

Politics Bureaucracy and Justice

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A low-angle photograph of three flagpoles against a bright, hazy sky. The sun is a large, glowing orb in the center. The flag on the left is the United States flag. The flag in the middle is the West Texas A&M University flag, featuring a circular seal with a tree and the text 'WEST TEXAS A&M UNIVERSITY'. The flag on the right is partially obscured and appears to be a dark flag with light stripes.

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Submissions are welcome from across the university and the larger community of researchers on subjects that pertain to the journal's focus area. PB&J follows a blind submissions process and uses the American Psychological Association style for citations and formatting. The journal is available online at <http://wtamu.edu/pbj>. Correspondence and submissions may be sent to pbj@wtamu.edu. Submission requirements are available at the journal's Web site.

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THE DEPARTMENT OF POLITICAL SCIENCE AND CRIMINAL JUSTICE AT WEST Texas A&M University is proud of *Politics, Bureaucracy, and Justice*. We believe it helps fulfill an important mission of the university. It offers undergraduate and graduate students, faculty members, and any interested party the opportunity to publish scholarly work in a peer-reviewed, academic journal. Its creation derives from the department's desire to encourage better research and writing, particularly among students, and to provide an outlet for students to publish their work. PB&J is also a different kind of academic journal because of the prominent role students play in the publishing process. PB&J not only actively seeks student submissions, but students also are the ones who review the articles and make the editorial decisions to publish or reject a submission.

This is the first issue of PB&J, but it will not be the last. The prospects for this journal are bright and the department is committed to its long-term success. We are also excited that PB&J will be available around the world. It will receive an ISSN from the Library of Congress and be available online from our department's Web site. Of course, its success hinges on a number of people and this first issue is a good example of those contributions. I would like to name a few that were particularly valuable in creating this first issue. Jesse Jones, the editor-in-chief, recruited fellow students to staff the editorial board, and along with co-editors Blake Adams and Ashley Hernandez took the lead in getting this issue off the ground. Keith Price and Dwight Vick served as consulting editors in advising students how to go about their responsibilities in reviewing articles and publishing a journal, and Anand B. Commissiong got the journal in publishable shape. Eddie Henderson, Dean of the College of Education and Social Sciences, from the beginning has verbally and financially been very supportive of this journal and of our department as a whole. And finally, J. Patrick O'Brien, President of West Texas A&M University, and the entire university community have fostered a campus environment that encourages us to do something as ambitious as starting a student-run and student-led academic journal.

Reed Welch, PhD

BRITISH ESSAYIST AND CRITIC, JOHN BERGER, WROTE, “IN THE MODERN WORLD, in which thousands of people are dying every hour as a consequence of politics, no writing anywhere can begin to be credible unless it is informed by political awareness and principles.” The editors, faculty, and administration at West Texas A&M University could not agree more heartedly.

We are redefining ourselves as a nation and our position within it. Here in West Texas we are forced to redefine ourselves as a community within that nation, becoming painfully aware that we cannot survive without understanding our place within this regional and national discussion.

It is our hope that *Politics, Bureaucracy, and Justice* will serve as one of the voices whereby students and faculty at the university and beyond can use this venue to encourage that discussion at home, our nation, and throughout the world.

If a one thousand-mile journey begins with one step, Keith Price, Anand B. Commissiong and I expect this issue to be the first of many steps on a long and fruitful journey.

Dwight Vick, PhD

A Gorged Appetite

JONATHAN P. ELLIS, *West Texas A&M University*

ABSTRACT: *This study was completed at a time when ethanol was considered to be a comparable fuel source. Environmental awareness was at a high among American citizens and concern about oil imports and high gas prices overshadowed most other national concerns. There was a national debate about ethanol, the new fuel alternative. Many items presented in this study at the time were known to but a few, these same items are now more widely researched and understood. Still it is not the intent of the study to inform on a single fuel alternative but rather to demonstrate that any fuel alternative will have much deeper ramifications that most interested parties, advocates, and policy makers are more likely to acknowledge.*

“When the well’s dry, we know the worth of water.”

—Benjamin Franklin

“Be glad that you are greedy; the national economy would collapse if you weren’t.”

