” asked Kagan in the majority opinion. “Obviously not. But you may still be able to reach a rational – indeed, a sophisticated – understanding of that conflict and its consequences.” Kagan continued, “Do you recall your first day of school? Probably not. But if your mother told you years later that you were sent home for hitting a classmate, you would have no trouble grasping the story.” The same reasoning applies to a person who blacks out before committing a crime. The person may come to understand why a prosecutor seeks punishment. As with mental illness, the Eighth Amendment would bar the execution of an inmate with dementia if the inmate did not understand the reason why the state wants to execute him (*Madison v. Alabama*, 2019).

The case was sent back to the state court because the majority on the Supreme Court was not convinced that the state court thought only mental illness or delusions could support Eighth Amendment death penalty claims. The majority wanted to be certain that Madison was not being executed because he

was not delusional or psychotic. Dementia can also affect a person's rational understanding. The majority was also not certain that the state court adequately decided if Madison had a "rational understanding" of the reason for his execution (*Madison v. Alabama*, 2019).

Justice Alito wrote the dissenting opinion. He was joined by Justices Clarence Thomas and Neil Gorsuch. Justice Brett Kavanaugh took no part in the decision because he was not a member of the Court during oral argument. Justice Alito complained that what "the Court has done in this case makes a mockery of our rules" (*Madison v. Alabama*, 2019). The dissenters concluded that Madison had pulled "a bait and switch" (Howe, 2019). Madison had asked the Court to decide whether the Eight Amendment bars the execution of an inmate who cannot remember committing the crime for which the inmate would be executed. Instead, once the case was accepted for review, the issue became whether the state court rejected Madison's claim of incompetence to be executed because the state court thought dementia, as opposed to other conditions, could not be a basis for the claim. If he knew this would be the issue, Alito suggested he would have dismissed Madison's petition to review the case. Alito believes "our whole certiorari system would be thrown into turmoil" if litigants can petition to have one issue decided, and then change to a different issue later (*Madison v. Alabama*, 2019). Justices prepare for oral argument based on the petitions and briefs. If they all address a different issue than what will be decided, justices waste their time preparing for the wrong issue.

Also, Alito is concerned that there are far too many reviews in death penalty cases. Too many problems arise as inmates, like Madison, remain on death row over thirty years. While the AEDPA applies to habeas corpus reviews, Alito would prefer that the Court probe less into state cases, especially factual questions. The dissenters are more restrained in their view of the role of federal courts. Alito would give more deference to state proceedings to lessen federal reviews whether the case comes to the Court on habeas corpus or writ of certiorari. In this case, the dissenters believe that the state court conducted an adequate competency review and said so in *Dunn* (*Madison v. Alabama*, 2019).

Analysis

First, the majority seemed to have offered some clarity as to how inmate competency to be executed is to be determined. Neither a diagnosis of a mental illness nor a faulty memory alone will automatically trigger protections of the Eighth Amendment. Whatever the person is suffering from must cause the person to not be able to have a "rational understanding" of why the state wants to execute him. This approach is the same method used to decide whether a defendant can claim an insanity defense. For questions of whether the defendant was insane when the crime was committed, the person is evaluated by a court appointed psychologist. If the person is found to be suffering from a mental disease or defect, except for psychopathic personality, then the defendant can move to a court determination as to whether that mental problem makes the person insane under the state's insanity defense (Scheb II, 2014). In states where the M'Naughten approach is used to judge insanity, the court would have to decide if the person can still reason. The court will decide if the defendant knew the nature and quality of his/her actions or that his/her actions were wrong. In the case of a loss of control test for insanity, the court would add the discussion of whether the person could control their behavior. The defendant may be able to reason and realize killing is wrong, but because of voices talking to the person, the defendant may lack the substantial capacity to control their behavior and ignore those voices (Scheb II, 2014). Having a test for whether a person can be executed similar to the insanity defense would make it easier for courts to conduct capacity hearings.

Second, it is not clear what will happen to Madison now that the case was sent back to the state court. Madison could still receive the death penalty. Dr. Karl Kirkland, a psychologist for the state, testified at Madison's competency hearing that Madison "suffered a significant decline post-stroke," but "certainly" understood that Alabama was seeking to execute him for the murder the state said he committed. He was able to describe details from his childhood as well as previous court appeals, including that, at his third trial, a judge had overridden the jury (Howe, 2018). Alabama could execute Madison because it does not matter whether Madison remembers his crime. He does rationally understand concepts of crime and punishment. He understood what he was found guilty for and how the state planned to punish him.

Madison could also not face the death penalty. Dr. John Goff, a psychologist testifying on Madison's behalf, concluded that, although Madison knew the state wanted to execute him, he did not recall killing the police officer or "the sequence of events from the offense to his arrest to the trial or any of those details." He only knows he was tried three times because people told him what happened (Howe, 2018). Since he has no memory of the murder, he cannot rationally understand the execution. He cannot understand why he has been singled out to die.

The state court found Kirkland's report more convincing and scheduled Madison for execution. What the state court must do now, if they wish to go forward with Madison's execution, is to develop a more detailed record that his dementia is making it impossible for him to remember the crime, if that is the case, but that dementia had not interfered to the degree that Madison does not have a "rational understanding" of the punishment that comes from committing that crime. The majority concluded that the state court offered "only one sentence of explanation" that did not take into account the ability for rational understanding. A more detailed and better competency hearing decision would satisfy the majority (Editorial Board, 2019).

Third, this case may provide some insight into Justice Roberts. Other writers have wondered if Roberts is trying to take Kennedy's place on the court as the new swing justice. Or maybe, Roberts is evolving into a more liberal justice. Mark Joseph Stern, an author for Slate, offered some insight in an article entitled *Roberts Confirms He's the New Swing Justice* (Stern, 2019). If Roberts did not join the liberals, the court would have split 4-4. This would have left in place a lower court order allowing Madison's execution. Roberts probably wanted to avoid a stalemate. In oral arguments, he seemed to push Stevenson to agree to decide the case using *Panetti*. He pushed Govan to agree that dementia, and not just insanity or delusions, could be a factor in determining not to execute an inmate under *Panetti* (Stern, 2019). But Roberts dissented in *Panetti* with the majority's interpretation of the Eight Amendment.

In 2015, Michael Clemente, a student at Yale Law School, published an influential article in the Yale Law Review, *A Reassessment of Common Law Protections for "Idiots,"* asserting that the Eight Amendment, as originally understood, provided protections against the execution of the mentally disabled (Stern, 2019). He used numerous historical documents, including Blackstone, to argue that the Eighth Amendment extends to a broader group of people than only the "profoundly or severely mentally retarded" that the Supreme Court had been focused on (Stern, 2019). Clemente became one of Robert's law clerks in 2018. Roberts may have listened to Clemente (Stern, 2019). The originalist approach to the Eight Amendment may actually be to define insanity much more broadly. Roberts may still be an originalist and interpreted the Eight Amendment the way the Framers would have interpreted the amendment back in the 1700's. A more detailed understanding of history may have caused his ideas to evolve since *Panetti*.

And fourth, Justice Alito has been frustrated with the sheer volume of death penalty cases. Creative arguments by attorneys representing inmates on death row has dramatically increased not only the volume of cases but also the length of time it takes for a person who got a death sentence to be executed. Madison has been on death row for over thirty years. He is not unique. As the inmate population ages, more health problems, as Madison experienced, will increase in death row inmates (Barnes, 2017). Alito would probably prefer more deference given to state determinations so appeals would not be endless. Following the AEDPA of 1996 would provide this deference to the state. He also does not appreciate paperwork from attorneys that state an issue on appeal only to see it changed in oral argument. Justices prepare before oral arguments. This preparation is wasted time if the issue is later changed. However, in this case, the change in focus may have come more from Roberts' questioning. It does not appear the attorneys colluded before oral argument to change the issue but, changes like this can undermine the Court's ability to give deference to state competency hearing findings (*Madison v. Alabama*, 2019). As there seems to be an endless number of requests for writs of certiorari, and only a finite amount of time on the Court's docket, there needs to be limits even to death penalty reviews. While these cases are very important, and a person's life is at stake, the nation has many problems that need the Supreme Court's review, especially in hyper-partisan times when compromise among people is in short supply.

Conclusion

Madison v. Alabama's outcome is consistent with Blackstone's historical understanding of punishments that are cruel and unusual punishments. According to Blackstone (1765), idiots and lunatics have been relieved from death penalty punishment. The inmate is incapable of presenting evidence that could spare their life. The inmate is not able to prepare for the next world or try to make amends to the Almighty. The descent into a state of idiocy and lunacy, and having to spend a life in prison, is punishment enough (Blackstone, 1765).

There are also good contemporary reasons for continuing to follow the philosophy of not executing those who are not able to reason. Madison killed a police officer who was simply doing the job society asked him to do. Both sides' attorneys realized this was a very horrible crime and retribution is often considered a rationale for punishment. Retribution is an eye for an eye and a tooth for a tooth. The problem is that executing a prisoner who can no longer understand why he is being punished does not satisfy society's desire for vengeance (Will, 2018). It often "offends humanity" (Editorial Board, 2019) because the punishment is being applied to someone who is incapable of understanding that they are blameworthy and thus worthy of punishment (Beebee, 2018).

The execution could still serve a deterrent effect. It does send the message to the rest of society that, if someone kills police officers, that person will not spend a lifetime in jail. Instead, they will be killed. Society cannot tolerate people who kill public servants. But to have a deterrent effect, people would have to identify with that criminal and understand they could be in the inmate's shoes if they strike out at officers (Will, 2018). If the criminal is now too insane to reason, the average person will not see themselves in that person's shoes. The inmate is simply too different. The one being executed cannot serve as an example to others (Morshedi, 2019). If there is no benefit to killing people who cannot understand that punishment or why it is given, the person probably should be left in jail for their life.

Blackstone was an English jurist and judge who realized that the law needed to be accessible to all. Until he wrote the *Commentaries on the Laws of England*, finding the law, especially as it evolved in court cases, was difficult. Even if potentially applicable laws were found, they were often confusing and contradictory. The *Commentaries* attempted to organize and present the common law in a rational and comprehensible form. The *Commentaries* embrace the philosophy that many laws and rights come from the natural law. Blackstone said the discovery of the law of nature depends on the exertion of right reason (All About Philosophy, n.d.).

It is hard to have classroom discussions of the death penalty. Too often, classes divide into pro-death penalty and anti-death penalty camps with little understanding of the reasons behind their choice. The nuances of the vast area between these two points gets lost. Yet it is this nuisance that helps students develop the critical thinking skills to actually analyze one's choice. *Madison v. Alabama* is an excellent case to develop a broader understanding of the death penalty.

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The Bladensburg Peace Cross: Does a Forty-Foot-Tall Cross, On Public Land, and Maintained by the State, Violate the Constitution's Establishment Clause?

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In Flanders Fields

In Flanders fields the poppies blow
Between the crosses, row on row,
That mark our place; and in the sky
The larks, still bravely singing, fly
Scarce heard amid the guns below.

We are the Dead. Short days ago
We lived, felt dawn, saw sunset glow,
Loved and were loved, and now we lie,
In Flanders fields.

Take up our quarrel with the foe:
To you from failing hands we throw
The torch; be yours to hold it high.
If ye break faith with us who die
We shall not sleep, though poppies grow
In Flanders fields.

John McCrae, May 1915

Poppies and Crosses

In Flanders Fields is a World War I poem written by Canadian army doctor John McCrae following the death of his close friend Lieutenant Alexis Helmer, whom died in a German attack on West Flanders. This poem conveys imagery of crosses and poppy fields marking the graves of fallen soldiers. Rows of crosses and poppy fields were so prevalent during and after WWI that their imagery is synonymous with the war itself (Prescott, 1985). Many WWI monuments outside of Europe also retained this imagery.

One such monument is the Bladensburg World War I Memorial, more commonly known as the Peace Cross, in Bladensburg, Maryland. Inscribed on the Peace Cross are 49 soldiers from the local county who died in WWI. Before WWI, it was common for soldiers to be buried in communal graves. Typically, only important commanders and notable war heroes would have their own monuments (The Great War, 2019). This changed with WWI because of the large numbers of soldiers, over 16 million, who died in the war, along with the pressure brought by so many families who lost relatives to have graves marked and recorded so bodies could be returned, or graves could be visited (Sabol, 2019).

The issue in the Peace Cross case concerns whether a forty-foot tall Latin cross, now on public land and maintained by the state, violates the Establishment Clause of the U.S. Constitution. There is known diversity among the soldiers represented by the monument. Namely, 4 of the 49 names are of African-Americans that served in a segregated unit (Marimow & Ruane, 2018). But, the religious affiliations of all 49 soldiers named on the monument are not known (Marimow & Ruane, 2018). Therefore, it cannot be

assumed that the soldiers listed on the monument had shared beliefs. However, no one, whose family wanted their soldier's name on the cross, was excluded. The cross does represent the dead soldiers from the town in WWI. This paper will analyze *American Legion v. American Humanist Association*, also commonly known as The Peace Cross case. The Supreme Court found, by a 7-2 majority, that the monument *does not* violate the Establishment Clause. In the remaining sections of this paper, the case facts and arguments leading to this decision will be examined (*American Legion v. American Humanist Association*, 2019).

Facts in the Peace Cross Case

Mothers of fallen soldiers, Gold Star mothers, started to collect money for the Peace Cross in 1919. A forty-foot Latin cross was chosen because it was a reminder of the grave markers, in the shape of a cross, that were used in WWI in the war areas to mark where the dead were buried. Donations ranged from 50 cents to \$100 (Marimow & Ruane, 2018). In September 1919, hundreds of people gathered in Bladensburg to break ground for the monument and a new 26-mile "National Defense Highway" to connect Washington DC and Annapolis, Maryland. By 1922, fundraising lagged and construction stopped. The American Legion took over the project, and the land was transferred to the post from the town of Bladensburg. To restart fundraising, small pins with a replica of the cross were distributed to donors. The dedication ceremony was held July 12, 1925, when the cross and retaining wall were completed for \$25,000 (Marimow & Ruane, 2018). A circuit court declared the state the owner in 1956. The monument was transferred to the park and planning commission in 1961 to allow the agency to address traffic concerns. The agency has since paid for maintenance and repairs. In 1985, the cross was dedicated to veterans of all wars (Marimow & Ruane, 2018).

In 2012, three area residents and an atheist advocacy group, the American Humanist Association, argued that the Peace Cross violated the Establishment Clause of the Constitution (Vogue & Stracqualursi, 2019). The cross is a religious symbol, and its upkeep is paid for with taxpayer dollars. They wanted the cross moved to private property, or the arms of the cross removed so the cross would change into a non-religious slab. Supporters of the cross included the American Legion and the State of Maryland. They wanted the cross to remain, undisturbed, where it is. Judge Deborah Chasanow, of the United States District Court for the District of Maryland, heard the case. She concluded that the cross did not violate the test set out in *Lemon v. Kurtzman* (1971) because the purpose of the Peace Cross was secular (*Lemon v. Kurtzman*, 1971). The cross was adopted to honor all of the fallen World War I soldiers from Bladensburg; it was not erected to endorse a particular religion (*American Legion v. American Humanist Association*, 2015). The American Humanist Association appealed the case to the United States Court of Appeals for the Fourth Circuit. The three-judge panel split 2-1. Two judges concluded that the parties challenging the cross could bring the case. The plaintiffs had standing to sue because they were psychologically offended by the presence of the cross every time they drove by it. A cross has been considered a religious icon for centuries, thus it is hard to argue that the Peace Cross is not a religious symbol. Arguments of the cross having a secular nature do not change the religious symbolism of the cross. To them, the maintenance of the cross, with taxpayer dollars, further violated the Establishment Clause of the Constitution (*American Legion v. American Humanist Association*, 2017). The dissenting judge focused on the secular purpose for raising the cross and the fact the land was privately owned when dedicated, until it was passed to the state to better provide for motorist safety. The dissenting judge also feared the ruling of the court would affect thousands of cross-shaped memorials on public lands, including crosses in Arlington National Cemetery (*American Legion v. American Humanist Association*, 2017). The Fourth Circuit ordered the cross to be altered so that it no longer resembled a cross, such as by cutting off the arms to create a monolith, or to move or raze the cross (*American Legion v. American Humanist Association*, 2017). The U.S. Supreme Court accepted the case and heard oral arguments in the case on February 27, 2019. Most court observers concluded the Court would find a way to uphold the cross. They also hoped the court would create a new way to analyze Establishment Clause cases.

Establishment Clause Theory and Tests

The First Amendment contains two clauses. The Establishment Clause prohibits the government from making any law "respecting an establishment of religion." This clause forbids the government from

establishing an official religion and it also prohibits the government from favoring one religion over another. This clause was adopted despite the historical traditions in both Europe and the colonies of having an official church sponsored through taxation (Stephens & Scheb, 2011). Traditional practices that continue today despite the Establishment Clause are: “one nation under God” in the Pledge of Allegiance, “God save the United States and this honorable court” which is said in the US Supreme Court, “in God we trust” on money, placing one’s hand on the Bible in court and “swearing to tell the truth so help you God,” and practices like Congress and state legislatures paying a chaplain for opening prayers to legislative sessions (Stephens & Scheb, 2011).

The other clause, the Free Exercise Clause, follows. The government “shall make no law ... prohibiting the free exercise of religion.” These questions concern what happens when religious beliefs and practices are against the law. The clause was designed to allow people to practice religion without their religious practices being against the law (Stephens & Scheb, 2011). A classic example is the case of *Cantwell v. Connecticut* (1940). In this case, the Court struck down a state law that prohibited door-to-door solicitation for any religious or charitable purpose without prior approval. Cantwell, a Jehovah’s Witness, challenged the law. When he went door to door without a permit, he said things highly critical of the Catholic Church and other organized religions. The Court invalidated the statute saying, “To persuade others to his point of view, the pleader resorts to exaggeration and sometimes even what some would consider false statements. Despite the probability of excesses and abuses, the liberties are essential to enlightened opinion and right conduct on the part of citizens in a democracy” (*Cantwell v. Connecticut*, 1940). People do not have to open their doors and listen to religious speakers, but the speaker has the right to follow his religion requiring believers to go out and spread the message of the church.

Americans are more likely than other western democracies to hold religious beliefs. America also has many diverse religions. A widespread agreement today exists regarding the abstract value of the religion clauses in the First Amendment. However, there is widespread disagreement on what the clauses mean specifically as applied to other situations (Stephens & Scheb, 2011). Two different schools of thought dominate the debate. The “separationists” argue that the First Amendment forbids any legislation respecting the establishment of religion, and thus bars any government enactment that supports or aids any or all religions. Here, a broad interpretation is given to the Establishment Clause. People who called for this approach include Chief Justice Warren E. Burger and the Founding Fathers, such as James Madison and Thomas Jefferson. “Separationists” believe there is a wall between church and state (Stephens & Scheb, 2011). The problem is whether the wall is solid, or more like swiss cheese. If the wall has cracks and holes, some things, like those classic examples listed above, may make it through Establishment Clause analyses. Other things, like school prayer or salary supplements to private religious school teachers, do not. Even when the entire court was composed of separationists, the justices did not always agree on which practices could continue and which practices could not. The opposite group, the “nonpreferentialists,” argue that there is nothing in the First Amendment that prohibits support or aid to religion, so long as no single group is given favored treatment. To arrive at this approach, justices interpret ‘establishment’ narrowly. Chief Justice William Rehnquist, Justice Antonin Scalia, and Justice Anthony Kennedy agreed with this position. According to these justices, Congress does not violate the clause if it refrains from selecting one denomination as the official or preferred religion (Stephens & Scheb, 2011). Congress can aid all religions, it just cannot pick out only one to aid.