—Mignon McLaughlin

There is a powerful political and societal movement to increase environmental awareness and preservation efforts. One of the more prevalent and pervasive is the alternative energy movement, driven by global warming concerns. The movement’s heralds condemn the consumption of oil and fossil fuels, saying that they harm the environment. This study examines the possibility that perhaps it is not our consumption of fossil fuels specifically that is the problem but rather the level of consumption itself. To understand this point one must examine some of the developments in ethanol production and implementation, farming practices that will be affected by it, and possible effects this will have on water resources and water usage. The last item is something to which many in the Texas Panhandle can easily relate.

As national markets and economies continue to grow, so too do the massive amounts of energy and materials that feed it. In recent years many people said that there is a flaw in our current practice of predominantly using fossil fuels. There are several concerns regarding fossil fuel use, most prevalently: it is a non-renewable resource because fossil fuels take millennia to form and burning them contributes to greenhouse gases. As a result many forms of alternative energy have been developed.

The front-runner of these—in terms of practicality and ease of integration into existing infrastructure—is ethanol, which constitutes about 99% of all biofuels in the United States. In 2004 “the 3.4 billion gallons of ethanol blended into gasoline amounted to about 2% of all gasoline sold by volume and 1.3% of its energy content” (Farrell, Plevin, Turner, Jones, O’Hare, & Kammen, 2006, p. 506). I would like emphasize again that my purpose here is not to promote or criticize a particular type of energy, energy policy, or farm practice. Nor is my focus on what is being consumed but rather the consumption levels in particular.

Ethanol is meant to decrease the consumption of oil. There is a panoply of reasons that various organizations call for this conversion of fuel sources, but four primary ones may be identified. The switch to ethanol will improve air quality, decrease greenhouse gases, reduce reliance on foreign oil, and provide a less expensive fuel (Patzek, Anti, Campos, Ha, Lee, Li, et al., 2005; Wald, 2007). In 2005, the United States consumed 20.6 million barrels of oil a day—almost a quarter of the 82.4 million barrels that the world consumed on average each day that same year (BP, 2006). That is the total amount of oil consumed. But if the scope is narrowed to gasoline used in motor vehicles, in 2006 alone the United States used 140 billion gallons of gasoline (Wald, 2007). Because of these increased concerns the “U.S. has gone on an ethanol binge” (Wald, 2007, p. 44). In August of 2005, the United States Congress passed legislation that called for the production of 7.5 billion gallons of ethanol a year by 2012 (Wald, 2007). The United States government urges the conversion to ethanol by providing for a 51¢ per gallon tax credit to be awarded to consumers of ethanol purchased as motor fuel (Farrell et al., 2006). In addition, with the Energy Policy Act of 2003, Congress in the eyes

of some suspended purely free market practices by creating “an artificial market for ethanol,” calling for the states to use five billion gallons of ethanol annually by 2012 (Coon, 2003).

Obviously much effort is being put into the development and implementation of ethanol. But will it really get rid of a problem that our current consumption of gasoline and oil has supposedly created? An analysis of each reason for the conversion from gasoline to ethanol is the crux of the situation. The only reason for the comparison to gasoline and oil specifically is because no other energy source has been harnessed to the extent that gasoline and oil have. Since ethanol is being promoted as a gasoline substitute and supplement the nation must consider its implementation on a large scale as well.

One reason for the switch is to decrease reliance on foreign oil. According to the Renewable Fuels Association, consuming 7.5 billion gallons of oil a year (the projected amount for 2012) would mean 179 million fewer barrels of foreign oil per year. That would be about 15 days of imports—so it is a start if not “a cure all” (Wald, 2007, p. 46). The ease of justifying ethanol ends there.

There has been controversy regarding the other three reasons based on whether or not a switch to ethanol would actually be an improvement. This examination includes issues concerning greenhouse gases, air quality, and the energy input and output of ethanol production. Because there is such a controversy regarding the way to analyze production and results, one attempting to do research must be very cautious when finding sources. To this end, the Energy and Resources Group of the University of California led by Alexander Farrell evaluated six representative analyses of fuel ethanol.

Their findings were that the discrepancies in research depended, primarily, on whether the researchers included co-products of ethanol into their equation of ethanol's net energy output or not. Farrell et al. argue that these “co-products of ethanol have positive economic value and displace competing products that require energy to make” (2006, pp. 506–507). The co-products provide energy because they can be fed to livestock, lowering the need to grow some corn—thus the displacement (Wald, 2007). Those who assigned a higher energy input than energy output into the creation of ethanol disregarded this. There were other discrepancies in research regarding what should be included in calculating energy output, but as Wald (2007) noted, “the consensus among the analysts is that even if the net energy value of ethanol is positive the margin is small” (p. 47). This was a recurring theme in research for this study.

Regarding greenhouse gases, Farrell et al. (2006) showed the impact of developing gasoline versus developing ethanol by developing “[n]ew metrics that measure specific resource inputs” (p. 506–507). Farrell looked at the impact of four inputs in his calculations: petroleum, natural gas, coal, and other. Then he gave “other products” a negative effect on the five inputs. Gasoline requires 1.1 mega joules (MJ) of petroleum per MJ of fuel, 0.03 MJ of natural gas per MJ of fuel, 0.05 MJ of coal per MJ of fuel, and 0.01 MJ of other inputs per MJ of fuel. Accordingly, ethanol today requires 0.05 MJ of petroleum per MJ of fuel, 0.3 MJ of natural gas per MJ of fuel, 0.4 MJ of coal per MJ of fuel, and 0.04 MJ of other inputs per MJ of fuel. The result of these inputs applied to greenhouse gases applying the effect of the “other products,” result in a 94 kg CO₂ equivalent per MJ of fuel for gasoline and an 81 kg CO₂ equivalent per MJ of fuel for ethanol—carbon dioxide is used because the study takes into account other emissions that, while not carbon dioxide, have the same greenhouse gas effect. On paper this looks good, but Wald (2007) pointed out that “Farrell and his co-authors concluded that ethanol made with natural gas is marginally better than gasoline production for global warming pollutant, but ethanol made with coal is worse” (p. 47). Disregarding the issue of greenhouse gases, the coal drastically increases airborne pollution.

Though their findings could be considered favorable towards the implementation of ethanol, Farrell et al. (2006) maintain that “it is already clear that large-scale use of ethanol for fuel will almost certainly require cellulose technology” (p. 506). That was the other recurring theme between both proponents and critics: cellulose ethanol. Every source indicated that cellulose ethanol would be very efficient and clean. However, the process of creating cellulose ethanol is very difficult and has erratic results. And while some companies have had their production process work, “it does not appear that any has done so with enough consistency to persuade lenders” (Wald, 2007, p. 49).

Another fairly non-contested item is that even with production geared towards packing BTUs into the ethanol the best outcome that has come about, with current technology, is about 80,000 BTUs. Compare this to the 119,000 BTUs found in unleaded regular (Wald, 2007). The result of this is that a standard barrel (about 42 gallons) of ethanol is worth, energy-wise, about 28 gallons of gasoline (Wald, 2007). According to Wald (2007), the result of this is a situation where “even if a gallon of ethanol were cheaper at the pump, drivers would have to buy many more gallons to go the same distance” (p. 46). That

in turn would require larger gas tanks. Patzek et al. (2004) corroborated this assessment, maintaining that since ethanol “has a 34% lower heating value . . . about 1.5 gallons of ethanol are required to replace the energy in one gallon of gasoline . . . to drive on ethanol an average 15-gallon fuel tank in a car must swell to 23 gallons” (p.320).

Wald cites a letter that David Pimentel—an advocate and longtime student of ethanol research and development—sent to Senator John McCain (R-AZ) in 2005. Pimentel stated that producing 3.4 billion gallons of ethanol was consuming about 14% of the total American corn crop which was an estimated 11.8 billion bushels (U.S. Department of Agriculture National Agricultural Statistics Service [USDA], 2005; Wald). Fourteen percent of this would be about 1.65 billion bushels. Pimentel says, “At this rate . . . 100 percent of the nation’s corn crop would supply only 7 percent of the fuel consumed by its vehicles” (Wald, 2007, p. 48). According to the Department of Agriculture that 11.8 billion bushels was made on 80.9 million acres (USDA, 2005).