The first test to resolve Establishment Clause problems occurred in 1947. In *Everson v. Board of Education* (1947), the Establishment Clause was made applicable to the states through the Fourteenth Amendment. The issue in the case was whether a local school board could reimburse parents for expenses they incurred in transporting their children to and from Catholic schools. The law was written to cover all schools regardless of religious affiliation. However, there were no other schools other than the public schools and private Catholic schools (*Everson v. Board of Education*, 1947). The Court was sharply divided, even though the justices on the Court were solely separationists. All the justices saw the Establishment Clause as requiring a wall of separation between church and state. Despite all being separationists, they hotly disagreed on the analysis of the case. Associate Justice Hugo Black wrote the majority opinion and justified the payments on the theory the school board was merely furthering the

state's legitimate secular interest in getting children to and from school safely and expeditiously. The transportation reimbursements were given to all parents regardless of religion (*Everson v. Board of Education*, 1947). Thus, the "Child's Benefit Test" was created. Justice Black and the majority concluded that government funding for transportation had nothing to do with religion. Its purpose, to safely and efficiently get children to and from school, is secular. It was not designed to support a religion. As its purpose was secular, Justice Black did not see a connection to religion. The dissenters, while sympathizing with the economic hardships of the parents in having to transport their children themselves to and from the Catholic school, said that was the price that had to be paid to preserve religious liberty (*Everson v. Board of Education*, 1947). They saw a connection to religion as the transportation did give aid and encouragement to religious instruction. The reimbursement made it easier and cheaper to attend a religious school. Making parents transport their children to and from religious schools preserved religious liberty. The religious schools would not be tied to the transportation schedule of the public schools, which could dictate their school's schedule regardless of religious needs.

The second test to resolve Establishment Clause cases is the "historical test" created in 1970, in *Waltz v. Tax Commission*. The Court upheld the tax exemption for churches. The Court did so on three grounds. First, the Court used the historical test which focuses on whether something was always done a certain way. Basically, the argument says, if it was good enough for Grandpa's day, it is good enough for people today. Second, nonreligious organizations (charities) provide services to people. They are not taxed for the money they take in to help others. Churches are like charities. Not everything churches do involves preaching. They use the money they take in to also help people. Because they are like a charity, they should not be taxed either. And third, not to exempt churches would involve excessive government entanglement (*Waltz v. Tax Commission*, 1970). When the collection plate comes in, the government would have to have an accountant in every church to figure out what part of the collection went toward preaching so that money could be taxed. Then an accountant would have to figure out what part of the collection went toward helping others. That money would not be taxed. An accountant in every church's books to sort this out would certainly be excessive government entanglement.

The third test came in 1971, in *Lemon v. Kurtzman*. In this case, the Court struck down policies providing publicly funded salary supplements to teachers in Parochial schools for fostering excessive entanglement. In doing so, a three-part test was developed: 1. A policy must have a secular purpose, 2. It must not have the principal or primary effect of inhibiting or advancing religion, and 3. It must avoid excessive government entanglement with religion (*Lemon v. Kurtzman*, 1971). Chief Justice Burger wrote the majority opinion. He wanted to provide a flexible alternative to conflicting and absolutist commands of the two religion clauses. This case is difficult to study. When the Court gives a test, readers expect the Court to take the case they are resolving through all parts of their new test. In the opinion, the Court goes through part one, skips part two, and jumps to part three, saying the problem and resolution of the case is in excessive government entanglement. The salaries of teachers teaching secular subjects can be supplemented. A teacher cannot get a taxpayer teaching supplement for teaching religious subjects. Working through this in every classroom would certainly be excessive government entanglement (*Lemon v. Kurtzman*, 1971).

In *Edwards v. Aguilar* (1987), Associate Justice Antonin Scalia was critical of the *Lemon* test. He wrote that by focusing on the purpose as well as the primary effect of legislation in part two, the Court must decide on the constitutionality of legislator's motives. It is as if the Court, in using the test, is saying that they do not believe the legislature. Despite the fact the legislators, when passing the law, told the people they passed the law for a secular reason. The Court is looking for a hidden effect of inhibiting or advancing religion to show that the legislation was not secular. The legislature was secretly trying to inhibit or advance religion. Scalia said this is an impossible and unacceptable job (*Edwards v. Aguilar*, 1987). The Court should not assume another branch of government, the legislature, lies to them. At its essence, that is what the inquiry in part two is all about, according to Scalia.

Another problem with the "*Lemon* test" is that it is applied inconsistently (Stephens & Scheb, 2011). Excessive entanglement is subjective. Justices that want a strong separation between church and state can use the test to find a violation of the Establishment Clause. Justices who want accommodation can use the

test to uphold the same practice the other justices found unconstitutional. Repeated criticisms and modifications have resulted in justices calling for the abandonment of the test. Despite the existence of the test, some justices have focused more on the historical test or simply failed to see a connection to religion as Justice Black did in *Everson* (Stephens & Scheb, 2011). This leaves readers of religion cases with the feeling that the justices might first decide how they want a case to come out, and then find a test to justify their choice. The Supreme Court has not used the *Lemon* test recently, but lower courts are left to struggle with the test as the Court has not overruled it.

Supreme Court Decision in the Peace Cross Case

On June 20, 2019, Justice Samuel Alito delivered the Court's majority opinion in the decision in the Peace Cross case. He did not use the *Lemon* test. He concluded that a cross has always been identified as a Christian symbol, and continues to have that meaning today. However, that does not preclude the cross, in other contexts, from adding a secular meaning (*American Legion v. American Humanist Association*, 2019). The cross became a "central symbol" of World War I, which explains the choice of the cross to memorialize the soldiers of Bladensburg. Alito noted that the Burger Court had hoped that the *Lemon* test would provide order and predictability to Establishment Clause decision making. However, when the test is applied to religious symbols or monuments today, the test has fallen short. Trying to identify the original purpose for monuments that were created long ago is difficult. Even if the original purpose could be discovered, that does not mean that the purpose or message conveyed by the monument cannot change over time. Thus, it is hard to even do the first part of the *Lemon* test. When faced with the question of whether to let an old monument stand, versus putting up and analyzing a new monument, there should be a presumption that the old monument is constitutional. This means the burden will be on the one challenging a historical monument to prove it is unconstitutional. The government does not have to prove that a longstanding monument is constitutional. When that presumption is applied to the Peace Cross, not only should the courts consider the "added secular meaning" associated with World War I, but the courts should also consider the "historical importance" of the monument. It reminds the residents of the war and the sacrifices their soldiers made in the war. Today, the monument is also "a place for the community to gather and honor all veterans and their sacrifices for our Nation." It has become a part of the community. It is even used as a marker and driving directions are given from its location (*American Legion v. American Humanist Association*, 2019). He noted that there is no evidence that Jewish soldiers, or any other soldiers, were "deliberately left off the list on the memorial" or "included on the Cross against the wishes of their families." Destroying or defacing the monument today would not be a neutral act, and it would not "further the ideals of respect and tolerance embodied in the First Amendment" (*American Legion v. American Humanist Association*, 2019). Thus, the seven-member majority concluded the monument should stand as created.

Justice Stephen Breyer joined all of Alito's opinion, but wrote a separate concurring opinion. He was joined in the concurring opinion by Justice Elena Kagan. Breyer is not a supporter of the *Lemon* test. In *Van Orden v. Perry* (2005), Justice Breyer concurred that a Ten Commandments monument, erected on the Texas State Capitol grounds, did not violate the Establishment Clause (*Van Orden v. Perry*, 2005). In that opinion, he did not use the *Lemon* test. While the Ten Commandments have a religious message, the state only intended it to convey a "broader moral and historical message reflective of a cultural heritage" (*American Legion v. American Humanist Association*, 2019). In the case of the Peace Cross, he again concluded that there is "no single test that can resolve all Establishment Clause cases" and seemed to reject the use of the *Lemon* test. He concluded that the most important consideration in each religion case is "the basic purposes that the Religion Clauses were meant to serve: assuring religious liberty and tolerance for all, avoiding religiously based conflict, and maintaining that separation of church and state that allows each to flourish in its separate sphere" (*American Legion v. American Humanist Association*, 2019). Allowing the Cross to stand posed no threat to those ends. He wanted to stress in his opinion that the court should not apply the history and tradition test to newly erected religious memorials on public land.

Justice Brett Kavanaugh also joined all of Alito's opinion, but wrote a separate concurring opinion. He expressed stronger opposition to the *Lemon* test than Alito, and he concluded that the test is

not good law. If the *Lemon* test really guided the Court's Establishment Clause cases, then many cases would have been decided differently over the past 48 years. As the Cross satisfies the tradition and history test, he would allow the Cross to stand. He suggested that those opposing the Cross could still go to the Maryland legislature to see if they would take the cross down or give the land to a private entity. Maryland could decide to do something different with the Cross, but the Supreme Court should not do anything as the Cross does not violate the Establishment Clause (*American Legion v. American Humanist Association*, 2019).

Justice Elena Kagan joined most, but not all of Alito's opinion. While agreeing that a rigid application of the *Lemon* test would not solve every Establishment Clause problem, she liked the test's focus on the purposes and effects in evaluating government's actions. She looks to history for guidance in resolving religion cases, but she would prefer to do so on a case-by-case basis, not necessarily automatically with a presumption in all cases. She said she does this "out of perhaps an excess of caution" (*American Legion v. American Humanist Association*, 2019).

Justice Clarence Thomas would allow the cross to stand, but for different reasons. He does not believe the Establish Clause applies to states (Cleveland, 2019). Even if it did apply, there would not be a violation in this case. The Establishment Clause does not have anything to do with religious speech or expression. It was never intended to prevent people from expressing their religious beliefs publicly, even when serving in government (Haskins, 2019). George Washington and John Adams established national days of prayer and fasting (Haskins, 2019). It only applies to government's coercive action against citizens (*American Legion v. American Humanist Association*, 2019). People were not arrested and jailed if they chose not to pray or fast on established days. The Establishment Clause would only apply to laws passed by a legislature or because the clause requires actual coercion to do something by the government (Haskins, 2019). Justice Antonin Scalia argued for this approach in 1991 in *Lee v. Weisman*. Requiring coercion would allow many historical practices like having "In God we trust" on the nation's money (Epps, 2019). The government is not forcing anyone to do or believe anything. The same argument can be made concerning the Peace Cross. The government is not coercing anyone to believe or do anything. The cross is a passive display (*American Legion v. American Humanist Association*, 2019). The cross was not created because of a law by Maryland's legislature, and there is no government coercion simply because of the Cross's existence. Thomas called for overruling the *Lemon* test in all contexts.

Justice Neil Gorsuch, joined by Thomas, agreed the Cross should stand, but he would have dismissed the case. He concluded the American Humanist Association did not have standing to bring the case. Simply being offended by the Cross should not give a person standing to try to get a court order to destroy a 94-year-old war memorial (*American Legion v. American Humanist Association*, 2019). Courts would easily be overwhelmed with cases if being offended granted standing. The courts would have to review every public display on a case-by-case basis, simply because the display offends someone. Standing based on offense simply creates a "heckler's veto" over religious symbols like it does in speech cases where the speech offends someone (Epps, 2019). This broadening of standing rules would also turn the courts into legislatures. The courts would be "responding to social pressures rather than remedying concrete harms" (*American Legion v. American Humanist Association*, 2019). The separation of powers principles would be in jeopardy by allowing a court to rule on important constitutional issues in the abstract, and the potential for judicial abuse would be too great. In a large and diverse country, every action offends someone. If a society cherishes mutual respect and tolerance, an "offended viewer" may simply have to "avert their eyes" or pursue a legislative political solution (*American Legion v. American Humanist Association*, 2019). Also, if the Court hears an old monument's case like this, the Court will also be concerned about how old a monument must be before it no longer violates the Establishment Clause. The age of a monument is not as important as the monument's compliance with ageless principles.

Justice Ruth Bader Ginsburg, joined by Justice Sonia Sotomayor, dissented. Ginsburg rejected the idea that the Cross is merely a secular symbol of World War I. It is a Latin Cross and "it is the foremost symbol of Christian faith." Using the cross as a war memorial cannot change that. Maryland, maintaining a large illuminated cross at a busy three-way intersection, is not neutral. A cross presumes the government

endorses its religious content and elevates Christianity over other faiths and religion over nonreligion (*American Legion v. American Humanist Association*, 2019).

Analysis

The *Lemon* test was not used by the Court in this case. It may take the Court more Establishment Clause cases to develop one replacement for the *Lemon* test. More likely, there may be no one approach to judge all Establishment Clause cases. The Court may have to develop different tests for different situations. If the Establishment Clause were a solid brick wall, the resolution of cases would be easier, and this country would be like France. French law removed religious symbols from public view under their policy of *La Laïcité*, which is rooted in the French Revolution (Kao, 2019). Originally, it meant public institutions, especially primary schools, must be free from the influence of the Catholic Church. They believe this is the only way to truly have freedom of thought. This is also the only way to protect both the government from the influences of religious organizations and religious organizations from political controversies. In 2004, the government banned students from wearing yarmulkes, crosses, and hijabs in classrooms (Kao, 2019). The government did not want the public to believe that it was promoting religion in public spaces, but some religious organizations saw this ban as insensitive to personal religious beliefs. Worse, it could possibly be interpreted as a government attack on religion. This concept has been expanded to other religious movements and areas beyond classrooms, such as making it illegal to hide one's face in public spaces, effectively banning the wearing of a niqab and burqa in public places like post offices. A statue of Pope John Paul II, which included a cross, was moved from public to private land after a humanist organization sued (Kao, 2019). The goal of *La Laïcité* was to foster harmony between different groups, but many think this policy has failed. Instead, the government has been empowered to investigate and suppress religious expression, which has only exacerbated religious division (Kao, 2019).

The Court seems to be looking for a balance between the two religion clauses. This country can never be France, as a solid wall between church and state is not an interpretation this country could ever adopt. The historical test stood alongside the *Lemon* test to avoid striking down practices like "In God we trust" on this country's money. The Constitution not only has an Establishment Clause, it also has a Free Exercise Clause. The two clauses must be balanced. If the law restricts expression of religion in public, then people cannot practice their religion. Restricting people from practicing religion in public would violate the Free Exercise Clause. If government goes too far trying to enforce one clause, the other clause is violated. Society needs a balance between these clauses to protect both. In a pluralistic society, people need to learn tolerance. They need to expect to see religious symbols and other people practicing their religion. Government cannot endorse one religion over another. Government should not be trying to ban all religious expression. Rehnquist, Scalia, and Kennedy may have been correct in concluding that a nonpreferentialist position may be better than a separationist position. Even France may be considering a more tolerant position. The reaction in France to the burning of the cathedral of Notre Dame in spring 2019 was enlightening. The cathedral was viewed as a symbol of national importance to the religious and nonreligious alike. It is a place of worship, but its meaning has broadened. It has come to represent the very idea of Paris and France (Liptak, 2019). If the French people can plan to rebuild an ancient cathedral, Americans should find a way to preserve old monuments.

The Court also must find an approach to religion that reflects a changing and pluralistic society. In oral arguments on the Peace Cross case, Justice Roberts commented that this country has diverse religious symbols on public property throughout the country. Native American totem poles have spiritual meaning and they are often on public lands (Howe, 2019b). According to historic American understanding of freedom of religion, the government does not take anything away from anyone by allowing a symbol to merely exist in a public square. When governments censor symbols just because they are religious, pluralism suffers. The Founders recognized that we are not a country of irreligious people or a country where everyone follows one religion. The Establishment Clause prevents the government from elevating one religion above others. This preserves a pluralistic identity by preserving both majority and minority faiths. Our public square should be able to be full of symbols that reflect our diversity. The Establishment Clause, broadly interpreted and applied as under a separationist approach, is

a powerful weapon to those who find all religions offensive and would prefer that religion be banished from the public square. A narrow interpretation of the clause, as nonpreferentialists prefer, may be what Justice Roberts is calling for. This writer would not be surprised if the Court considers restraining the use of the Establishment Clause and expanding the use of the Free Exercise clause and reset the balance between the clauses in the hope that this approach will foster more tolerance in society.

Together, the people of the country must be willing to tolerate diverse beliefs and symbols. Justice Gorsuch, in oral arguments on the case, suggested that, in America, other people's views must be tolerated, and people must learn to deal with offense. Involving the government in censoring offensive speech would be to "dictate taste" (Howe, 2019b). His view considers limiting the number of Establishment Clause cases by requiring tolerance. To limit, he would prefer to not allow someone to bring a lawsuit simply because they are offended by something religious. The Peace Cross is not the only cross on public land maintained by the government. Arlington National Cemetery is nearby and encompasses the Argonne Cross, the Canadian Cross of Sacrifice, and Teddy and Bobby Kennedy's graves have markers in the shape of crosses. If the Peace Cross memorial could be destroyed, the next step, for those offended by public religious displays, would be to attack these other memorials (Feldman, 2019). Should historic monuments be destroyed if someone is offended? Justice Ginsburg wrote, "As I see it, when a cross is displayed on public property, the government may be presumed to endorse its religious content" (*American Legion v. American Humanist Association*, 2019). The Founding Fathers might be shocked by this idea. America, during its founding, was composed of religious people with religious heritages. There is even a carving of Moses holding the 10 Commandments in the Supreme Court building. Limiting people from bringing court cases to attack old monuments and displays simply because they are offended may be necessary to preserve symbols like the Ten Commandments and even religious holiday scenes on government property likes parks, providing they are old, established, and on public property for a lengthy time period.

The Peace Cross case has implications beyond religious symbols. One of the fiercest political flashpoints today is whether old memorials, that offend current sensibilities, need to be taken down (Feldman, 2019). Some monuments that have been challenged were erected to memorialize Confederate soldiers. The Peace Cross case concerned a 40-foot cross to World War I soldiers. They are similar in this respect. However, the cross has the added constitutional dimension for the potential to involve the government in the establishment of religion. The religious connection, at a minimum, created a greater need for the Court to enter the discussion on monuments (Feldman, 2019). Like the Peace Cross, criticism of or calls for the removal of Confederate monuments, have recently been raised. It will be interesting to see if the Court enters the discussion on these memorials. These Confederate monuments have stood in the same place for close to a hundred years. Opponents to Confederate war memorials have argued that these monuments symbolize the oppression of African-Americans. As they still stand on public ground, some will argue that government must endorse the original understanding for erecting these monuments. Since the Constitution specifically prohibits the establishment of religion, those opposed to the Peace Cross could go the courts to challenge the monument. Those opposed to Confederate monuments, on the other hand, may be limited to fighting their case against the monument in the court of public opinion. Regardless, the arguments will be very similar (Feldman, 2019). Should Confederate monuments be judged in the light of today's beliefs and values? Or should special weight be given to the fact that a Confederate memorial may have existed since the end of the Civil War and become a fabric of society? Using Justice Beyer's theory, this country may now have a more nuanced understanding of the past and a more morally sharp understanding of the present (Feldman, 2019). While Confederate monuments were raised to remember the dead, they may demonstrate resistance to losing a war and a way of life based on slave labor. However, removing Confederate monuments may do harm. When something is out of sight and mind, it can be more easily forgotten. But, when Confederate monuments are seen, especially by children, they must be explained. The Civil War becomes real because of the presence of the monument. Today, these monuments could stand for the lesson that humans are flawed. Humans are a work in progress, but most people are concluding all people are created equal. This basic principle was challenged in the past, the result was a Civil War that tore this country apart (Lane, 2019). Many people died for a

flawed idea that slavery was proper or something a state could allow to exist. This war must be remembered, and the lessons of the war can be important in other times of sharp disputes. There are people who deny the Holocaust. Jewish monuments in this country to World War II soldiers are needed to remind future people that the death of many Jews happened in concentration camps in Europe. Could this happen again if people forget?