These trends, in a purely hypothetical scenario, can create interesting results. Assume for a moment that the 80.9 million acres which produced the corn crop in the 2005 report are the most suited to growing corn and that is the reason the farmers on those particular tracts of land are growing it. Consider the implications if someone were able to engineer genetically a corn that will grow with that same productivity and energy potential anywhere in America. In addition, consider what would happen if all the farmers of America feel particularly patriotic and decide to help the ethanol initiative by growing exclusively corn. The result of this type of action, while not practically executable, might not be extending too far into the realm of fantasy. Corn prices are the highest they have ever been in the history of United States agriculture, which might be enough to persuade farmers to switch from their traditional crops (National Corn Growers Association [NCGA], 2007). If every acre of American farmland, last counted at 304.6 million acres, were converted to corn and the harvest was the same as it was in the area which is best suited to farming corn, the result would be 44.4 billion bushels of corn (USDA, 2005). That astronomical number if all put into ethanol production would only satisfy about 26% of the fuel annually consumed by vehicles in the United States. This hypothetical situation contains ambiguous variables that may lead agricultural energy experts to question the validity and scholarly application of its results. However, the numbers used from current trends are sound and simply being subjected to expansion of scope. When

utilized in such a way the results can demonstrate valid concern for ethanol’s ability to satisfy issues of scale. One must remember the purpose of this theoretical paper is to investigate the advantages and disadvantages of alternative energy fuels as a form of energy and its impact on various markets. And that increased demand is a reality because the policy is government mandated. According to the plan, the states will buy five billion gallons of ethanol in 2012. The corn to produce that ethanol must come from somewhere.

Following this scenario, my second major focus is to examine some of the effects this conversion to ethanol might have on farms and farming practices. The National Corn Grower’s Association (2007) reported that for “the 2006/07 marketing year, more than 2.1 billion bushels—or twenty percent of the 2006 corn crop—[were] used for ethanol production” (p.2). Moreover, the increases that corn production systems are going through are staggering. In almost a single year the price of corn has come close to doubling. The cash-price of corn in Illinois in January 2006 was \$2/bushel. As of February 2007 it was pushing \$4/bushel (NCGA, 2007). To examine more closely the impact on the Texas Panhandle several local farmers were interviewed.

Landon Friemel (personal communication, April 15, 2007), whose farm is located northwest of Umbarger, TX, explained some of the repercussions of these prices to farms around this area. He said currently his family’s farms are not producing corn. The quality of a corn crop relies heavily on water and would require him to irrigate more extensively than he currently is. Though his own farm does have the means to irrigate, it currently would be too expensive in terms of fuel costs for pumps to pump out water from the Ogallala. When asked how farms in Dalhart, TX were able to maintain the level of irrigation required to make corn, he replied because the section of the Ogallala under them is much more porous and does not require as much fuel to extract. Here he answered that the sand content under his farm makes the fuel costs much greater. When asked, “If prices of corn kept increasing would it justify a switch to corn?” Friemel answered, “Yes.” Friemel said his farm would probably not be the only one that would make a switch if prices kept going up, simply because the extra operating costs would not be as much of a deterrent with the extra revenue for those pumping for water in less porous sections of the Ogallala. Purdue University agricultural economist Chris Hurt said that

“In terms of acreage, I’ve been suggesting that we may have to push acreage up to . . . eighty-nine million acres of corn. That would be a ten million acre increase from 2006 and would put us at the highest acreage planted to corn in the United States since 1946. We’d be looking at a sixty-year phenomenon.” (Leer, 2006, para. 4)

This would be in response to the ethanol movement if indeed there were a higher demand, which there will be with government-mandated purchasing of ethanol. The United States does not import corn; most countries that do import corn do so from the United States. So where will the corn for ethanol come from? The reason for my essay’s hypothetical scenario is suggested by Leer (2006): “Should farmers follow the economic trends and dramatically increase their corn acres, they’ll have to grow fewer acres of other crops” (para. 15). And some more serious repercussions come up as Leer then discusses reduction in acreage for cotton, sorghum, wheat, and soybean crops. Leer notes that Hurt maintains that with prices as good as they are farmers might plant the same crop several years in a row. “Planting corn for a second straight year on the same land would disrupt crop rotations, which could mean reduced yields. . . . Still, the markets say grow corn” (Leer, 2007, para. 18).

Another local farmer, Tyler Thompson, was asked about this type of farming practice which might risk causing soil degradation. When asked if some farmers in the face of such greater profit might abandon some conservation efforts for more short-term high-yield practices, Thompson replied, “there are already a lot of those ‘high yield’ practices going on. I mean a lot of farmers have the outlook that they need to make money while they can, before the water is all gone, or before diesel is four dollars a gallon” (personal communication, April 16, 2007). This supports Leer’s predictions.

To see some possible effects on farm soils I interviewed retired district conservationist Darwin Schrader. Schrader worked in Texas for the Soil Conservation Service (SCS) in the Glasscock County and the North Concho River soil and water conservation districts. In addition, Schrader was a private soil conservation consultant. In total he had 35 years of experience in soil conservation. Schrader explained that corn requires large amounts of all three of the major corn nutrients—nitrogen, phosphorous, and potash. So the fertilizer for corn must be rich in all three—unless one of them occurs naturally in an area or due to crop rotation nutrients are put back in the ground. The two factors we can control in order to put nutrients back in the soil are fertilizer and

crop rotation. Of these two, the one that has the potential to take the longest is crop rotation. Schrader explained the situation by comparing corn growing in Nebraska and in Texas. Schrader said that in Nebraska, when a corn crop takes large amounts of nitrogen from the soil, the next planting season the farmers will grow soybeans or other legumes because these plants pluck nitrogen from the air and put it back in the soil. These kinds of practices though they sacrifice a year of producing a higher priced crop save money by reducing fertilizer costs. In Texas the sacrifice is larger.

Since soybeans do not grow well in the Texas climate, most corn producing farms rotate their crops with alfalfa. Alfalfa puts nitrogen back in the soil but does so in a two-year rotation. Putting nitrogen back in the soil while still producing a crop that can be sold is useful because for nitrogen to be used in fertilizer form it must bond with natural gas which makes it very expensive (over \$400 a ton). When asked if corn prices were at an unprecedented high might farmers abandon crop rotation practices? Schrader confirmed Leer’s assessment. Schrader said one must understand the situation the farmer is in: at this time the profit from corn would simply pay for nitrogen rich fertilizer that could substitute for the crop rotation. The farmer does not know that the prices will stay that high; the agriculture market is fickle. So the farmer would take advantage when the opportunity arose. However, Schrader also talked about the results of this:

In any monoculture you have a build up of diseases, weeds, and insects, these factors would eventually decrease crop yield no matter the amount of fertilizer or irrigation used simply because they become resistant to techniques used to protect the crops. Eventually without the use of catch-me crops or reversion back to crop rotation, there would not be enough yield to make a profit even at these higher corn prices. (personal communication, May 6, 2007)

It is also noteworthy to examine the impact this would have on other industries that rely on corn. “Corn is the primary feed used to produce protein, dairy, and egg products in the United States” (NCGA, 2007, p.2). The reports from Farrell would indicate that livestock feed would not be impacted by this and while the impact according to the NCGA is minimal, this research shows the impact can be attributed to the fact that not every production technique for ethanol is the same.

Some ethanol plants might not have the same by-products as readily available for livestock feed as other ethanol plants might. Whatever the discrepancy between reports, the NCGA (2007) has reported that

even if corn prices remain at the \$3.50–\$4.00 per bushel level for a sustained period, the impact on consumer food is expected to be minor. For example, one dollar worth of food in 2006 would likely cost the consumer \$1.03 in 2007 absent of the rise in corn prices. With the increase . . . one dollar worth of food in 2006 might now cost . . . \$1.06–\$1.07 in 2007. (p. 2)

The final area of analysis will be the possible impact of corn ethanol production on water sources, a concern to which residents of this area can easily relate. The local farmers interviewed for this study all agreed that water and irrigation are very important to area farming and not just to the production of corn. Indeed, almost all local farms rely on irrigation; so water sources on the high plains are very important. Corn requires a lot of water, thus “ethanol production requires huge amounts of water: thirty-five gallons per bushel of corn” (Patzek et al., 2004, p. 325). For some places in the north and northeast that is not a problem due to adequate rainfall. If, however, corn-farming branches out of its traditional areas into areas like the high plains, area water sources (most notably the Ogallala) will be affected. The impact the conversion from fossil fuels to ethanol might have on the Ogallala is an ironic one since the water in the Ogallala could be considered a fossil fuel. The regions that the Ogallala covers receive so little rain there is almost no recharge on the Ogallala and, according to Robert Glennon (2002), most of the water in the Ogallala was put there ten thousand to twenty-five thousand years ago when the Ogallala was filled to capacity. The pumping of groundwater began from the Ogallala in the 1930s at a reasonable rate. In the 1940s however the “groundwater spigot was opened wide” (Glennon, 2002, p. 25). Technological developments caused the pumping to “increase more than 1,000 percent from 651 billion to 7.5 trillion gallons per year” (Glennon, 2002, p. 26). In the Texas section of the Ogallala alone, the number of wells drastically increased from 8,400 to 42,200 in a nine year period. These wells covered 3.5 million acres of farmland by 1957. Thirty-three years later in 1990, “sixteen million acres of the High Plains were irrigated with water from the Ogallala Aquifer” (Glennon, 2002, p. 26). It was this that allowed for the productivity that gave the High Plains the nickname “the breadbasket of the world,” but all of this had a price. By 1980, in parts of Texas and Kansas, the water table had dropped more than 150 feet (Glennon, 2002).