New memorials pose different problems. This could be created as resistance to the idea that African-Americans were oppressed as slaves in the past and Jews died in camps under plans to erase them from Europe. Some monuments may be erected to buttress Jim Crow segregation or beliefs that some races or followers of some religions need to be exterminated. New memorials are harder to analyze. They may be erected by people who want to bully others into standing up to ideas that oppose oppression. But old monuments are more likely to have taken on the opposite message and evolved as the majority in society progressed in their ideas. The old monuments can become part of a more enlightened society that wants to keep the memory of past abuses alive to avoid those abuses in the future. They now provide teaching moments.

The people, deciding what monuments should stay and what monuments should go, are in the same bind as the Court. No one wins (Feldman, 2019). Taking down monuments satisfies contemporary critics by alienating those who love the past and see value in everything old, warts and all. Leaving monuments up pleases traditionalists, but it allows genuine feelings of offense to persist. These feelings may affect the quality of life of many people beyond the few who bring legal cases to try to change things. This writer believes the people in the state should decide these issues. As the Court said in the Peace Cross case, the cross did not violate the Constitution. However, the citizens, through their legislature, could still decide to take the cross down and remove it to private land (Howe, 2019a). Nothing requires that the Cross must stand forever. But both people raising new monuments with hateful messages or offended vigilantes who wish to destroy anything that personally offends them should both be stopped. This country is a democratic society and the people should be able to make decisions through majority vote in the affected state or town.

Poppies, Crosses, and Remembrances

The emotions conveyed by *In Flanders Fields* are relevant to any war. The poem was especially powerful during WWI as it captured the weariness and determination of the soldiers. It gave encouragement to citizens at home that saw the immense scale of death and the gruesome tools of mass destruction that had never been used in wars before. The poem gives hope. The crosses were carried into the war zone by the troops that would be fighting the war (Marimow & Rune, 2018). This action must have made the possibility of death very real to the soldiers. They also represented hope that if a soldier died, they could be buried with their name on the cross so they could be remembered. Poppies dominated battlefield landscapes because the seeds need sunlight to grow. They are among the few plants that can grow in fields newly bombed and torn up with trenches and graves (Marimow & Rune, 2018). While a product of war, the poppies are not torn apart by the war. They are blowing between the crosses. They are not shredded or destroyed. The larks still bravely sing, as if in resistance to war. The final lines have a religious quality. It is not just a call to war, but also a call to faith (Prescott, 1985).

Few people today remember the names of the dead on the Peace Cross. Their mothers knew people would forget what they do not see (Dys, 2018). This knowledge motivated the mothers to create the Peace Cross memorial. For example, John Henry Seaburn was a soldier who joined the segregated U.S. Army when he was 16 (Marimow & Ruane, 2018). Alvergia Guyton, his niece, never knew her uncle. His photo is displayed in the family living room, and she heard stories about him around the dining room table. Relatives told her: "John is at the Peace Cross." At the prospect of the memorial being destroyed, she commented to a reporter, "It's history, and people can't see it when they start tearing it down. You're robbing the next generation" (Dys, 2018). The dead cannot speak for themselves, but people passing by the cross can hear their silence (Dys, 2018). These old monuments have lessons to teach future societies. The offended feelings of someone driving by the Cross today do not amount to a constitutional crisis. People in this country may need to learn to look the other way so monuments can stand and create discussion, or there may be no history to learn from.

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Revisiting the Past: Incorporating the Harvard Social Studies Project in Today's Social Studies Classroom

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Abstract

This article discusses the potential use of the Harvard Social Studies Project material in the social studies classroom. Data, developed through a short survey, was collected from social studies teachers from five southeastern states. Teachers were provided with a series of supplemental case study readings illustrating a variety of public issues. The findings demonstrated that a majority would implement selected case study materials in their perspective subject areas as supplemental material to the text. Also, most teachers indicated a willingness for continued use of project materials when applicable.

Introduction

The curriculum movement known as 'Project Social Studies' will forever be known as one of the most creative and innovative periods in the development of social studies education in the United States. From the academic turbulence of the 1950s, newly developed social studies projects attempted to increase student involvement and previously untested approaches towards active learning in the classroom. Very quickly the Office of Education, The National Science Foundation and private organizations began to fund a variety of content-specific projects from 1960 to the early 1970s. Eventually more than 50 projects were developed that either integrated social studies for citizenship education or teach history and the social sciences as ends to themselves. One such project developed out of project social studies was the Harvard Social Studies Project (HSSP).

The HSSP had its origins in a seminal article by Donald Oliver that appeared in the *Harvard Education Review* in 1957, titled "The Selection of Content in the Social Studies." Oliver critiqued the approach to content selection by the American Historical Association (AHA) Commission and an NCSS Committee. He suggested both failed to consider adequately the school's right to mold the personal values of the student and had confused the term knowledge and the relationship between knowledge and values (Oliver and Newmann, 1969). He argued that both groups fail to consider the ferment and conflict over competing ideas and values that are allowed under a creed of mutual tolerance and to consider the difficulty of adequately describing American society.

A new relationship between personal values and society, developed by teaching students to recognize and define areas of human conflict; to define alternative means of regulating human affairs on specific political and social issues and to make thoughtful predictions about the consequences of various options. The central objective of the approach was to introduce a young

person to the emotion and controversy that comes within a free society over ways of regulating human affairs. The hope was to provide students with a way of approaching conflicts and controversies in a more rational way rather than the emotive loyalty to an ideology. As with the Harold Rugg, the issues-centered curriculum of the 1920s and 1930s, disciplinary boundaries would, of necessity, be broken down. The approach combined valuing and social science with an emphasis on ethical considerations.

The general orientation of the Harvard Project ran against most of the other new social studies programs developed during the era, calling for an analysis of public controversy as the central focus of citizenship education. The project, completed under the leadership of Oliver and several of his graduate students, was initially privately funded and later supported by the United States Office of Education. Oliver and his associates developed an elaborate and definitive rationale for their alternative approach to social studies that included both an unambiguous concept of citizenship education and an explicit link to relevant social theory. The model citizen, they suggested, is one who, in the manner of an intelligent journalist, engages in dialogue with others to reach positions on controversial public issues (Gerlach, 1969). The function of the dialogue is to provide clarification, to facilitate the justification of one's position, and to understand the positions and justifications of others. Successful dialogue requires the use of various forms of inquiry, analytic and argumentative skills (Lennon, Byford & Cox, 2015).

The teaching strategies used by the Harvard Social Studies Project centered on rational discourse and envisioned a seminar or coffeehouse round table. In response to the pessimism often expressed regarding the value of discussion, they argued that differing opinions to controversial issues could be resolved through rational discourse. In implementing the jurisprudential (inquiry) model, the 'teacher become a facilitator' and cannot appear as a truth-giver who has all the answers. Instead, the teacher's role is to assist in the clarification of issues, to ask for substantiation for a point of view, and to help students understand the complexities of issues. The teacher's opinions must be somewhat tentative as well, open to revision via the process of exploring the issues with students. The approach emphasizes conflicting values and clarification of two or more legitimate points of view (Kunzman, 2018, & Noddings & Brooks, 2017).

With Socratic discussion at its heart, the approach made extensive use of case study materials. Case study materials defined as either investigation of single institutions, decisions, situations, or individuals. The object was to gather somewhat detailed information about a relatively small class of phenomena and to examine it intensively. In the Harvard Project, case studies included stories and vignettes, journalistic, historical narratives, research data, documents, text, and interpretive essays. The scope of the curriculum centered on five problematic areas associated with the study of social issues: 1) the use and control of violence, 2) standard or living, 3) priorities and privileges, 4) dissent and change, and 5) the tension between civic life and privacy (Rollert, 2007). Other types of lessons used included traditional lecture, reading cases aloud, writing analogy cases, games and role-playing, films, writing briefs and position papers, and various small group discussion formats. All these strategies would allow students to search for and reach conclusions on their own instead of having conclusions given to students by the teacher (Levin, 1972).

The materials produced by the HSSP centered on a series of booklets titled the *Public Issues Series*, published by the Xerox Corporation and American Education Publications. The booklets, heavily constructed towards historical topics, and, according to a *Guide to Teaching*, intended to be used as additional experiments for U.S. History or even as a replacement text for specific

topics. Each unit booklet, printed on newsprint paper and written in a highly readable style, contained a variety of relevant case material from history, the social sciences, and analogous and contemporary situations. Each booklet also contained questions for reviewing the facts of each case. At the end of each section, the booklets contained thoughtful discussion activities and questions titled *Persisting Questions of History* that raised critical issues of the unit and posed analogous situations. At the end of each booklet a section titled *Review, Reflect, and Research* suggested additional questions and activities (Haley, 1972; Levin, Newmann, and Oliver, 1969; Oliver and Shaver, 1966).

During the 2018-19 school year faculty from the University of Memphis, Valdosta State University and Oklahoma Baptist University developed a short survey of trends toward the implementation of selected Harvard Social Studies content booklets in the high school social studies classroom. The survey focused on five booklets found within the Harvard Social Studies Project's curriculum. The booklet titled *Nazi Germany: Social Forces and Personal Responsibility* raises questions about centralized power and political factionalism and political hardship to include cases from the beginning of the Weimar Republic to the concentration and death camps of the 1940s. *Moral Reasoning: The Value of Human Life* explores the value of life through case studies, social, medical, and political. This book helps students to clarify their values as they test their responses to these dilemmas. The booklet *Taking a Stand: A Guide to Clear Discussion of Public Issues* is a continuation of *Moral Reasoning* as it offers students two significant cases for discussion, with examples of good and bad discussion practices. *The American Revolution: Crisis of Law and Change* stimulates discussion on vital issues of the war for American Independence. The final booklet, *Diplomacy, and International Law: Alternatives to War* provide students with case studies of diplomacy in action, from pre-World War I days to the conflicts around the globe (Oliver and Newmann, 1969). The authors selected the following materials based on social studies teachers' ability to implement HSSP materials with the current state-mandated curriculum and, more importantly, encourage student discussion, and critical inquiry.

Also, curriculum selected required minimum modifications in vocabulary, terms and content delivery. The decision was made, in part, to provide an adequate summary of each selected booklet's material and goals. To provide each social studies teacher with complete booklets would have required an excessive amount of data memory and paper for reproduction. More importantly, providing teacher participants with complete booklets, each totaling 65 pages in length, would likely discourage teacher participants from reading and evaluating the selected curriculum for application in their classrooms.

The Problem

Keeping in mind the limited objective of the study, the following questions regarding the implementation of selected Harvard Social Studies Project material in high school social studies classrooms: (1) If utilizing HSSP curriculum material, what is the extent of their use; including sub-questions regarding use, (a) basic or primary material, (b) supplemental material to support the textbook or (c) as secondary reference material? Questions (2), Where HSSP material is applicable, how were teachers initially introduced to this style of curriculum and learning and question (3), Was the use of HSSP material continuing or temporary?

The Procedure

At the time of the study, 500 social studies teachers were identified using simple random sampling from public school websites made available in five southeastern states. Eventually, 158 social studies teachers completed the online survey, providing a 32% return rate. Social studies

teachers were given both a detailed account and history of the Harvard Social Studies Project along with a variety of sample lessons. Participants were asked to consider the effectiveness and familiarity of decision-making materials and curriculum. Also, participants were asked to consider the usefulness and curricular implications and implementations of decision-making materials in their given subjects and classrooms. The responding sample represented an eclectic range of history and social studies teaching specializations. The range and distribution of teaching assignments (Table 1) reflect the characteristics of the total population from which the sample was drawn.

The Findings

The demographic results indicated gender to 90 males or 58.96% responded as compared to 68 or 43.04% of women, a difference of 22 individuals. Of the 158 participants, 80 or 50.96% had 16 years or more experience. The second most substantial identified demographic; teachers' experience, was 12-15 years with 25 responses for 15.92%, followed by 8-11 years and 4-7 years' experience, both with 22 teachers, or 14.01%. The smallest grouping of teachers was those with 0-3 years' experience, totaling eight teachers or 5.10 % of the sample. Decision-making materials found within the HSSP booklets are multi-faceted in several ways. Designed to present students with persisting and public issues facing society and history; the Harvard Social Studies Project was designed to be versatile. Findings suggested that short stories, vignettes, and moral dilemmas can be used in a variety of outlets and content areas. As indicated in Table 1, of the 158 teachers surveyed, 50 teachers considered United States history as their main subject area, followed by civics with 35 teachers and 24 world history teachers as most applicable with infusing HSSP materials into the traditionally mandated curriculum. Such subjects are viewed as cornerstones in high school social studies curriculum with United States history often associated as a state-tested subject. Second, certain materials from the HSSP could be adopted to supplement the required texts. Third, materials could be useful as reference materials. Table 2 illustrates that: (1) of the 157 teachers surveyed who indicated potential usage of materials, 65% indicated an adaptive (supplemental) usage; (2) 24% would consider selected works as basic or primary material as the basic text for the course or unit, whereas roughly 11% of teachers indicated HSSP materials as either reference only or for other non-curricular usages.

The second question dealt with the method through which teachers became introduced to HSSP's work and materials. If the effectiveness of an agent of introduction is based on the potential or perceived usage of curriculum materials in either a limited or full capacity, then Table 3 clearly suggests the most effective agent for introducing social studies teachers to the Harvard Social Studies Project and its curriculum has been through information provided to teacher participants via email. Eighty-three or 53% of teachers indicated their willingness to use project materials in varying capacities also learned about the project in informative materials and descriptions accompanying the survey. Fifteen percent indicated the agent for the introduction of materials was from professional literature from the National Council for the Social Studies, or other social studies related publications, followed closely by 14% of participants indicating the Harvard Social Studies Project was discussed in their college social studies methods course. In-service programs followed with 10%, and special workshops and training session was last with 8% of survey teachers. The last two agents of introduction suggested teachers were likely introduced to characteristics (i.e., decision-making materials, moral dilemmas, and short case studies) of project materials, but not in detail.

Thirdly, the researchers questioned if the selected information found within the booklets was considered temporary or integrated continuation of the state-mandated curriculum. Participants

were asked whether they intended to continue the implementation of selected HSSP materials in their given subjects. Of the 156 respondents, participants were given three options ‘yes’ or ‘no’ or ‘not likely.’ The results illustrated in Table 4, indicate that 54% of teachers surveyed suggested they would continue to use Harvard Social Studies Project materials when applicable. Sixty-one teachers or 39% of teachers indicated limited use when HSSP materials when applicable. The remaining ten teachers surveyed indicated they were not likely to integrate materials in their instruction.

Conclusion

Based on the findings, the following conclusions seem appropriate to describe the limited use of the Harvard Social Studies Project materials in high school social studies classrooms in five southeastern states. First, the teachers indicating interest in supplemental materials also associated with the teaching of United States history; an important course often tested at the state level. Political science and world history followed in frequency based on their required completion for students to graduate. Additional courses found within the Social Studies appeared less frequent, likely due to their relegated elective status. Second, the selected Harvard Social Studies Project’s material were used most often as supplementary readings, adapted to support an adopted text from another source. Selected materials were occasionally used to constitute an underlying or primary text themselves, and less frequently used as either reference or other materials. Most teachers were initially introduced to the Harvard Social Studies Project or its products directly through detailed information supplied by the authors of the study. Separated by a significant frequency, teachers indicated knowledge of project materials through professional literature and their college methods course, with the lowest familiarity of materials deriving from special workshops or school/district in-service training. Third, the Harvard Social Studies Project materials received a highly favorable response from participating teachers, in terms of their stated intention to use selected material in a supplemental capacity. Thus, the contribution of selected case studies would appear to be a continuing contribution to the field of social studies, rather than a temporary one.

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Table 1
Distribution of Teaching Assignments
(n=158)

Subject	Frequency	Percentage
World History	24	15.19
United States History	50	31.65
Political Science/Govt	35	22.15
Anthropology	2	1.27
Economics	17	10.76
Geography	8	5.06
Sociology	9	5.70
Psychology	13	8.23

Table 2
Application of Project Materials
(n=157)

Use	Frequency	Percentage
Basic primary material	38	24.20
Supplemental	102	64.97
Reference only	8	5.10
Other	9	5.73

Table 3
Knowledge or Familiarity of Harvard Social Studies Project
(n=157)

Agent of Introduction	Frequency	Percentage
College methods course	22	14.01
In-service program	16	10.19
Special workshop/training	13	8.28
Professional literature	23	14.65
Survey information	83	52.87
Provided to participants		

Table 4
Intent or Continue Use
(n=156)

Intent to Continue Use	Frequency	Percentage
Yes	85	54.49
Probably	61	39.10
Not likely	10	6.41

**Educators as Mandated Reporters of Child Abuse and Neglect:
A Survey of Current Practices and Recommendations
Toward Best Practices**

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Abstract: While public schools assume more and more responsibility for children in the face of continually diminishing resources, it seems that families continue to abdicate their role in the raising of children. Empirical evidence supports this trend and therefore it seems imperative that school personnel take seriously this expanded responsibility even if they do not want to do it. Since the school has assumed the role of the child's nourisher and protector as well as educator, then school personnel have become the front line of defense against children being neglected, abused, or both, by their parents, caretakers, or other members of their families. Mandated reporters frequently operate under the impression that before they report a situation of neglect or abuse they must have evidence that would stand on its own in court. Careful reading of the state statutes mandating reporting should immediately dissuade them from this faulty and sometimes dangerous impression. This study examines perceived levels of awareness and preparedness of Teacher Education majors at a Mid-west university regarding the role of mandated reporter.

Introduction and Review of Literature:

A current common lament heard from educators throughout the United States is that the public school is expected to assume more and more responsibility for the child in the face of continually diminishing resources. To those voicing these concerns it seems that the family has abdicated its role of raising children and turned it over to the public school systems of this country. Empirical evidence supports this trend and therefore it seems imperative that school personnel take seriously this expanded responsibility even if they do not want to do it.

If schools have assumed the role of the child's nourisher and protector as well as educator, then school personnel have become the front line of defense against children being neglected, abused, or both, by their parents, caretakers, or other members of their families. The present study seeks to measure perceived levels of preparedness of teacher education majors at a university in the Midwest. The researchers plan to continue and expand the study by replicating procedures with other similar teacher education programs.

Greener and Thurlow incorporated the issue into a much more comprehensive study in 1982 by measuring the extent to which 148 teachers felt that their training programs prepared them to teach students with special needs. A questionnaire was developed to ascertain whether teachers were able to carry out responsibilities mandated through the passing of Public Law 94-142.

Respondents were asked to rate their overall preparation and training in five areas: methods, materials, child and adolescent development and psychology, reading, and mainstreaming. The teachers also rated their preparation for recognizing and handling students having problems with drugs, abuse, learning disabilities, and emotional disturbances. Teachers were asked to suggest major changes that should be made in teacher training programs. Analyses of results were conducted and grouped according to: (1) years of teaching experience; (2) location of training--in Minnesota or elsewhere; and (3) training at public or private institutions. Although most teachers gave good or fair ratings overall to their training programs, poor ratings appeared with great frequency in the areas of reading, mainstreaming, and recognizing students with specific problems. Ratings by teachers with less than five years of experience indicated they were more satisfied with their training than were teachers with 10 or more years of experience, (Greener, 1982.)

Mandated reporters frequently operate under the impression that before they report a situation of neglect or abuse they must have evidence that would stand on its own in court. Careful reading of the state statutes mandating reporting would immediately dissuade them from this faulty and sometimes dangerous impression. For example, Kansas Statutes Annotated 38-1522 clearly says that teachers, school administrators, or other employees of the child's school shall report neglect or abuse if they have "reason to suspect" that either or both have occurred. "Reason to suspect" covers everything from concrete evidence to a good faith professional opinion.

In her 2006 study Arbolino reported that since child abuse awareness has increased over the past few decades, and especially within educational systems, teachers are mandated across the United States to report suspected child abuse. As a result, some states have instituted mandatory training to provide school staff with information regarding issues, policies and procedures related to child abuse reporting. She found little research on training effectiveness, impact and maintenance. Two studies examined the effects of child abuse mandated reporting on teachers without prior training. The first study examined effects of a training compared with a no training group. The second study replicated these results and examined effects of multiple exposures to the measures. Participants were teachers in a Masters Program in Education and were randomly assigned to groups. In the first study, both groups received a pre-test, the training group received a training and post test one week later and then both groups received a two month maintenance assessment. In the second study, one group received a pre-test, one week later both groups received training and an immediate post test and then both groups received a two month maintenance. In both studies, teachers assigned to training showed significant gains in knowledge, skill and reporting confidence as compared to controls. Additional exposure did not demonstrate initial effects but may have impacted maintenance. Finally, the bulk of these gains were maintained two months after training. Arbolino concluded that the studies provided preliminary support for the effectiveness of child abuse training, (Arbolino, 2006).

Goldman (2009) reported that many regional and local Departments of Education in many countries now require their primary school teachers to be mandatory reporters of child sexual abuse. However, many student-teachers are not provided with courses on child protection and its policy requirements during their pre-service university education. The study examines a university cohort of final 4th year bachelor of education primary school student-teachers, asking them to identify and clarify the nature of any relevant professional information they accessed over the 4 years of their teacher education. The results show that, in the absence of formal child protection courses, such professional information was scarce and sporadic. Student-teachers consistently indicated a pattern of not learning about essential Department of Education policies

and procedures in teacher education programs. Goldman suggests that these results, although disappointing, provide a rationale for university curriculum planners to design appropriate pre-service university training courses that initiate, develop, and enhance student-teachers' professional competencies as mandated reporters of child sexual abuse, (Goldman, 2009).

Anderson (1993, 2013) reports on a practicum that was designed to assist a private college in maintaining accreditation with the state of Washington in producing certified teachers with training in the identification and reporting of child abuse and neglect. Teachers and counselors are recognized as court mandated reporters of child abuse and neglect, but prior to the implementation of this practicum, no training in this area had been provided through the department of education at the college. A new state law went into effect during the implementation of the practicum requiring that all certifying teachers prove adjudicated coursework in child abuse and neglect. An approved syllabus was developed for an undergraduate course that included a substantial component on child abuse training, and for a graduate course specifically dealing with identifying and reporting child abuse and neglect within the school context. The courses were taught to undergraduate and graduate students. Analysis of pre- and post-tests revealed that, initially, graduate students in counseling were no better prepared to identify or report child abuse and neglect than were undergraduate education students. Both groups improved in understanding and skill during the course enrollment. Both groups were taught to fulfill their roles as court mandated reporters, and the teacher trainees met the new state requirements for certification by taking either course, (Anderson, 1993 and 2013).

In his book *Becoming a Teacher* (2013), Parkay focused on the role of schools in today's society. Are schools responsible for the promotion of prosocial values and the socialization of the young? If the school is a reflection of society then Parkay suggests that there should be more focus on diversity. There should also be efforts to overcome the effects of poverty by enhancing the culture of the school and the culture of the classroom. Parkay asks, "What Are the Characteristics of Successful Schools?" He attempts to measure the success of efforts to improve school effectiveness and school improvement and concludes by addressing concerns about the social problems that affect schools and place students at risk, (Parkay, 2013).

In *Heads You Win, Tails I Lose: The Dilemma Mandatory Reporting Poses for Teachers*, Falkiner, et al., (2017) note that Australian teachers are mandated to report instances of child maltreatment should they suspect a child is being maltreated. Some teachers are reluctant to make a report based on suspicion alone. The review examines the barriers that may prevent teachers from reporting. It is suggested that to overcome these barriers and form a reasonable belief that a child is being maltreated, teachers may attempt to seek out proof by questioning the suspected victim. Inappropriate questioning can have detrimental consequences such as wrongful reporting when maltreatment is not occurring, or worse, no report made when a child is being maltreated. Based on their review of the literature and given the changing landscape of mandatory reporting in Australia, more research is recommended. First, to determine if the barriers for reporting still hold true and, secondly, to establish the motivations of teachers who may question a child when they suspect maltreatment, along with exploration on how they approach this task, (Falkiner, 2017).

The mistreatment of children continues to be a malady affecting individuals and families. Investigations by child protective services increased from 2011 to 2015 by 9%, 3,081,000 to 3,358,000 (U.S. Department of Health and Human Services, Administration on Children, Youth, and Families, 2018). The investigations led to a substantiation of abuse and neglect, resulting in 683,000 victims, an increase from 2011 of 3.8% of child victims of abuse and neglect. Most of

these children were neglected, 75%. Seventeen percent were abused physically and 8% were abused sexually.

Efforts to stem the increase of child abuse and neglect have ranged from interventions focused on child victims, caregivers perpetrating the abuse and neglect, and the professionals involved with the families (Pecora et al., 2012). These strategies to halt the increase of abuse and neglect include strategies for professionals in identifying children in need of intervention.

It has been estimated that four out of five persons serving time in prison came from abusive and neglectful homes, and that the majority of adults who abuse and neglect children were abused and neglected themselves, (Zastrow, 1990). If this cycle is to be broken, there must be commitment from not only individuals but also from society's institutions. The school must take the lead because, like it or not, it is the one institution that plays a mandated role in almost all children's lives. It has the frequency of contact with the child to be able to recognize if neglect and/or abuse is taking place, and it has the professional expertise to know what to do about it.

There appears to be limited research on this pressing issue even though there is lots of research on child abuse and neglect in general. Most of the literature focuses on details specific to particular locations, such as laws on mandated reporting and definitions that categorize the differences in each level or type of child abuse. These include maltreatment, neglect, physical, emotional, and sexual abuse. The present study seeks to identify current practices within teacher education programs to prepare future teachers for the role of mandated reporter. Surveys of teacher education majors provide this much needed information. These researchers conclude that this an urgent matter. Lives and livelihoods are at stake.

Methodology:

The purpose of the study was to investigate the self-reflective responses of teacher education students about the education of mandated reporting and child maltreatment in teacher education. Approval was received from the Institutional Review Board of a regional Midwest university. The participants were eligible if they were current students or recent graduates, 1 to 2 years, from the education department of a regional Midwest university. Eligible participants were invited by their education department to complete a 27-question survey on mandated reporting and child maltreatment. The survey was a mix of demographic and qualitative responses. The survey was adapted from the "Mandated Reporting and Child Maltreatment: Training and Experiences of Minnesota Teachers Survey" (Butts, 2014). Informed consent was provided to all of the participants of the study. The consent detailed information about procedures, benefits and risks of participating, explained the participation is voluntary, and provided contact information for the researchers.

The survey was distributed electronically and dispersed using a convenience sample to the total population of current and recent students of the Midwest university. The survey included demographic questions about current and intended employment in teacher education, geographic areas of location, description of education on child maltreatment and mandated reporting, and educational areas marked for improvement. Additional qualitative questions were included in the survey inquiring about the steps to filing child abuse and neglect and mandated reporting, understanding of the mandated reporting process, and the opportunity to express needs for additional training. A total of 51 participants were included in this research.

Data Analysis:

To explore the research question: "How do teacher education students and recent graduates understand the reporting of child abuse and neglect?" the participants were asked what steps are required to file a child abuse and neglect report. The research question, "How do teacher

education students and recent graduates understand the post-reporting process?” was explored by asking participants to describe their understanding of the abuse and neglect reports after the initial report has been made. The research question, “How do teacher education students and recent graduates self-identify the need for additional mandated reporting and child maltreatment?” was answered by asking the participants to provide additional training needs.

Responses to the open-ended questions were coded using content analysis (Lune & Berg, 2017). Themes were generated based on the participant open-ended responses. Initially all of the responses (n=51) were read by the all of the researchers, providing an overview to the data. Researchers reviewed the manifest content and independently found themes using thematic analysis. Next, the responses were all reviewed together by the researchers to classify responses into common themes and to develop consensus on the grouping of individual participant responses. Specific words were identified and counted. The counts were then compared to other identified words. Differences in the counts by researchers were resolved through the group process. Finally, the researchers together grouped word and phrases with similar meanings to develop a representation for the findings from the data. Microsoft Excel was used to represent demographic findings from the data.

Findings:

The total sample size of participants was 51 and was completed over one month. The collected sample was predominately female (80.3%) and has an average participant age of 21.2 years, with a standard deviation of 4.38. Most of the participants (98%) were still in a teacher education program at a regional university. Table 1 has additional detailed information about the characteristics of the sample.

SEE TABLE 1

Participant responses showed most of the participants had little experience as a teacher or student teacher with making a mandated report due to child abuse or neglect. Only one of the participants (2.4%, n=41) had completed a mandated report. The rest of the participants (97.6, n=41) had yet to make their first report. Even though most of the participants had no experience in reporting, 52.9% (n=51) of the participants felt prepared. Table 2 has additional details about participant responses about reporting.

SEE TABLE 2

In general, most of the participants felt prepared in their training from higher education on how to deal with cases of child abuse (54% felt very prepared or somewhat prepared). There were still 12% of participants that reported higher education left them feeling very unprepared for dealing with child abuse. The majority of participants (above 50%) felt aware of all of the signs of abuse and neglect. The signs of child sexual abuse showed the lowest level of sign awareness (13.7% disagreed or strongly disagreed). Table 3 details additional information about the participant responses about child abuse and neglect.

SEE TABLE 3

During the analysis of the open-ended questions, some themes became apparent. Responses to the question “What are the steps you would take to file a child abuse and neglect report?” had the following themes. The most common response was no knowledge or confusion about the steps for reporting child abuse and neglect. Examples of the responses included, “I don’t know,” “Call CPS? I have no idea,” “I know there is paperwork I would need to fill out. I am not sure what the procedure for specific schools would be,” and “no clue.” Another theme identified in the responses was to make the report to another school staff member. These responses included, “Speak to the school counselor or social worker and ask them to guide me in the right direction,” “Inform counselor,” “Approach the school counselor about it,” “Type my reasons or concerns,

meet with principal, if he/she is concerned contact the appropriate party,” and “Let your principal know about the situation and take the necessary measures to keep the child safe.”

The thematic analysis of the question “What happens after child abuse and neglect has been reported?” had the following themes. One of the themes identified after a report has been made and investigation takes place. The following are examples of these responses, “I have no idea, I would assume it gets investigated,” “An investigation could be started as well as a court hearing. That could lead to the child/family being put in protective services,” and “An investigation will occur to further see what may or may not be occurring.” The other theme identified was no knowledge or confusion about the process after a report of child abuse and neglect. Examples of responses that indicated this theme were, “I don’t know,” “Unsure,” and “No idea.”

The question “Would you like more training about mandated reporting procedures and child maltreatment? Please explain your answer from the previous question,” resulted in the following theme. Participants identify more education and training about both reporting procedures and understanding child maltreatment. Examples of these responses include, “I have no clue what this reporting stuff is even about,” “Haven’t had much experience out in the field or in education major classes,” “There is never enough information on these topics,” and “I feel as though the college of education has not prepared myself or my classmates for reporting of any kind. We also never discuss how to work with children trauma or neglect and I believe that this is crucial to cover for future teachers. However, we continue to discuss curriculum and statistics instead of how to work with children in this manner.”

Limitations:

The current study is obviously limited to one teacher education program but the researchers plan to expand the study to include more programs. The geographic constraints may or may not contribute to the effectiveness of the particular teacher education program. The surveys were administered during the summer semester. That may or may not have affected the results of the study. The surveys were administered online. Again, that may or may not have affected the results of the study. The researchers are very aware of the implications and potential limitations of the present study. Nevertheless, the findings support the original hypothesis and seem consistent with similar studies in other areas leading the researchers to feel confident with the results of the current study.

Conclusions and Recommendations:

Based on the findings of the current study the researchers conclude that concerns about the perceived preparedness of teacher education majors for the role of mandated reporter is indeed an important, even urgent, matter that must be explored in future research. The findings are encouraging with regard to overall satisfaction with the teacher education program but they also call for increased efforts to emphasize the importance of specific focus on the dissemination of information to teacher education majors as they prepare to become mandated reporters. Additionally, thematic analysis indicated practical information and experiential learning would assist the participants in becoming adept in both mandated reporting and signs of child abuse and neglect. The ongoing trend that places the school in the role of the child’s nourisher and protector as well as educator, leaves no choice but for school personnel to assume the front line of defense against children being neglected, abused, or both, by their parents, caretakers, or other members of their families.

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Table 1. *Sociodemographic Characteristics of the Sample (n=51)*

Variable	Percentage	n
Gender (n=51)		
Female	80.4	41
Male	19.6	10
Education (n=51)		
Freshman	13.7	7
Sophomore	25.4	13
Junior	23.5	12
Senior	35.3	18
Bachelor's Degree	1.9	1
Planned Area of Teaching (51)^a		
Elementary	52.9	27
Middle School	21.5	11
High School	25.4	13
Other	11.7	6
Planned Teaching Role (51)^a		
Classroom Teacher	76.4	39
Mainstream Education	11.7	6
Special Education	29.4	15
Specialist	7.8	4
Substitute	9.8	5
Other	5.8	3
Planned Geographic Area of Teaching (50)^{ab}		
Suburban	41.1	21
Rural	41.1	21
Urban	27.4	14

Note: ^aParticipants could choose more than one answer leading to a sum of percentages greater than 100.
^bSample sizes are different on each variable due to missing data.

Table 2.

Participant Responses about Mandated Reporting (n=51)

Variable	Percentage	n
How prepared do you feel in your role as a mandated reporter? (n=51)^a		
Very prepared	17.6	9
Somewhat prepared	47.1	24
Neither prepared nor unprepared	21.6	11
Somewhat unprepared	7.8	4
Very unprepared	5.9	3
Where did you get most of your information about your role as a mandated reporter (n=50)^{ab}		
Higher Education (College/Univ.)	56	28
Student Teaching	4	2
Personal Experience	50	25
Personal Research	22	11
Professional Development	18	9
Other	22	11
How much do you agree with this statement? When I was a student teacher, I was aware of my school's procedures for child abuse reporting. (n=34)^b		
Strongly agree	11.8	4
Agree	32.4	11
Somewhat agree	29.4	10
Somewhat disagree	5.9	2
Disagree	5.9	2
Strongly disagree	14.7	5
How do you feel your higher education (university or college) has trained you for your responsibilities as a mandated reporter? (n=49)^b		
Very good	16.3	8
Good	24.5	12
Fair	44.9	22
Poor	8.2	4
Very poor	6.1	3
<i>Note:</i> ^a Participants could choose more than one answer leading to a sum of percentages greater than 100.		
^b Sample sizes are different on each variable due to missing data.		

Table 3.

Participant Responses about Child Abuse and Neglect (n=51)

Variable	Percentage	n
How do you feel your higher education (university or college) training has prepared you to deal with cases of child abuse? (41)^b		
Very prepared	9.8	4
Somewhat prepared	44	18
Neither prepared nor unprepared	34.1	14
Somewhat unprepared	0.0	0
Very unprepared	12.2	5
I am aware of the signs of child neglect. (n=51)		
Strongly agree	19.6	10
Agree	41.2	21
Neutral	27.5	14
Disagree	7.8	4
Strongly disagree	4	2
I am aware of the signs of child physical abuse. (n=51)		
Strongly agree	25.5	13
Agree	56.9	29
Neutral	11.8	6
Disagree	3.9	2
Strongly disagree	2	1
I am aware of the signs of child sexual abuse. (n=51)		
Strongly agree	15.7	8
Agree	39.2	20
Neutral	31.4	16
Disagree	5.9	3
Strongly disagree	7.8	4
I am aware of the signs of child emotional abuse. (n=51)		
Strongly agree	13.7	7
Agree	51	26
Neutral	25.5	13
Disagree	5.9	3
Strongly disagree	3.9	2

Note: ^aParticipants could choose more than one answer leading to a sum of percentages greater than 100.

^bSample sizes are different on each variable due to missing data.

Presidential OUTlaw: How Barack Obama Became The First Presidential Advocate For The LGBTQ Community

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When discussing President Obama's presidential legacy, what are some of the first things that come to mind? For the most part, Healthcare or bi-partisan comradery are two areas of a unique presidency that overshadowed a larger legacy left behind Obama's two term presidency; A legacy such as the advancement of Gay rights. Historically, only a small subset of the men and women who have held any political office in the United States have stood up for the group of silenced minorities over the span of two hundred and forty-three years. After the election of President Donald J. Trump, the presidential election of 2020 has brought forth a new set of Democratic candidates that have never been seen before. Mayor Pete Buttigieg (D) of South Bend, Indiana has taken the upcoming election by storm by being the first openly gay candidate to run for executive office. How is it that the controversial topic that most politicians and presidents have tried to separate themselves, or outright ignore, became the landmark legacy for the two-term President and secured a place at the table for member of the LGBTQ+¹ community?

Though President Obama has vocally opposed same-sex marriage at the start of his career, there has been a clear evolution of thought that has brought on hope for those who seek acceptance by their fellow Americans. Some members of the opposition argue that that President Obama's evolution from a queer "foe" to ally was nothing more than a way to gain more support for his own political ventures. Various news sources have published op-ed pieces that mention the many times that the Obama Administration had essentially worked against the progression of gay rights.² Jonathan Rauch, a Brookings Institution senior fellow, even claims that "we [as gay Americans] felt betrayed when his Justice Department insisted, as George W. Bush's had done, that gays have marriage equality already, because we can already marry someone of the opposite sex." Statements, such as these, had left many wondering if the man who had claimed to be the physical representation of "Hope" and "Change" would fight for or against members of the LGBT+ community. But the argument can be made that context of the switch from friend to foe was mostly to gain more of a way to gain political support seeing as Obama was once quoted stating that "I [Obama] favor legalizing same-sex marriage and would fight efforts to prohibit such marriages."³

Over the span of two terms, President Obama made his way to become the first United States President to openly advocate for the LGBT community. This legacy has been accredited to various external motivations, including his backing by a coalition made up of political minorities, and inclusive presidential rhetoric that paved the way for many others to carry the torch. This paper takes a closer look at how President Obama became the first President to work towards the equalization of rights for the LGBTQ community. Various topics will be addressed such as Obama's evolution from only endorsing same-sex civil unions to lighting up the white house in resemblance of the LGBTQ pride flag. Public opinion, rhetoric, and external motivations will also be examined to help understand if President Obama changed the political climate or if he changed with it. This paper also takes a more in depth look at the Obama Presidency and how his political rhetoric, policy track record, and proactive action, pertaining to the LGBTQ+ Community, worked together to secure his legacy of being the first American President to advocate for the LGBTQ+ community.