Scientists believe the Ogallala originally held 3 billion acre-feet of water, or approximately 977 trillion gallons. After the binge irrigating between 1960 and 1990, more

than a half-billion acre-feet had been pumped out and the remaining water has traditionally not been accessible because of porosity “to justify the costs of recovery” (Ashworth, 2006, p. 25). If the corn growing trend grows, that will soon change. In thirty years the Panhandle pumped out 163 trillion gallons of water, and the corn demand and prices, if stable, will justify going after the rest of it. Why? Currently the Ogallala spans eight states, two of which—South Dakota and Nebraska—are among the nine biggest corn-growing states in the country. In fact Nebraska is the leading producer of corn in the country and though it has only one-third of the Ogallala’s total land area it has two-thirds of the total water (Ashworth, 2006).

The evidence points towards a renewed pressure on the water resources of the Texas Panhandle. The current water situation is not good and it is the calm before the storm that will be an ethanol movement, which by all appearances is gaining momentum. One might be led to believe that conservation practices might make farmers and other users of water show some restraint. But as Thompson pointed out that is not necessarily a given. It certainly was not in the 1930s when consequences of irresponsible conduct—the dust bowl—should have been fresh on everybody’s mind. It still wasn’t always enough to ensure caution. In *Dust Bowl* (1979) Donald Worster describes similarly tenuous situations: “Big-scale progressive farmers . . . who had been among the most eager converts to the SCS program, now led a revolt against advice and interference: they were ‘belligerently positive about their ability to take care of their land, no matter what happens’” (p. 226). A quote from the time could just as easily be applied today: “The voice of the two-dollar wheat is far more persuasive than scientific facts on wind, rain, sun, and soil” (Worster, 1979, p. 226). In the face of high prices many farmers revert back to whatever will produce the most. In fact the way most of my sources point is that land has traditionally been, for the most part ignored or protected, might now be tilled and farmed. This was also a similar situation to the 1930s: “The grassland was to be torn up to make a vast wheat factory: a landscape tailored to the industrial age. Specialized, one-crop farming became the common practice, and business economics the standard of success or failure” (Worster, 1979, p. 226).

The evidence suggests that even with advances in energy technology we cannot support the appetite we have built up. The appetite we have adopted is not one of sustenance but of gluttony. America is the number one producer of grain. Worster (1979) recognizes this:

America will play, as it has in the past, the role of international grain supplier, much as the Middle East plays supplier for the oil-hungry. Almost half of all wheat exports in the world now come from our farms. But each year that outside demand will get bigger, until even the American breadbasket will no longer be able to provide enough. (p. 238)

What will be the result when the world's biggest exporter of grain converts many of its crops to satisfy domestic energy needs? We live in a world where even "renewable" resources aren't always practically so. I disagree with Worster on the last point and defer to the words of William Ruckelshaus: "Nature provides a free lunch, but only if we control our appetites." From that perspective Worster might agree. In fact he points out that the appetite is the problem in the final pages of *Dust Bowl*: "The Great Plains cannot be pushed and pushed to feed that world's growing appetite for wheat without collapsing at last into a sterile desert." I agree that is a possibility—a far off and unlikely one—but a possibility because of the corn-ethanol trend. Worster's (1979) advice to that end is still applicable:

The harder, yet more essential response is to moderate our demands on this limited planet: to learn to discipline our

numbers and our wants before nature does it for us. That will require searching reappraisal of the cultures by which we live, not the least so of capitalism. (p. 239)

We also need something else, something that Worster touches on in various parts of his book and that is a focus on the long term. The purpose of these scenarios and theories is not to condemn, or to create a slippery slope, but rather to emphasize that any "solution" to our energy situation, on the scale that it would have to be, will have far reaching ramifications.