The Change You Can Hear

Barack Obama has always had, what he himself has described as, “a certain talent for rhetoric” and has been credited as being one of the most consciously and artfully rhetorical speakers in the recent history of a American Politics.⁴ The rhetoric of the American President can be interpreted as a guiding light for the general public in piecing together what the next 4-8 years is going look like. Lori Cox Han and Diane J. Heith, authors of “*Presidents and The Presidency*”, note that “rhetoric plays an important role in the institutional setting of the presidency by enabling different presidents to shape the presidents to shape in a stable and constant manner.”⁵ Though that is said, Presidential Rhetoric does not begin when one takes office. With the creation of social media and the growing reliance on the internet, one cannot hide from who they were or what they have said.

Modern presidents, and their respective administrations, carry a consistent rhetorical history of publicly working against the advancements of LGBTQ+ rights dating back the 1950’s. President Eisenhower was one the first sitting president to issue an executive order that blatantly discriminated against Homosexual employment in 1953.⁶ That’s not to mention the “most tolerant person on the subject”, President Richard Nixon, negatively faulted the homosexuals for the fall of the Roman Empire and refused to pass laws that seemed to humanize the LGBTQ+ community.⁷ While in office, President George H. W. Bush all out ignored the aids epidemic which resulted in the death of over 32,000 Americans before he left office. Finally, the way that President Bill Clinton stood by several discriminatory policies and how President George W. Bush vowed to defend “traditional” marriage values at all cost showed that presidential rhetoric that goes against the advancement of LGBTQ+ rights is still alive in the twenty first century.^{8 9} Prior to 2008, it was more than clear that the relationship between the LGBTQ+ community and prior presidential administrations is one that has developed into pure hatred and has further politicized the “gay agenda.”

Pre-Presidency

A Young Barack Obama made way into the public eye long before he became the first American President of color or the first Presidential advocate for the LGBTQ+ community. From the start, Obama has had a way with offering support to marginalized and oppressed groups. Being a Black man in the United States of America, and the product of an interracial marriage, he was not impervious to the societal and political oppression of minorities that shaped the political landscape ever since the signing of the Declaration of Independence. In 1996, Barack Obama shifted away from the world of academia and successfully ran for the Illinois senate. As stated before, his views were assumed to be “Unequivocally pro-gay”¹⁰ seeing as he had, again, stated that he was in favor of same-sex marriage in a response to candidate’s questionnaire from Chicago’s Outlines gay newspaper. Later, in another 1996 survey, Obama started his shift away from his pro- gay stance and two years later fully backed away from his supportive position.

Obama unsuccessfully ran for congress in 2000, with little support from the gay community seeing as this shift looked more like a power grab than a thought-out decision. Obama’s political perspective surrounding the LGBTQ+ community has been centered around the word “marriage.”¹¹ Several major congressional advancements surrounding the word marriage were made by Obama’s “political and practical” approach to same sex issues. With this unique twist to a more traditional approach, there was a subsequent increase of protection surrounding LGBTQ+ rights through civil unions and domestic partnership. Though that is not exactly “marriage” equality, Obama’s crafty “lets see what we can accomplish without explicitly stating what we are doing” mindset and rhetoric started to move towards acceptance.

Obama seemed to have made his way back into the hearts of the LGBT community early on in the 2004 U.S senate campaign by reaching out and facilitating discussion between his staff and members of the LGBT community. With several other Pro-LGBT democratic campaigns all pinning for a highly contested seat, it seems that the strong coalition of LGBTQ+ members was what was needed in order to make his U.S senate campaign successful. In April 2003, Obama’s campaign held a its first community discussion

on gay and lesbian issues at a gay bar in Chicago, Illinois. This cardinal event really set the ball rolling for Obama's campaign seeing as though this was not a large event, it resulted in several members of the crowd joining his election campaign in significant roles (Including raising money, and voter outreach). Later in June, 2003, Obama marched alongside his fellow Democratic candidates in the Chicago Gay and Lesbian Pride Parade with an audience of 375,000+ people.¹² Obama's actions, such as the his initial outreach to the local LGBT+ community and marching in one of Chicago's pride parades, lead the to a creation of a strong coalition of gay voters. This coalition became one of the key factors in Obama's successful Senate campaign, seeing as Republican candidate Jack Ryan refused any support from the gay community (even from the Log Cabin Republicans).¹³

Shifting more towards ally and supporter of gay rights, Obamas rhetoric, as a congressional candidate, started to mirror his actions more closely. While speaking at his rallies, he started to voice his support of civil unions and domestic partnerships more seriously and vowed to continue his support on the Senate floor. His stance on gay rights became more and more clear after the United States Supreme Court's 2003 decision to strike down sodomy laws, stating that this ruling was "an important victory for justice."¹⁴ President Obama made his first appearance on the national stage as the keynote speaker at the 2004 Democratic National Convention, a speech that would later be referenced as "The seventeen minutes that launched a political star."¹⁶ The once generally unknown junior Senator from Illinois became a household name when he delivered a message in which he discussed "his background, the goals and aspirations of the [Democratic] party and adopting a message of hope."¹⁷ Words, such as, "This is not a liberal America or conservative America, there is only a United States of America" surpassed any speech that was given that night and shifted the national spotlight onto this dark horse runner. Throughout the context of this one speech, Obama touched on several aspects of American Life that were prevelant in 2004, one of which resonated with the national LGBTQ+. Obama humanized the gay community by reminding the nation that "We [as Americans] coach little league in the blue states and yes, we've got some

gay friends in the red states."

With the help of this new-found notoriety, Barack Obama became the symbol for change and a voice for various minority groups all over the nation. His rhetoric had redefined "patriotism as the ideas and values that anyone can hold and become an American"¹⁸ and truly mirrored that change would be at the center of both Obama's successful 2004 Senate and his two successful presidential campaigns.

Pre- Presidential Election

Throughout these campaigns, Obama used his finely tuned talents to connect with and leave his audience, that he had no direct understanding of their personal hardship, feeling protected. This provided protection wasn't from conservative men and women who are known to not only throw punches; This protection was from the Federal and State governments that have consistently used the LGBT community as a way to distract from the hate-based politics. While launching his campaign back in 2007, Obama spoke on this issue and noted that "when all else fails, when [hurricane] Katrina happens, or the death toll in Iraq mounts, we've been told that our crises are somebody else's fault. We're distracted for our real failures, and told to blame the other party, or gay people, or immigrants." He continued by dedicating his campaign to those who wanted to see real change in their political system and were willing to put in the work to ensure that change would come. "That is why this campaign can't only be about me. It must be about us- it must be about what we can do together."¹⁹

Obama, like any other candidate, made many mistakes and didn't always provide the right answer to every question that was asked on the campaign trail. There were many instances that left voters wondering if he would be the champion of change that the LGBTQ+ community needed in order to find their rightful seat at the table. Fortunately, Barack Obama's rhetorical track record was consistently in favor of the politically oppressed and was not afraid to speak on issues that other candidates would rather not touch on. Speaking on these politically taboo issues became the strength of Obama's campaign, but as the campaign progressed, the fears of the LGBTQ+ community shifted once again. The promises made by

candidates are blue prints for their focus once they take office.²⁰ Obama was starting to make more promises to the gay community on the campaign trail leaving many to wonder if these were just typical campaign promises that would never become reality. Would his message line up with his mandate to govern or would this just be another attempt from a power-hungry politician to make his way up the political ladder? But throughout the span of his campaign, Obamas rhetorical message of inclusivity was consistent, speaking eloquently on issues like Don't ask, Don't Tell, HIV and Healthcare, and the murder of Mathew Shepard.²¹ After a leap of faith taken by the gay community, and the rest of the Obama coalition, America elected its first gay friendly, African- American President on November 4th, 2008.

The Obama Presidency

Though it took longer than expected, the newly elected President Barack H. Obama slowly started to mend the historically frayed relationship between the LGBTQ+ community and the President of the United States. Over the span of Obama's presidency, LGBTQ+ Americans were able to see the evolution of Obama's thought process surrounding some of his negative views towards the same-sex marriage. Many policy issues had been touched on within the first four years of his presidency, but it wasn't until 2012 where Obama publicly confirmed his support for gay marriage. In an interview with ABC News correspondent, Robin Roberts, Obama detailed his personal evolution of his views and became the first president in American History to publicly support gay marriage. This rhetorical shift provided the marriage equality movement with a national ally that illustrated that people can really change and evolve from their previous thoughts and opinions. From stating "I believe marriage is between a man and a woman. I am not in favor of gay marriage"²² in 2008, to "I've just concluded that for me personally it is important for me to go ahead and affirm that I think same-sex couples should be able to get married"²³ in 2012. Over the span of four years, President Obama use of the bully pulpit had done more for the LGBTQ+ community than any other president in American History. Many opposers, again, accredited this historic change to seeking reelection and a second term and not actually because he believed in same-sex marriage.

Regardless of intention, Obama's proclamation showed that all humans, regardless of title, are capable of change and that all Americans deserve equality. Even after re-election, the lame duck president did not give up on his support for the queer community. After the legalization of Same-Sex marriage, Obama was one of the first to voice his happiness just moments after the Supreme Court Ruling has handed down. The White House was also ordered to be lit up to represent the iconic LGBTQ+ rainbow pride flag in support of historic ruling.²⁴ After a heinous terrorist attack that took place at Pulse Nightclub in the Summer of 2016, President Obama's response was not to declare this as just an attack on the LGBT community, but as an attack on America.²⁵ In his issued response to the deadliest shooting in American history, Obama made it clear that "this is a sobering reminder that attacks on any American -- regardless of race, ethnicity, religion or sexual orientation -- is an attack on all of us and on the fundamental values of equality and dignity that define us as a country. And no act of hate or terror will ever change who we are or the values that make us Americans."²⁶

Over the span of his Presidential tenure, Obama continued to voice his support for the gay community at the national level in various venues. He was a constant supporter of the Human rights campaign (HRC) and became what some would call the token "straight spokesman" for the organization after delivering several speeches that had gone viral in a matter of hours after being posted online.²⁷ With his use of the bully pulpit, President Obama changed the previous conversations surrounding the LGBTQ+ community and turned it into a more virtuous avenue of acceptance. Several of President Obama weekly video addresses were focused on LGBTQ+ rights, policy change, and updates on the work that the White House was doing to keep this new conversation going. In further effort to tackle bullying and discrimination within the LGBT youth community, while increasing social acceptance, President Obama employed his social media skills and teamed up with *The Trevor Project* to release a "It gets better" video on *the Obama White house* YouTube page. In this three-minute video, President Obama was able to use

the digital bully pulpit to remind all members of the LGBT community that things do get better, that all are created equal, and that all Americans are entitled to pursue happiness.

Post-Presidency

As Obama's time in office started to come to a close, the lame duck president did not give up on advocating for the LGBT community. During the 2015 State of the Union address, President Barack Obama made history by becoming the first American President to use the words "Transgendered" and "Bisexual" when addressing the nation. While closing out his address to the nation, Obama begins to describe American democracy as a brand and goes on to explain how hard it is to maintain that brand without the voice the people that protect human dignity. *"As Americans, we respect human dignity [...] that's why we defend free speech, and advocate for political prisoners, and condemn the persecution of women, or religious minorities, or people who are lesbian, gay, bisexual, or transgender. We do these things not only because they're right, but because they make us safer."*²⁸

Regardless of the political backlash, President Obama chose to speak for the criminalized and voiceless LGBT community throughout his time on the national stage. Even though he may have not always carried a consistent ideology towards marriage equality and Same-Sex marriage. The overall conclusion of rhetorical research shows that Obama's use of the digital bully pulpit and the evolution of his stance on Same-Sex marriage were two major actions that mended the historically tragic relationship between the LGBT community and the Office of the President.

The Change You Can Feel

Domestic Policy, regarding the LGBTQ+ community, has historically been a way to institutionalize discrimination based on sexual orientation and gender identity. Consistently, American Politicians, and Presidents alike, have looked at the issues of queer politics as either morally repugnant or not as big of an issue as it is. As stated earlier in this essay, several previous presidents have issued policies and enforced laws that provided legal precedent for the discrimination of Americans who identified as queer. And though America is officially a secular society with a separation of church and state, many anti- LGBTQ+ policy issues are rooted in religious exemptions.

President Barack Obama, even identifying with the Christian Denomination, did not see these religious exemptions as a chance to establish a "moral society", but a blockage of civil rights. While in Congress, President Obama strategically "switched" his views on Same Sex marriage for, what seemed like, religious reasons. This switch left many of his LGBTQ+ supporter in disarray for quite some time due to how quickly his views changed and how his rhetoric surrounding the word "marriage" changed. Fortunately for the LGBT community, Obama carried through with the promises throughout his first presidential campaign and brought change to the White House and to domestic policy.

While in office, President Obama and his administration had made many strides in their efforts to bring equality to all Americans; more specifically queer Americans. His administrative track record includes over 30 policy initiatives and executive orders that continuously expanded the rights of the LGBTQ+ community further than any administration had before.²⁹ These legislative achievements advanced equality for the LGBTQ+ community in the areas of health, civil rights and marriage equality, and even in areas that involve discrimination and hate.

Anti-Discrimination and Hate

One of Obama's first major acts as president for the LGBTQ+ community was signing the Matthew Shepard and James Byrd, Jr., Hate Crimes Act of 2009 into law.³⁰ This act detailed that the "Justice Department jurisdiction over crimes of violence in which a perpetrator has selected a victim because of sexual orientation or gender identity, as well as many other characteristics."³¹ The LGBTQ+ community has, historically, been subjected to verbal and physical attacks by anti-LGBTQ+ extremist, both in public and private, for as little as identifying as queer. 21-year-old college student, Matthew Shepard, was beaten to death by two men solely based on his sexuality. At the time of the murder, many states did not recognize violence that targets victims based on their sexual orientation as a hate crime. Even under federal law, only crimes committed based on color, race, religion or national origin would fall under the

umbrella of recognized hate crimes.³²

The bill was first introduced to the House of Representatives during the 106th through the 110th congress and though referred to the judiciary committee, the bill continuously died in either in the House or in the Senate. The bill was reintroduced again while 111th congress was in session and passed in both the House and the Senate as an amendment to National Defense Authorization act for the 2010 fiscal year. President Obama signed the act into law on October 28th, 2009 without hesitation. The historical significance of the signing this hate crimes prevention act in to law was that it not only that it was the first to offer federal protections for the LGBTQ+ community against hate- based violence; It was also the first time a sitting president worked in favor of the gay community. Obama's signing of The Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act of 2009 was not only historical, but was also the proof needed that the LGBTQ+ community would not be forgotten once again.

Repealing "Don't Ask, Don't Tell"

"Don't ask, Don't tell" a directive that called for the discharge of any military personal that was openly homosexual or queer had consistently been a hot button topic for LGBTQ+ members of society, seeing as this policy initiative was a just way to discriminate against the queer community through suppression.³³ Though the intentions of "Don't Ask, Don't tell" were to expand the rights of LGBTQ+ Military personnel that had been discriminated against since homosexuality was formally listed as an "exclusionary characteristic" back in 1942, many gay rights activist felt that this policy did "little to combat the prejudice against them."³⁴

As a presidential candidate, Barack Obama had stated many times that, if elected, he would call for the immediate repeal of "Don't ask, Don't tell." After being elected in 2008, many gay rights activists and military personal waited for the moment that for the newly-elected president to go forward with the promised repeal. In January of 2009, shortly after his inauguration, President Obama received a letter in which Second lieutenant Sandy Tsao publicly came out as a lesbian. In her personal letter, Tsao depicted the daily struggles she faced as an army officer, a Christian, and a lesbian under the "Don't Ask, Don't tell" policy. Though Tsao was aware that sending this letter would lead to her discharge from the military, she hoped that President Obama would "help [the LGBT community] win the war against prejudice so that future generation will continue to work together and fight for our freedoms regardless of race, color, gender, religion, national origin or sexual orientation."³⁵ President Obama later responded to Tsao's letter and request for action by stating that "Although it will take some time to complete (partly because it needs congressional action) I intended to fulfill my commitment"

After the repeal of "Don't Ask, Don't Tell" and signing the Hate Crimes Act of 2009 into law, it was safe to say Obama had up held several of his campaign promises while also securing his legacy as the first pro LGBTQ+ President in U.S History. President Obama had expanded federal policy to protect the gay community and their rights, an action that many politicians wouldn't consider. According to Obama's White House online archive dedicated to LGBT policy; President Obama didn't feel that partial equality was enough for any subset of Americans. In a statement published on the same webpage, President Obama's solidarity was described as a "commitment to leveling the playing field and ensuring equal protection under the law is the bedrock principle this nation was founded on and has guided the President's actions in support of all Americans."³⁶

LGBTQ+ Health Policy

Another aspect of policy that Obama worked tirelessly to equalize and expand on while in office was the area of health policy. Sadly, general knowledge of President Obama's work in the area of health policy is often only his fight for universal health care, as known as "The Affordable Care Act." Though the Affordable Care Act made it illegal for insurance companies to discriminate based on pre-existing conditions and made it easier for people living with HIV and AIDS; Equality, in regard to health policy, was not solely embedded in health care reform. President Obama understood that "equality under the law does not always apply to the LGBTQ+ community" and health policy proved to be the most discriminatory

in regards to LGBTQ+ rights.³⁷ Ryan Baily, a health law fellow at DePaul University, discussed the how the field of health care has been at the forefront of the LGBT battlegrounds for so long in an article published by the American Medical Association Journal of Ethics.³⁸ Throughout his essay, Baily cites Justice Kennedy of the United States Supreme Court's given opinion regarding homosexuals fundamental right to privacy in the case of *Lawrence v. Texas* as the first step towards equality in the area of health care and health services.³⁹ The decriminalization of sexual intimacy between homosexuals and allowing consensual sexual activity to be covered under the right to privacy set a new standard of equality for LGBTQ+ Americans.

The Supreme court's decision regarding *Lawrence v. Texas* provided the necessary precedent for the Obama Administration to enact state laws that would reverse the laws working against the LGBTQ+ community. At the federal level, President Obama used the extension of rights to privacy, protected by *Lawrence*, to equalize patient's rights within hospitals that were federally funded. In April 2010, Obama issued a memorandum to the U.S Secretary of Health requesting that "all hospitals that participate in Medicare or Medicaid respect the rights of patients to designate visitors."⁴⁰ This memorandum would allow for LGBTQ+ patients to carry the same "visitation privileges that are no more restrictive than those immediate family members enjoy."⁴¹

Marriage Equality

In February 2011, President Obama and his Attorney General brought LGBTQ+ members of society closer to marriage equality with the announcement that the Department of Justice (D.O.J) would no longer defend the Defense of Marriage Act or its provisions.⁴² Under the Defense of Marriage Act, marriage had been defined as "legal union between one man and one woman as husband and wife, and the word 'spouse' refers only to a person of the opposite sex who is a husband or a wife."⁴³

After the Obama's presidential declaration against upholding the Defense of Marriage Act, the marriage equality movement found itself one step closer to the fulfilling their goals. In the case of *United States v. Windsor*, section three of Defense of Marriage Act was challenged when Windsor Spyder was denied a federal estate tax exemption for surviving spouses on the estate that was left to her by her late wife.⁴⁴ Since Marriage was defined as only between a man and a woman, Spyder was denied a tax refund on the

\$363,053 that was paid estate taxes by the Internal Revenue Service. Due to the Attorney General's decision to no longer defend the constitutionality of the Defense of Marriage Act, the United States had been represented by the Bipartisan Legal Advisory Group (BLAG) of the House of Representatives. Ultimately, the Court ruled in favor of Windsor, stating that section three of D.O.M.A was unconstitutional on the grounds that it was a "deprivation of the equal liberty of persons that is protected by the Fifth Amendment."⁴⁵ After the Supreme Court handed down their decision, President Obama ordered the members of his Cabinet to review the thousands of federal laws and regulations to assure that this decision would be implemented by the federal government as quickly as possible.

The *Windsor* victory set the stage for the future of marriage equality by allowing for federal marriage benefits to be awarded to same-sex couples who were married in states or countries that legally recognize same-sex marriage. In the span of time that it took for *Obergefell v. Hodges* to reach the Supreme Court, marriage equality had been at the center of various aspects of daily life.⁴⁶ On June 26th, 2015, the United States Supreme Court handed down their decision that state prohibitions on same-sex marriage unconstitutional based on the fact that this violates due process liberty guarantees of the Fourteenth Amendment.⁴⁷

The change you can feel

Whether it be positive or negative, presidential legacies are the accumulation of the major moments that have taken place throughout each respective president's time in office. Each executive order, judicial nominee, and policy decision is assessed to determine each president's historical footprint and decipher

which areas were affected by each respective office.

After 8 years in office, President Obama's legacy has been the subject of debate for many presidency scholars. Obama's presidential legacy is rooted in an aspect of his presidency that most critics and supporters would never have thought of but is one that secured his place in history. On top of being the first African-American President, it is clear that the expansion of LGBTQ+ rights had become the main takeaway from his 8 years in office. Between carrying a positive rhetoric and offering unwavering support for the LGBTQ+ community, real change had been put into place under the Obama administration that can be measured with both qualitative and quantitative methods.

Quantitative measurement

In a 2013 study, conducted by the Pew Research Center, LGBT Americans were asked if they felt as if things were better than they were 10 years prior.⁴⁸ The survey was designed to quantifiably measure LGBT American's overall attitudes, experiences, and values in the changing social and political landscape. The analysis of the experience and attitudes of the LGBT population in this report was represented by a sample of 1,197 adults who identified as LGBT.⁴⁹ The Pew Research Center relied on a random sample of adults who agreed to take part of an online survey, hosted by a third party, in exchange for small monetary reward after the completion of the survey. Several areas surrounding the daily lives of LGBT (i.e. social acceptance, marriage and parenting, and partisanship, policy views, values) were examined in order to better measure the overall change in culture from 2003-2013.

Though the data from the survey was primarily intended to measure the shift in the views held by LGBT Americans on the progression of acceptance in American culture, the Pew Research Center found that the LGBT population was more "distinctive in ways beyond sexual orientation."⁵⁰ The survey had found that, compared to the general public, members of the LGBT community were more democratic, less religious, more liberal, and less happy with their lives. It was also discovered that average family income of LGBT Americans was lower, and that LGBT Americans were more perceptive to discrimination, both against themselves and other minority groups.

Social Acceptance

Social acceptance plays a giant role in the progression and expansion of Civil Rights, regardless of the movement. If there is little to no acceptance coming from the majority of the general public, the nonviolent social movement becomes less likely to be successful. This data provided by the Pew Research Center was collected years before many pro-LGBT policy changes had been decided upon or had taken affect, but still highlights the progression of acceptance that LGBT community members feel from general public. According to data, the majority (59%) of LGBT adults surveyed felt that there was at least some social acceptance of the gay community; 19% felt as if there was a significant amount of social acceptance, leaving 21% of LGBT Adults feeling as if there was little to no acceptance in 2013.⁵¹

Though 80% of those surveyed felt that social acceptance in 2013 was low, 92% of respondents felt that society was now more accepting than they were 10 years ago. Pew Research Center also found, in a corresponding survey, that those who know someone who identifies as LGBT, were more accepting of homosexuality and gay marriage. Surveys that focus more on the views of general public suggest that social acceptance is rising and could possibly be accredited to the growing numbers of adults who know someone who is homosexual.⁵² Data from 1993 suggest only 61% of Americans personally knew someone who identified as homosexual, as opposed to the 87% in 2013.

With little knowledge of the future, and what it would mean for the LGBT community, respondents seemed to choose hope as opposed to fear. When asked about the future of social acceptance, 92% of respondents felt that society would be more accepting of the LGBT community over the next 10 years.⁵³ But, with a history of oppression and little acceptance coming from the general public, why did respondent feel that society would be more accepting in the next decade? 70% of respondents agreed that knowing someone who is LGBT is a correlating factor in overall social acceptance, but 66% felt that support on LGBT issues from non-LGBT leaders plays a huge role in society becoming more accepting of the community.⁵⁴

When asked to name a few public figures that were vital to the advancement of LGBT rights, who would also be recognizable at the national level, a total of six names were listed. Among those names were public figures, Anderson Cooper, Hillary Clinton, Barney Frank, and Neil Patrick Harris; All receiving less than 3% of respondents naming them as vital to the LGBT movement. Ellen DeGeneres came in second with about 18% of LGBT adults naming her as an important figure in the progression of LGBT rights. Barack Obama received roughly 23% of respondents feeling that the President of the United States was the national figure who had been the most important in advancing LGBT rights.⁵⁵ Not only did a majority of respondents cite President Obama as one of the most important figures in advancing LGBT rights, 63% of LGBT Adult felt that Obama Administration was generally friendly towards people who identify as LGBT; 30% felt that the Obama Administration was generally neutral, which left 6% feeling like the administration had been generally unfriendly to the gay community.⁵⁶

Partisanship, policy, views, values.

Obama has consistently had a strong LGBTQ+ backing, even after he left office in 2017. The overall impressions of Obama presidency and its relationship with the LGBTQ+ community seemed to have been positive during his first term and followed him into his second term. Pew Research Center found that 76% of all LGBT Americans had favorable opinions of President Obama, leaving 24% with an opinion that would be considered quite unfavorable.⁵⁷ Respondents who Identified as lesbian (84%) seemed to be more likely to have favorable opinions of Obama, with gay men (83%) following suit. 68% of bisexuals carried favorable opinions, leaving this sub-section to carry most of the LGBT community's unfavorable opinions of Obama and his time in office.

Qualitative Measurement

Assessing Obama's presidential legacy should not be confined only to quantitative forms of measurements, seeing as Obama did not only bring on policy change; He brought on social and emotional change for the LGBT community. From the enactment of laws preventing hate crimes, to becoming the first president to use the words "bisexual" and "Transgender" in his last State of the Union speech; Obama left behind more than just policy change. Though many critics and scholars may argue Obama's presidential downfalls outweigh his accomplishments, the memories that his supporters carry will be those of both tangible and emotional change.

Though this area of measurement is based on the subjective views of the nation as opposed to objective, it can tie into how quantitative measurements is interpreted across various platforms. In the 2013 survey of LGBT Americans conducted by the Pew Research Center, several anonymous responses explaining reasoning behind various questions were published throughout the report. One question that was coupled with a response was "Which Public Figures, at the National Level, Have Been Important in Advancing LGBT Rights?"⁵⁸ The first response that was shared stated that "Barack Obama helps a lot- I am amazed to have a sitting president supporting my right to marry."⁵⁹ A gay man also stated that they found it "profoundly brave of President Obama to end the 'Don't Ask, Don't Tell' policy."⁶⁰ Again, This survey was published several years before the legalization of Same-Sex marriage.

Gautam Raghavan, editor of "*West Wingers: Stories from the Dream Chasers, Change Makers, and Hope Creators Inside the White House,*" recounts his positive experiences as a gay man working for the Obama Administration.⁶¹ According to the White House Staffer, support of Same-Sex Marriage showed double digit growth among black voters in Maryland and Pennsylvania within weeks of the Obama's announcement.⁶² The movement continued to gain momentum with the U.S Supreme Court's decision to strike down section 3 of the Defense of Marriage Act under *United States v. Windsor* just a year later.⁶³ And in three years-time, the U.S Supreme Court would hand down their decision on *Obergefell v. Hodges* thus legalizing Same-Sex marriage.⁶⁴ Raghavan continuously cites Obama's leadership and support for the LGBTQ+ community as some of the main reasons that LGBTQ+ rights progressed so quickly over his eight years in office.

Conclusion

After copious amounts of research on Barack Obama's time in office, it is clear that Obama contributed to the progression positive change to the American political landscape. But what was also made clear is that most of that political change found its way back to the LGBTQ+ Community. In each aspect, inclusion was at the core of the majority of decisions that were made by the Obama Administration.

The rhetorical aspect of Obama's political career, in regard the LGBTQ+ community, evolved over the span of 20 years. The strategic use of his rhetorical talents throughout his evolution and time on national stage seemed to be exactly what was needed to bring LGBTQ+ closer to social and political acceptance. After examining his over twenty years-worth of carefully crafted orations that echo acceptance of the LGBT community, it safe to say that Obama's use of the bully pulpit was one of key factors in the expansion of LGBT acceptance and protections. Through the use of his words and his political position, Barack Obama preached Inclusion instead of exclusion; Successfully humanizing the LGBTQ+ community and establishing a new relationship with the LGBTQ+ community.

President Obama's policy agenda and track record has had its fair share of highs and lows but has ultimately remained consistent throughout his time in office. Several areas of policy that were focused on by the Obama administration positively affected the LGBT community, each expanding the rights of LGBTQ+ Americans over the span of 8 years. After examining these several areas of policy that worked to establish protection and expand LGBTQ+ rights, it is clear that the policy goals of the administration were based in overall inclusion. Each aspect of domestic policy that had been changed to offer legal protections for the LGBTQ+ community were ones that previously excluded members of the community; Making President Obama the first American president to support pro-LGBT policies in the history of the Union.

Finally, Obama's legacy made it possible for members of the LGBT community to feel as if their movement had made any progress towards being accepted by society. The Pew Research Center was able to quantifiably measure the overall feelings of the LGBT community in the aspects of social acceptance, policy, and President Barack Obama. Even with the data being collected in 2013, the interpreted data provides evidence that Barack Obama was able to change the American political and social landscape over the span of his first term. With little to no recent data regarding the LGBT community from reliable sources collected during or after Obama's presidency, one must measure his second term using qualitative measurements. We can determine the legacy of the Obama administration through the plethora of stories coming from every aspect of the LGBT communities and their allies that describe the positive societal change brought on by the Obama Administration.

Overall, the combination of all three areas examined led to the creation of the first pro-LGBTQ+ Presidential advocate. It can be agreed that that President Obama's actions were meticulously calculated and carried out, allowing them to be viewed as a positive example of how the ends justify the means. Through his strong leadership, many have been able to carry his legacy of LGBTQ+ rights into future elections and various positions of power. After two terms in office, Barack Obama and his Administration provided the LGBTQ+ community with their rightful place at the table and a platform to speak their mind in ways that other presidential administrations would never allow. The change Obama brought on gave many LGBTQ+ adults the pathway to run their campaigns openly. Moving forward, the LGBTQ+ community still has a lot more ground to cover to reach their goal of total equality within the United States, but their presidential ally helped bring them a few steps closer.

¹ Throughout the paper "LGBTQ+" is used to refer to the American Lesbian, Gay, Bisexual, Transgendered, questioning, questioning, and others (ally) community

² See Jonathan Rauch's "Why Gay Rights May Be President Obama's Biggest Legacy", The Brookings Institution, May 11th, 2011, available at <https://www.brookings.edu/opinions/why-gay-rights-may-be-president-obamas-biggest-legacy/>

³ 1996 Outlines gay newspaper questionnaire response from then-Candidate for Illinois state Senate Barack Obama.

⁴ See Sam Leith “Words like Loaded Pistols: Rhetoric for Aristotle to Obama”, Basic Books, 2012, Pg.231

⁵ Dr. Lori Cox Han and Dr. Diane J. Heith, “Presidents and The Presidency”, *Oxford University Press*, second edition, 2017

⁶ See Executive Order #10450, President Dwight D. Eisenhower, 1953

⁷ President Richard Nixon, the Nixon Tapes, 1971-1972

⁸ See Defense of Marriage Act (Pub.L. 104–199, 110 Stat. 2419, enacted September 21, 1996, 1 U.S.C. § 7 and 28 U.S.C. § 1738C)

⁹ See Department of Defense Directive 1304.26 issued on December 21, 1993

¹⁰ Tracy Baim, “Obama and the Gays: A Political Marriage”, Amazon Books, 2010.

¹¹ Tracy Baim, “Obama and the Gays: A Political Marriage”, *Amazon Books*, 2010.

¹² Estimation provided by Chicago Police Department and provided by Tracy Baim “375,000+ at the 2003 Pride Parade” *Windy City Times*, June 2, 2003

¹³ The Log Cabin Republican is a National Organization created by members of the Republican party who identify as queer

¹⁴ Tracy Baim, “Obama and the Gays: A Political Marriage”, Amazon Books, 2010.

¹⁵ *Lawrence V. Texas* (02-102) 539 U.S 558 (2003) 41 s. w. 3d 349, Reversed and Remanded

¹⁶ Eli Saslow “The Seventeen Minutes that launched a Political star” *Washington Post*, August 25, 2008

¹⁷ Barack Obama’s 2004 Democratic National Convention Keynote speech; Full transcript and video found at <https://www.c-span.org/video/?182718-3/senator-barack-obama-2004-democratic-national-convention-keynote-speech>

¹⁸ See “The Obama Years: The Power of Words” Smithsonian Documentary, Jon Favre, 6:40

¹⁹ Barack Obama’s Presidential Campaign kick-off speech. Tracy Baim, “Obama and the Gays: A Political Marriage”, *Amazon Books*, 2010

²⁰ Dr. Lori Cox Han and Dr. Diane J. Heith, “Presidents and The Presidency”, *Oxford University Press*, second edition, 2017

²¹ Referencing the murder of 21-year-old Matthew Sheppard, a gay college student who was brutally murdered and targeted based on his sexuality

²² Referencing to the response from, then presidential candidate, Senator Barack Obama’s (D- Illinois) 2008 MTV interview regarding same-sex marriage and support of Proposition 8

²³ Barack Obama’s Interview with ABC news correspondent Robin Robert’s; American Broadcasting Company. 05/09/12

²⁴ See cover photo by Pablo Martinez Monsivais, AP

²⁵ Ralph Ellis, Ashley Fantz, Faith Karimi and Elliott C. McLaughlin, “Orlando shooting: 49 killed, shooter pledged ISIS allegiance”, *CNN*, June 13, 2016, <https://www.cnn.com/2016/06/12/us/orlando-nightclub-shooting/index.html>

²⁶ President Barack Obama’s remarks on the Pulse Night Club shooting in June 2016. Full remarks found at <https://obamawhitehouse.archives.gov/blog/2016/06/12/president-obama-tragic-shooting-orlando>

²⁷ Viral; noun; an image, video, advertisement, etc., that is circulated rapidly on the Internet. ²⁸ President Barack Obama’s State of the Union Address, January 19th, 2015;

Washington, D.C. ²⁹ See “Fact sheet Obama Administration’s Record and the LGBT Community”;

<https://obamawhitehouse.archives.gov/the-press-office/2016/06/09/fact-sheet-obama-administrations-record-and-lgbt-community>

³⁰ The Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act of 2009, 18 U.S.C. § 249, was enacted as Division E of the National Defense Authorization Act for Fiscal Year 2010. Section 249 of Title 18 provides funding and technical assistance to state, local, and tribal jurisdictions to help them to more effectively investigate and prosecute hate crimes.

³¹ Katy Stinemetz, “See Obama’s 20-year evolution on LGBT rights”, *Time Magazine*, April 10, 2015; <http://time.com/3816952/obama-gay-lesbian-transgender-lgbt-rights/>

³² See Civil Rights Act of 1968, [18 U.S.C. § 245 (b)(2); Violent Crime Control and Law Enforcement Act of 1994 28 U.S.C. § 994 note Sec. 280003; Church Arson Prevention Act H.R. 3525, Pub.L. 104-155]

³³ Don't ask, Don't Tell Act (DADT), Clinton Administration, Department of Defense, Directive 1304.26. Full text: <https://biotech.law.lsu.edu/blaw/dodd/corres/html2/d130426x.htm>

³⁴ Sarah Pruitt, "Was 'Don't ask, Don't tell' a step forward for LGBT in the Military", *History*, April 25, 2018.

³⁵ Tracy Baim, "Obama responds to a Lesbian Soldier 's letter", *Windy City Times*, May 13, 2009. Full text found at <http://www.windycitymediagroup.com/lgbt/Obama-responds-to-lesbian-soldiers-letter/21121.html>

³⁶ Full statement found on the White House of President Barack Obama, Office of the Press Secretary, Statements and releases: Fact Sheet, Obama Administration’s Record and the LGBT Community <https://obamawhitehouse.archives.gov/the-press-office/2016/06/09/fact-sheet-obama-administrations-record-and-lgbt-community>

³⁷ Ryan Baily, “Heath law: The LGBT community, Health Policy, and the Law,” American Medical Association Journal of ethics, August 2010, volume 12, Number 8: 658-622.

³⁸ Ryan Baily, “Heath law: The LGBT community, Health Policy, and the Law,” American Medical Association Journal of ethics, August 2010, volume 12, Number 8: 658-622.

³⁹ *Lawrence v Texas*, 530 US 558 (2003)

⁴⁰ Barack Obama, Memorandum on Respecting the Rights of Hospital Patients To Receive Visitors and To Designate Surrogate Decision Makers for Medical Emergencies Online by Gerhard Peters and John T. Woolley, The American Presidency Project <https://www.presidency.ucsb.edu/node/288346>

⁴¹ See footnote 44.

⁴² Defense of Marriage Act (DOMA) (Pub.L. 104–199, 110 Stat. 2419, enacted September 21, 1996, 1 U.S.C. § 7 and 28 U.S.C. § 1738C)

⁴³ Defense of Marriage Act (DOMA) (Pub.L. 104–199, 110 Stat. 2419, enacted September 21, 1996, 1 U.S.C. § 7 and 28 U.S.C. § 1738C); Section 3 (a)

⁴⁴ *US v. Windsor*, 133 S. Ct. 2675 (2013)

⁴⁵ See Footnote 49

⁴⁶ *Obergefell v. Hodges*, 135 S. Ct. 2584, 2628 (2015)

⁴⁷ Courtney W. Daum, “Marriage Equality: Assimilationist Victory or Pluralist Defeat?,” *LGBT Politics*, New York University Press, 2017; Edited by Marla Brettschneider, Susan Burgess, Christine Keating.

⁴⁸ Pew Research Center, “Survey of LGBT Americans: Attitudes, Experiences, and Values”, June 13, 2013

⁴⁹ Pew Research Center, “Survey of LGBT Americans: Attitudes, Experiences, and Values”, June 13, 2013; See Methodology, Pg. 113-119

⁵⁰ Pew Research Center, “Survey of LGBT Americans: Attitudes, Experiences, and Values”, June 13, 2013; *Demographic Overview*.

⁵¹ Data taken from Pew Research Center, “Survey of LGBT Americans: Attitudes, Experiences, and Values”, June 13, 2013; *Demographic Overview*. (N=1,197). Those who did not answer were not included. See Figure 1

⁵² Pew Research Center for the People & the Press, May 1-5, 2013 poll and Pew Forum on Religion & Public Life, March 21-April 8, 2013 poll

⁵³ Data taken from Pew Research Center, “Survey of LGBT Americans: Attitudes, Experiences, and Values”, June 13, 2013; *Social Acceptance*, Page 30. (N=1,197). Those who did not answer were not included. See Figure 2.1 54

Data taken from Pew Research Center, “Survey of LGBT Americans: Attitudes, Experiences, and Values”, June 13, 2013; *Social Acceptance*, Page 34. (N=1,197). Those who did not answer were not included. See Figure 2.2 55

Data taken from Pew Research Center, “Survey of LGBT Americans: Attitudes, Experiences, and Values”, June 13, 2013; *Social Acceptance*, Page 35. (N=1,197). Those who did not answer were not included. See Figure 2.3 56

Data taken from Pew Research Center, “Survey of LGBT Americans: Attitudes, Experiences, and Values”, June 13, 2013; *Social Acceptance*, Page 37. (N=1,197). Those who did not answer were not included. See Figure 2.4 57

Data taken from Pew Research Center, “Survey of LGBT Americans: Attitudes, Experiences, and Values”, June 13, 2013; *Partisanship, policy views, values*, Page 105. (N=1,197). Those who did not answer were not included. See Figure 2.4

⁵⁸ See Figure 2.3

⁵⁹ See full quote: Lesbian, age 32; Pew Research Center, “Survey of LGBT Americans: Attitudes, Experiences, and Values”, June 13, 2013; *Social Acceptance*, Page 36.

⁶⁰ See full quote: Gay Man, age 60; Pew Research Center, “Survey of LGBT Americans: Attitudes, Experiences, and Values”, June 13, 2013; *Social Acceptance*, Page 36.

⁶¹ “West Wingers: Stories from the Dream Chasers, Change Makers, and Hope Creators Inside the White House” *Penguin Books*, 2018.

⁶² Gautam Raghavan, “West Wingers: Stories from the Dream Chasers, Change Makers, and Hope Creators Inside the White House” *Penguin Books*, 2018; Evolution, Pg. 1-20.

⁶³ *United States v. Windsor*, 133 S. Ct. 2675 (2013)

⁶⁴ *Obergefell v. Hodges*, 135 S. Ct. 2584, 2628
(2015)

Warships as Messengers of Charity

Harvey Strum

The Sage Colleges of Albany

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Three times in the Nineteenth Century the American people provided aid to the starving people of Ireland. In 1846-1847 Americans from Texas to Maine raised money and sent food and clothing to the Irish suffering from the Great Hunger. Ships, including the notorious coffin or famine ships, brought over 1,600,000 Irish to America from 1841-1860 hoping to escape poverty and famine in Ireland. During the Great Hunger in 1847 over one hundred privately chartered vessels carried food and clothing to Ireland and Scotland. Most of the ships sailed from New York City or New Orleans, but every port along the eastern seaboard and Gulf coast participated from Portland, Maine to Mobile, Alabama in this lifeline of voluntary aid from the American public to the people of Ireland. Members of every ethnic and religious group donated, including Jews in New Orleans, free African-Americans in Richmond, German Lutherans in Charleston, Cherokees in Oklahoma, and Dutch Reformed in Albany. Americans expected the aid to be distributed impartially. The New York State Irish and Scottish Relief Committee, based in Albany, noted when sending its contributions for distribution by the Roman Catholic and Anglican archbishops of Ireland that it represented “the equally mingled contributions of the Protestant and Roman Catholic, native and foreign-born citizens of the City of Albany.”¹ When members of the Jewish congregation Shearith Israel met in New York City to donate to Irish relief they joined in this nonpartisan and ecumenical effort: “Our citizens have come forward

1 Charles Jenkins, Chairman, Irish Relief Committee, Albany to Society of Friends, Dublin, 28 April 1847, in Albany Committee of Irish Relief Papers, Albany Institute of History and Art, Albany, New York. For another copy of the letter using the same words, Central Executive Committee of the State of New York to Archbishop Daniel Murray, 27 April 1847, CUL/NC/4/1847/22, Pontifical Irish College, New Cullen Collection, Archives, Rome, Italy; Charles Jenkins, Central Executive Committee of the State of New York to Most Rev. Mr. Croly, Archbishop of Armagh, 27 April 1847, 33/6/7, Archbishop Murray Papers, Diocese of Dublin Archives, Dublin, Ireland. Published copy in Society of Friends, *Transactions of the Society of Friends During the Famine in Ireland* (Dublin: Edmund Burke, 1996, reprint of 1852 First Edition), 239.

with promptitude and generosity; contributions have poured in from all classes, from all sects.”² Americans donated at least \$2,000,000 in 1847 for famine relief and emerged as a leader in international philanthropy. The people of the United States became leaders in international benevolence and “it also underscored America’s commitment to global volunteerism.”³ Dublin Quakers thanked Americans for the “munificent

2 “Meeting of the Jewish Population of New York in Aid of Ireland,” *Occident* 5:1 (April 1847), 37.

3 Diane Hotten-Somers, “Famine: American Relief Movement (1846-50),” in Michael Glazer, ed., *The Encyclopedia of Irish in America* (Notre Dame, IN.: Notre Dame University Press, 1999), 305. For a general account of American voluntary foreign aid, Merle Curti, *American Philanthropy Abroad: A History* (New Brunswick, NJ: Rutgers University Press, 1963). For material on Irish relief, see pages 41-98; Helen Hatton, *The Largest Amount of Good: Quaker Relief in Ireland, 1654-1921* (Kingston and Montreal: McGill-Queen’s University Press, 1993), 108-26; Christine Kinealy, *Charity and the Great Hunger in Ireland* (London and New York: Bloomsbury Academic, 2013). Rob Goodbody, *A Suitable Channel: Quaker Relief in the Great Famine* (Bray, Ireland: Pale Publishing, 1995), 21-24, 78-82. For local and state accounts: John Ridge, “The Great Hunger in New York,” *New York Irish History* 9 (1995): 5-12; Henry Forbes and Henry Lee, *Massachusetts Help to Ireland during the Great Famine* (Milton, MA.: Captain Forbes House, 1967); David Gleeson, “Easing Integration: The Impact of the Great Famine on the American South,” in *Ireland’s Great Hunger*, ed. David Vallone and Christine Kinealy (New York: University Press of America, 2001), 198; Neil Hogan, *Cry of the Famishing: Ireland, Connecticut, and the Potato Famine* (New Haven, CT.: Connecticut Irish-American Historical Society, 1998), 53-64. Harvey Strum wrote several local and state studies of American aid during the Great Hunger. For example, “Famine Relief from Brooklyn,” *New York Irish History* 12 (1998): 16-20; “Thirty Dollars from Little Becky: New York’s Irish Famine Relief Efforts, 1846-47,” *Seaport* 35 (Fall 2000):30-34; “South Carolina and Irish Famine Relief,” *The South Carolina Historical Magazine* 103:2 (April 2002): 130-152; “Famine Relief from the Garden City to the Green Isle,” *Journal of the Illinois State Historical Society* 93:4 (Winter 2000-2001): 388-414; “Pennsylvania and Irish Famine Relief, 1846-1847,” *Pennsylvania History* 91:3 (Summer 2014): 277-299.

bounty of the citizens of the United States.” The American people sent food “on a scale unparalleled in history.”⁴

None of the foreign aid that reached the Irish in 1846-47 came from the United States government. During the Great Hunger of the 1840s, the food shortages of the 1860s, or the Little Famine of 1879-82 Congress refused to provide direct foreign aid because most American political leaders considered foreign aid an unconstitutional expenditure of public funds. Neither Democratic President James K. Polk in 1847 nor Republican Rutherford B. Hayes in 1879-80 endorsed foreign aid and had constitutional objections to aiding the Irish. Democratic Congressman Lucien Chase first mentioned the Great Hunger and distress in Ireland in Congress on 26 June 1846, but his discussion of the famine led to no action. On 10 February 1847 Washington Hunt, a Whig Congressman from Lockport in western New York, proposed an appropriation of \$500,000 for the purchase and transportation of food to Ireland. Vice-President George Dallas, a Democrat, chaired a bipartisan mass meeting in Washington on the evening of 9 February 1847 for Irish and Scottish relief. Thirty-One Senators and Representatives served as vice-presidents. One of the speakers, Democratic Congressman William Maclay of New York City, argued: “Never let it be said...by the historian...that America was indifferent to the present sufferings in Ireland.”⁵ Others served on various subcommittees, like Congressman Washington Hunt, drafting the resolutions that called on the American public to join in a national campaign of voluntary philanthropy and hold public meetings in each town and village for Irish and Scottish relief. Resolutions adopted did not call for public appropriation of funds. Instead, the mayors of New Orleans, New York, Washington, Boston, Baltimore, and Philadelphia would head local committees and collect food, clothing, and money sent from interior communities for Irish and Scottish relief. Political leaders at the Washington meeting encouraged the American public to participate in a national campaign of

4 *Transactions*, 47-48.

5 *Washington National Intelligencer*, 12 February 1847.

voluntary philanthropy.⁶ Whig Senator Daniel Webster and four other members of the committee requested “to all the citizens of the United States” ...that Americans “in all the cities, towns and villages of the United States, immediately appoint committees to receive contributions and make collections” for forwarding to New York City, New Orleans, or other port cities to send to Ireland and Scotland.⁷

Meanwhile, Congress debated whether to provide Ireland with foreign aid. Democratic Congressman Charles Ingersoll of Pennsylvania, who served with Hunt on the Resolutions Committee at the Washington meeting, strongly supported the bill proposed by Washington Hunt. However, the bill went to committee and died there without ever reaching the full House for a vote. Whig Senator John J. Crittenden of Kentucky proposed a bill for \$500,000 for Irish relief on 26 February 1847. Crittenden reminded his fellow Senators that President James Madison and Congress supported in 1812 appropriating \$50,000 to purchase and send relief supplies to Caracas, Venezuela after a major earthquake. Lewis Cass, who would become the 1848 Democratic presidential candidate, and one of the speakers at the Washington meeting, supported the legislation because Americans were a people of plenty who should share their agricultural abundance with the Irish. Senator John Clayton, Whig of Delaware, one of the vice-presidents at the Washington meeting, endorsed the bill as did Democratic Senators John C. Calhoun of South Carolina and Edward Hannegan of

6 For the original draft of the resolutions as handwritten copies, see 9 February 1847 in the Daniel Webster Papers, Dartmouth College. I used the microfilm copy at Princeton University’s Firestone Library, reel 20, 027623-36.

7 Ibid; Washington *National Intelligencer*, 12 February 1847; New York *Freeman’s Journal*, 20 February 1847 (a Catholic publication); *Transactions*, 224-27. For secondary accounts, see Curti, *Philanthropy*, 43, 51-53; Kinealy, *Charity*, 241-42; Timothy Jerome Sarbaugh, “A Moral Spectacle: American Relief and Famine, 1846-49,” *Eire-Ireland* 15:4 (Winter 1980): 6-14. Sarbaugh discussed the Washington meeting and the Congressional debate. His second article: “Charity Begins at Home,” *History Ireland* 4:2 (Summer 1996), 31-35. Sarbaugh made one error. He cited a Senator Samuel Chase in 1846 but it appears to be Congressman Lucien Bonaparte Chase of Florida.

Indiana. Opposing giving aid to the Irish Senators Arthur Bagby of Alabama (D) and John Niles (D) of Connecticut challenged the constitutionality of providing aid. Senator John Mason of Virginia, Democrat, also opposed the bill but offered an amendment to allow President Polk to use public ships to carry privately raised aid to Ireland. A majority of Whigs and six Democrats voted in favor of the original Crittenden bill and the Senate approved it on 27 February 1847 by a tally of 27-13 with 80% of the Whigs voting for it and 84% of the Democrats against helping Ireland and Scotland with public appropriations.⁸

Concerned that the bill might pass the House President Polk made clear that while he sympathized with the plight of the Irish and contributed \$50 for Irish relief he opposed the legislation. The President prepared a veto message in case the bill passed and discussed the unconstitutionality of the measure with Secretary of State James Buchanan and the entire Cabinet. President Polk told Cabinet members that if passed "I would be compelled to put my veto upon it." Polk believed Congress lacked the authority to appropriate public funds for foreign relief. President Polk felt as chief executive of the United States he had the obligation to veto unconstitutional acts of Congress. When the Crittenden bill went to the House it ran into stiff opposition. Efforts to revive the bill proposed by Congressman Hunt also failed. Congressman Lewis Levin, an American Republican Party nativist from Pennsylvania, argued against the Senate bill. The bill ended up in the Ways and Means Committee where Whig Robert Winthrop of Massachusetts and Democrat John Wentworth of Illinois, vice-presidents at the Washington meeting, spent the last three days of the Congressional session, 1-3 March 1847 trying to move the bill to the full House for a vote. Knowledge of President Polk's opposition

8 Cuiti, *Philanthropy*, 45-46; Kinealy, *Charity*, 119-21; Sarbaugh. "A Moral Spectacle," 10-11; "Remarks on the Irish and Scotch Relief Bill, 27 February 1847." in Clyde Wilson and Shirley Cook, *The Papers of John C. Calhoun*, Volume XXIV, 1846-1847 (Columbia, SC: University of South Carolina Press, 1998), 225-226. For the details of the debate. U.S. Congress, *Congressional Globe*, Senate, 29th Congress, 2nd Session, 430, 494, 505, 512-14, 529, 533-35, 559-560 and Senate Resolution 14, Joint Resolution, 25 February 1847. For the House debate, H.R. 653, A Bill for the Relief of Ireland, 10 February 1847, and for House debate, 377, 418, 440-441, 503, 557, 572-75.

killed any chances that Democratic leaders in the House would support the bill. A vote in the House on sending the bill before the full House failed. Most Whigs and seventeen Democrats supported aiding the Irish, but a majority of Democrats, a minority of Whigs and four American Republican Party nativists rejected aiding the Irish. Direct foreign aid to the Irish failed to win the approval of the President and Congress.⁹

Pressure from the public and members of Congress suggested that the United States would have to do something to aid Ireland and Scotland. A letter appeared in a Washington newspaper from Troy, New York recommending the sending of public vessels to New York City, Boston, Charleston, and other ports to transport privately raised relief supplies to Ireland and Scotland.¹⁰ Citizens of New York City and several other communities sent petitions to Congress requesting action to help the starving.¹¹ George DeKay of New Jersey, a semi-retired sea captain, contacted friends in Washington and wrote letters urging the use of public vessels for Irish relief. President Polk approved of this indirect method to aid the Irish. Senator Mason's amendment allowing public vessels was refashioned by Whig Senator John Fairfield of Maine, who chaired the Senate's Naval Affairs Committee. Along with Democratic Senator John Dix of New York Fairfield proposed on 24 February that Congress approve loaning the frigate *Macedonian*, at anchor in the Brooklyn Navy Yard, to transport food to the starving in Ireland and Scotland with Captain DeKay in command. Robert Bennet Forbes joined with members of the Boston based New England Irish Relief Committee to petition Congress to loan

9 Curti, *Philanthropy*, 47-50; Kinealy, *Charity*, 242-43; Sarbaugh, "A Moral Spectacle," 12-14; Original Senate Bills and Resolutions, 29th Congress, 2nd Session (S. 184-Sen 29A-B4), S 184, Records of the Senate, National Archives. Washington, D.C.; For Polk's opposition to the bill and the quote see Milo Qualify, ed., *The Diary of James K. Polk During His Presidency, 1845-1849* (Chicago: A.C. McClurg & Co., 1910), Vol II, 2 March 1847, 397. For this discussion with Buchanan, *Ibid*, 3 March 1847, 307-08. He had prepared his veto message the day before in case it was necessary.

10 Letter from a "Trojan" in Washington *National Intelligencer*, 16 February 1847.

11 For the original petitions sent from New York City and other cities, see Petitions Laid Upon the Table, Sen.29A-H7, Record Group 46, Records of the U.S. Senate, National Archives, Washington, D.C.

the sloop of war *Jamestown*, with Forbes as commanding officer. Forbes and other Boston petitioners asked local Whig Congressman Robert Winthrop to present the Boston petition because the “idea may be considered absurd in Washington, but it is here a very popular idea.”¹² Members of the Naval Affairs Committee endorsed DeKay’s proposal. Senator Fairfield noted this did not involve the unconstitutional use of public funds for foreign aid, but simply the loaning of public property, which appeared constitutionally permissible. Congressman Winthrop in the House suggested also loaning the *Jamestown* with Forbes in command. Winthrop acted because he was another one of the vice-presidents at the Washington meeting, and he was a friend of Robert Forbes. The bill passed the Senate on 2 March and the House on 3 March as a joint resolution authorizing the loaning of the two warships to transport relief supplies from New York City and Boston to the starving Irish and Scots. Congress did not vote any funds for the crew and costs of transportation but did allocate \$6,000 to refit *Macedonian*. In addition, Congress allowed the Secretary of the Navy the discretion to assign naval officers to command the two warships or to permit Forbes and DeKay to command them. To avoid confusion and delay over command President Polk called a Cabinet meeting that unanimously approved Forbes and DeKay as captains of the warships. Historian Timothy Sarbaugh argued that President Polk and Congress “failed the starving Irish” by refusing to grant \$500,000 in foreign aid, settling for contributing “two war-torn vessels.”¹³ Issues debated in Congress in 1847 would be repeated in 1879 over extending foreign aid to the Irish. President Hayes made the same decision as President Polk.

12 Captain Robert Forbes, *The Voyage of the Jamestown on her Errand of Mercy* (Boston: Eastburn Press, 1847), iii.; James Tertius DeKay, *Chronicles of the Frigate Macedonian, 1809-1922* (New York: W.W. Norton, 1995), 230-Macaroon Kiss 232; Robert Forbes, *Personal Reminiscences*, (Boston: Little, Brown, and Company, 1882), 187.

13 Sarbaugh, “A Moral Spectacle,” 14. Unfortunately, the papers of Senator Fairfield at the Maine Historical Society in Portland, Maine, do not appear to provide further details. His papers emphasize the Mexican-American War, Whig Party politics, and distaste for President Polk. The same is true for a reel of the Fairfield Papers borrowed from the Library of Congress, Washington covering 1841-1847.

Members of Congress argued over the wisdom and constitutionality of foreign aid. Once again, Congress voted in 1880 to loan a warship, *Constellation*, to carry food to the people in the west of Ireland in distress due to crop failures and subsequent food shortages due to the Little Famine.

Members of the New England Irish and Scottish Relief Committee accepted responsibility to acquire the cargo for *Jamestown* as well as pay for the crew and transportation. People from all over New England contributed to the Irish and Scottish relief campaign and quickly filled *Jamestown*, docked at the Charlestown Navy Yard. All the armaments on *Jamestown* were removed to create more space for loading provisions. Parishioners at Boston's churches donated \$3,000 to cover the costs of the crew and transportation. Boston dock workers, most of them Irish, volunteered their labor and began loading on St. Patrick's Day. On 28 March 1847, *Jamestown* sailed from Charlestown Navy Yard with 800 tons of food, consisting of 400 barrels of pork, 100 casks of hams, 655 barrels and 4,688 bags of cornmeal, 1,496 bags of corn, 1,375 barrels of bread, 353 barrels of beans, 84 barrels of peas, and several boxes of clothing provided by the New England Committee.¹⁴ The cargo included contributions from Americans living outside of New England. People from other states sent ten barrels of oatmeal, 85 packages of potatoes, 547 bags of corn, a barrel of flour, 34 packages of rye, two packages of oats, three bags of wheat, a cask of dried apples, four packages of beans, six boxes of fish, 210 packages of cornmeal, and 28 parcels of clothing. The total value of the food and clothing amounted to \$35,868.¹⁵ Sailing from the Charlestown Navy Yard *Jamestown* passed crowds lining the wharves cheering and waving. "The Revenue Cutter *Hamilton*...dipped its flag in

14 For original lists of provisions shipped aboard *Jamestown*, see in A General Accounts, item 8, undated Memorandum of merchandise sent aboard *Jamestown*; item 6, undated list of provision contributions onboard the vessels to set sail for Ireland and Scotland; and the seven receipts under B. Bills. U.S. Ship *Jamestown*, Records of the New England Committee for the Relief of Ireland and Scotland, Robert Forbes Papers, Massachusetts Historical Society, Boston; Edward Laxton, *The Famine Ships: The Irish Exodus to America* (New York: Henry Holst and Company, 1996), 50-52; Forbes and Lee, *Massachusetts Help*, 27-35.

15 Ibid, 37.; Laxton, *Famine Ships*.52.

salute."¹⁶ Unfortunately, only ten members of the crew proved to be first-rate seamen with the rest enthusiastic volunteers with little or no sea experience. On its voyage across the Atlantic *Jamestown* ran into bad weather, gales, below freezing temperatures, and the ship leaked badly. However, *Jamestown* made a record crossing in fifteen days reaching Cork, Ireland on 12 April 1847. Father Theobald Matthew, a prominent Catholic priest, welcomed the arrival of the American warship "her great hold laden with bread-stuffs for the starving people of Ireland."¹⁷ Forbes walked the streets of Cork with Father Matthew and he described it as walking through the "Valley of the Shadow of Death... hovels crowded with the sick and dying."¹⁸ Upon visiting a soup kitchen Forbes commented that the people of Cork begged for soup that "would be refused by well-bred pigs in America."¹⁹ Irish and English officials welcomed Forbes, his crew, and the cargo of foodstuffs. Forbes emerged as a hero in both Ireland and America. Families in Ireland having children born about the time of the *Jamestown's* arrival named them Forbes or Boston or James as a tribute to the help that came from across the Atlantic.²⁰ After sailing to Greenock, Scotland to unload the part of the cargo destined for Scottish relief Forbes headed for home arriving in Boston on 16 May after a voyage of twenty-two days.

To his surprise, DeKay remained in New York City still waiting for a full cargo of relief supplies. Repairs and refitting of *Macedonian* at the Brooklyn Navy Yard created unexpected delays because the work on the ship took longer than DeKay anticipated. Captain DeKay would need the help of Forbes to complete the loading of provisions for Ireland because DeKay got into a fight with the New York City

16 Forbes and Lee, *Massachusetts Help*, 39.

17 Phyllis DeKay Wheelock, "Commodore DeKay and Voyage of *Macedonian* to Ireland," *American Neptune* 13:4 (October 1953), 254. The article is 252-69.

18 Laxton, *Famine Ships*, 52.

19 Ibid.

20 Forbes, *Personal Reminiscences*, 194.

Irish Relief Committee and with several of the editors of the city's newspapers. The New York City committee and several newspaper editors preferred to send provisions aboard privately chartered vessels rather than *Macedonian*. They argued that commercial ships would prove cheaper and faster in providing food to the starving Irish than sending foodstuffs aboard a warship. DeKay and Myndert Van Schaick, chair of the New York committee, defended their positions in the press.²¹ Efforts by DeKay to persuade the prominent merchants, businessmen, and politicians on the New York committee failed.

Leading Quakers in New York, like Jacob Harvey, distrusted DeKay and the use of a warship. Other New Yorkers mistakenly assumed *Macedonian* was another warship with the same name captured from the British during the War of 1812 and thought it was in bad taste to use a captured vessel.

The Brooklyn Irish Relief Committee also refused to work with DeKay, because they planned to send two "Brooklyn ships," *Ann Maria* and *Patrick Henry*, with provisions to Ireland. Writing to the Dublin Quakers the Brooklyn Committee noted that on behalf "of the citizens of Brooklyn...we hope that our mite may arrive in time to alleviate the miseries of a few of the many sufferers of your devoted countrymen." Unfortunately, for DeKay, he ran into local pride as an obstacle to obtaining cargo for *Macedonian*. Only the congregation of St. Ann's Episcopal Church in Brooklyn agreed to send its donation of sixty barrels of cornmeal with DeKay. A group of women in Brooklyn dissented from the decisions of the men on the Brooklyn committee. Unsuccessfully, the Ladies Irish Relief Committee of Brooklyn urged the sending of provisions from Brooklyn via *Macedonian*. Anna Hefferman, Secretary of the Ladies Irish Relief Committee, wrote an angry rebuke to the men of the Brooklyn committee for ignoring the wishes of the women especially since the women did the work to raise funds for Irish relief.

21 See George DeKay to the editors of the *Evening Post*, 28 April 1847 in *New York Evening Post*, 29 April 1847; Speaking for the New York committee, Chairman Myndert Van Schaick responded, *New York Evening Post*, 8 May 1847. For an example of DeKay's efforts to solicit cargo, see "Relief to Ireland and Scotland," George DeKay, 11 March 1847 in *New York Mirror*, 12 March 1847.

Brooklyn's women resented the arrogance of the men.²²

Since he was a resident of New Jersey DeKay advertised in the New Jersey press for cargo. In March, he mailed circulars to several mayors and the press published his appeals. The New Jersey Irish Relief Committee, based in Newark, and local town and city committees preferred to send their provisions aboard *Overmann*, the Jersey ship for Ireland.²³ In fact, when a story appeared in the 2 April issue of the *New York Herald* that the New Jersey committee planned to ship surplus provisions aboard *Macedonian*, the leaders of the New Jersey committee rushed to meet with DeKay in New York City to persuade him to retract the report. They feared his report would discourage contributors in the Garden State because they planned to fill a second Jersey ship for Ireland, *William Dugan*. As a result, none of the mayors or local committees in New Jersey sent their contributions to DeKay for shipment on *Macedonian*.²⁴ Apparently, it did not matter that DeKay lived in New Jersey with his wife and six children and served as a justice of the peace in Bergen County.

Frustration multiplied when DeKay contacted the New York State Irish Relief Committee in Albany. He sent a representative, Robert Holmes, to meet with Whig Mayor William Parmalee because "I shall be most happy to have the honor of carrying across the Atlantic the contributions of the Great City of Albany."²⁵

22 William Harris, David Leavitt, and Freeman Hunt, Junior for the Irish Relief Committee, Brooklyn, NY to the Dublin Quakers, 11 May 1847, *Transactions*, 242. For the Ladies Committee, see Anna Hefferman, 8 April 1847 and 27 May 1847 in *New York Morning Express*, 29 May 1847.

23 Elizabeth New Jersey Journal, 30 March 1847. The appeal for cargo was published in all the major papers in New Jersey.

24 *New York Herald*, 2 April 1847; *Newark Sentinel*, 13 April 1847 undated card from the New Jersey Committee. For further details on aid from New Jersey, see this author's essay, "A Jersey Ship for Ireland," in David Valene, ed., *Ireland's Great Hunger* (Lanham, MD.: University Press of America, 2010), 3-20.

25 George De Kay to William Parmalee, 24 March 1847, Albany Irish and Scottish Famine Relief Committee, Albany Institute of History and Art, Albany, N.Y.(AIHA)

Friends of DeKay's in New York City lobbied on his behalf hoping to convince the committee in Albany but to no avail.²⁶ Treasurer of the Albany committee Thomas Olcott expressed the view of the Albany committee, "I am not aware of any decided encouragement had been given to Commodore DeKay."²⁷ Members of the Albany committee trusted the judgment of the New York City Irish and Scottish Relief Committee especially since its chair, Myndert Van Schaick, came from Albany. As in Brooklyn and New Jersey local pride worked against DeKay because the Albany committee wanted to send two Albany ships to Ireland, *Minerva*, and *Malabar*.²⁸

It did not help DeKay that he got involved in a public feud with one of the most powerful Whig political leaders in New York, Thurlow Weed, who felt that the federal government had done little to help the starving Irish. Loaning the warships was a costly distraction and delayed sending food to the Irish. The conflict over public policy played out on the pages of the Albany *Evening Journal*, the newspaper owned and edited by Weed. According to Weed in the *Evening Journal*: "This appropriation of vessels of war to do what can be done at less cost without them, will excite contempt, rather than commendation."²⁹ As a result, the Albany committee refused to send any of its contributions from upstate New York to DeKay for transportation to Ireland aboard *Macedonian*. DeKay lacked the diplomatic skills to persuade the opponents of using warships

26 Alfred Clarke to Charles Jenkins, 2 April 1847, Albany Relief Committee, AIHA.

27 Thomas Olcott to Alfred Clarke, 2 April 1847, Albany Relief Committee, AIHA.

28 Ibid. Also, see Myndert Van Schaick to Joseph Bewley and Jonathan Pim 19 April, 29 April, 15 May, 26 May 1847, for information on the "Albany ships" in General Irish Relief Committee, Aid to Ireland: *Report of the General Irish Relief Committee of the City of New York* (New York City: The Committee, 1848), 86-89. 94.

29 Albany *Evening Journal*, 27 April; George De Kay to the editors, 1 May 1848 in Albany *Evening Journal*, 3 May 1847. De Kay sent letters to several mayors in upstate New York soliciting cargoes, see as an example Rochester *Democrat*, 24 March 1847.

to send aid to Ireland and Scotland, and he never appreciated the intense localism that led the Brooklyn, Albany, and New Jersey committees to want the credit and recognition of sending aid on a Brooklyn ship or Albany ship.

Fortunately, New York City conducted its own foreign policy independent of the federal government. While President Polk and members of Congress expressed constitutional scruples about foreign aid the city of New York did not. New York's Common Council voted \$5,000 of public funds to purchase 1,018 barrels of cornmeal to send with DeKay to Ireland. According to the Finance Committee, the Common Council expressed "the deep and widespread sympathy felt throughout the city and state, for the sufferings of the destitute poor of Ireland, and the general desire of all classes of our fellow citizens to contribute their share, however small, to their relief."³⁰ Lodges of the Independent Order of Odd Fellows, a fraternal organization, in the city and state of New York purchased 300 barrels of cornmeal and sent it to Macedonian. It was their "mite towards relieving the wants of a suffering nation" and might be "the means of temporary relief to a few of those whom starvation is reducing to the brink of despair and death."³¹ Several other donations of foodstuffs came from upstate New York communities that ignored the Albany and New York City committees. DeKay wrote letters to the mayors of several upstate cities appealing for cargo and some responded positively to his request, like Troy. Utica provided the largest contribution from upstate New York

30 James Stowall, et al, Finance Committee, Common Council of New York to the Dublin Quakers, 31 May 1847, *Transactions*, 244. See *Proceedings of the Board of Aldermen, Vol XXII*, 23 November 1845-10 May 1847 (New York: William Bryan, 1847), 351 (1 March), 618, 623 (30 April). Several upstate cities considered voting public funds for Irish relief but ran into the same concerns about constitutional scruples. For example, Rochester and Buffalo voted down using public funds. For Buffalo, *Buffalo Courier*, 6 March 1847. For Rochester, letter from "P" in Rochester, 22 February 1847 in *New York Freeman's Journal*, 6 March 1847.

31 James Pinckney, Chairman, et al, Executive Committee of the Independent Order of Odd Fellows to the Dublin Quakers, 1 June 1847, *Transactions*, 245.

shipping 500 barrels of kiln-dried cornmeal aboard *Macedonian* “to alleviate...the sufferings our brethren, the afflicted people of Ireland.”³²

Even with these donations, *Macedonian's* hold remained less than half filled with 2,000 barrels of foodstuffs. To convince the New York Committee to change their minds DeKay offered to pay the costs of the crew and supplies out of his own pocket in expectation of eventual payment by Congress of the voyage's expenses. DeKay spent \$30,000 to cover the costs, but Congress delayed appropriating the funds until after his death in 1849. Hoping to raise part of the funds DeKay advertised passage on *Macedonian* for one hundred dollars with twenty-five dollars going for cabin stores and seventy-five to purchase additional relief supplies. The appeal to the New York Committee failed again, but the offer of passage did attract attention and became quickly oversubscribed. Public support for the passage subscription reflected the divisions in New York City over DeKay and *Macedonian*. Some New Yorkers wanted to participate in this historic voyage while others disagreed with the New York Committee and supported sending relief supplies aboard the American warship. To add further confusion a delegation from the New York Chamber of Commerce visited *Macedonian*. Conflicting accounts of its visit appeared in the press reinforcing existing divisions in the city about sending provisions with DeKay to Ireland and Scotland.³³

32 Edmund Wetmore, et al, Irish Relief Committee of Utica, New York to the Dublin Quakers, 8 May 1847, *Transactions*, 241. Horatio Seymour, who would become governor of New York, was one of the other members of the Utica's executive committee. Unfortunately, the Horatio Seymour Papers at the New York State Library in Albany, New York do not contain any references to Seymour's actions for Irish relief in 1847 and 1880. The Oneida County History Center in Utica also did not have any records of Seymour's actions in 1847 and had a single reference to his participation in a meeting for Irish relief in 1880.

33 De Kay, *Cheonicicles*, 236 for a discussion of the passenger subscription. For the conflict over the Chamber of Commerce, see *New York Express*, 29,30 April 1847; *New York Tribune*, 28 April 1847; *New York Evening Post*, 27 April 1847; *New York Courier and Enquirer*, 28 April 1847.

Meanwhile, Captain Forbes came down from Boston and offered to aid DeKay to complete the cargo. Members of the New England Irish and Scottish Relief Committee provided the remaining provisions. Acting for the Committee David Henshaw purchased 4,000 barrels of cornmeal, peas, and beans for shipment in *Macedonian*.³⁴ It cost \$24,000 to purchase the provisions, and the committee ordered that its share of the cargo, be marked as coming from the Boston Committee.³⁵ Additional provisions stored in a warehouse in Charlestown were sent to New York. Separately, the Irish Relief Committee of Portland, Maine, forwarded part of the donations it collected for transportation on *Macedonian*. The Maine committee sent some donations from Portland and contacted Henry Butler, a merchant in New York City, to purchase foodstuffs and deliver them to *Macedonian*.³⁶ Unfortunately, for Captain DeKay the New England Committee demanded that he sign a contract agreeing to a set of restrictions on his behavior that he found humiliating. DeKay could not receive government support, must allow an agent of the New England Committee to travel with him, and since this was a civilian enterprise could not wear a naval uniform. Reluctantly, and for the sake of the mission he agreed. When Captain Forbes joined DeKay in New York he found that he could not avoid getting involved in the donnybrook over DeKay and *Macedonian*. However, despite the turmoil, Forbes completed his obligations to DeKay. The heavy-laden *Macedonian* left its berth on the Hudson on 19 June

34 David Henshaw to J.I. Bowditch, 22 May 1847; David Brooks to J. Ingersoll Bowditch, 24 May 1847; David Henshaw to David Brooks, 22 May 1847; David Brooks to David Henshaw, 22 May 1847, U.S. Ship *Macedonian II*, Bills, Records of New England Committee for the Relief of Ireland and Scotland, 1847-1848, Robert Forbes Papers, Massachusetts Historical Society.

35 Ibid, David Brooks to J. Ingersoll Bowditch, 10 June 1847.

36 John Mussey to Henry Butler, 31 May 1847, Henry Butler to John Mussey, 2 June 1847, Portland Irish and Scottish Relief Committee Records, Maine Historical Society, Portland, Maine.

1847 with 100 voluntary crew members, five hundred passengers and 1,800 tons of provisions and clothing in 12,000 barrels, valued at \$80,000.³⁷

After a voyage of twenty-seven days, *Macedonian* arrived in Cork on 16 July 1847. The people of Cork came out in droves to cheer the American vessel with its cargo of badly needed foodstuffs. Local notables met with DeKay to welcome him and his crew to the city. The Irish branch of the Odd Fellows gave a public dinner to honor the Americans. Irish and English officials expressed their gratitude to DeKay and to the United States for the shipment of food. Provisions that came from New York City and upstate New York went to the Dublin Quakers. At the request of the New England Committee, William Rathbone, a merchant, and politician from Liverpool took charge of the cargo from New England. Most of the cargo was sent to the Quakers in Dublin and Limerick to distribute. Reflecting the views of the New England Irish and Scottish Relief Committee, Rathbone asked the Quakers to distribute the food to the people "in the greatest distress, and without reference to Party or Creed."³⁸ Fifty barrels of foodstuffs went to Maria Edgeworth, an Englishwoman who resided in Ireland and ran her own relief operation. She had sent a letter to American women appealing for aid, and she wrote a separate letter to Captain Forbes who persuaded the New England Committee to assign part of their cargo to her.

After the completion of the unloading of the cargo, Captain DeKay left for Scotland on 11 August where it delivered the share of the foodstuffs intended for the Scots impacted by the famine in the western Highlands and Isles of Scotland. Upon arrival in Greenock, DeKay and his crew "were received with the same warm

37 De Kay, *Chronicles*, 237.

38 New England Committee to William Rathbone, 18 June 1847, William Rathbone to the Society of Friends in Limerick, 30 June 1847---citation from that letter, Letter book 1, New England Relief Society, William Rathbone Papers, Sydney Jones Library, University of Liverpool, Liverpool, England. The library kindly provided me with a microfilm copy of the relevant letters about American aid and Rathbone's role as a forwarding agent for Americans.

enthusiasm, they met in Ireland."³⁹ The British press and British government thanked DeKay and the American people for their generosity. After taking on six hundred tons of pig iron for ballast, *Macedonian* sailed for the United States and had an uneventful voyage home. DeKay returned the frigate to the Navy and spent the rest of his life seeking full reimbursement. Congress voted part of the funds to reimburse him, but his family had to wait until after his death in 1849 for full payment for the \$30,000 he spent to pay for the voyage. The loaning of public warships to carry privately raised relief supplies in 1847 created the precedent for the voyage of *Constellation* in 1880.

39 De Kay, *Chronicles*, 240. For a detailed account of the positive reception of *Macedonian* and De Kay in Ireland and Scotland, see Wheelock, *Macedonian*, 257-265.