In today's fast-paced society many people want to believe "short and sweet" fixes can be enough. But they often aren't. Ethanol, for example, while viably a relief from the strain of greenhouse gases and oil consumption, is ultimately a short term fix at best, and if utilized on a long-term scale would not be able to satisfy our normally gorged appetite.

JONATHAN P. ELLIS is a graduate student in political science concentrating in public administration and law.

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Women in Policing

DANIELLE FLANAGAN, *West Texas A&M University*

ABSTRACT: *This article outlines the history of women in American law enforcement. The author interviewed female police officers who worked with city and county agencies in the Texas Panhandle. Qualitative interviews were conducted with two high-ranking female officers in Massachusetts and California. Results determine women in the profession have overcome many obstacles but have not achieved complete equality.*

History

In law enforcement women have advanced far beyond the days when they were called matrons. The first matron was employed by the New York City Police Department in 1845 (National Center for Women and Policing [NCWP], 2005). They oversaw the women's quarters in jails after the city was pressured by the American Female Moral Reform Society to hire women (Wormer & Bartollas, 2007). Their jobs included accompanying women to and from the detention center, keeping the detention area clean and orderly, making sure women in custody received good care and taking them to and from court (Higgins, 1951).

In the late 1800's the Chicago Police Department hired Mary Owens whose husband was killed in the line of duty. Since there were no death benefits for a widow, they hired her out of sympathy and memory to her husband (NCWP, 2005). Owens worked mostly with the women and children during her thirty years of service and was one of the first women given arrest powers (NCWP, 2005).

In the early 1900s Lola Baldwin was given police powers involving the supervision of several social workers who were helping the Portland, Oregon Police Department during the Lewis and Clark Centennial and American Pacific Exposition and Oriental Fair (Higgins, 1951). She was the first woman to work as a sworn police officer in the United States (Cole, 1989). When the city created the Department of Public Safety for the Protection Young Girls and Women in 1905, Baldwin was appointed the director of the program (NCWP, 2005).

In 1910 Alice Stebbin Wells was the first woman officially to be given the title "policewoman" (Wormer & Bartollas, 2007). She was hired by the Los Angeles Police Department as a detective after she petitioned the mayor for the job (Los Angeles Police Department [LAPD], 2008). She was portrayed in newspapers as a masculine

woman who carried a revolver and wore an unflattering uniform. Regardless of her appearance, Wells opened doors for women in law enforcement (Wormer & Bartollas, 2007). Policewomen in the 1920s were seen as having a specific job, one that would rely on the maternal instincts of a woman. Their duties included a runaway child asleep on the park bench at dawn, the mother whose child was beaten by a drunken father and the young girl rescued from a house of prostitution (Pigeon, 1927). Women were supposedly "trained" for those types of assignments (Pigeon, 1927). While most agencies have a policy in place to prevent any type of harassment it is still a big issue in law enforcement and not just in a sexual nature (International Association of Chiefs of Police [IACP], 1998). Police officers, both managers and normal male officers, share a myth of policing as action-filled, exciting, adventurous, and dangerous (Prokos & Padavic, 2002). However, the real truth is that police work involves much more paperwork than crime fighting or violence (Prokos & Padavic, 2002). But, even though male police officers know this they still cling to the image of police officers as crime fighters and downplay the femininely-labeled aspects of the job, such as paperwork and social service (Prokos & Padavic, 2002). But a woman's presence and competent performance of the masculine aspects of the job mean that the job can no longer be portrayed as just a "man's job." The "good ole' boy" network is alive and well in some departments.

In the 1970s the percentage of women in law enforcement was only at 2% (Price, 1996). In 1991 women accounted for only 9% of law enforcement agencies (Price, 1996). In 2001 the National Center for Women and Policing reported only 12.7% of all sworn personnel in larger agencies were women (Price, 1996). Most enter the profession because of personal contact and support of pro-law enforcement individuals or groups (Seklecki & Paynich, 2007). They will do anything to make a female law enforcement officers' life on the job miserable.

However, a survey of departments in the nation's 50 largest cities revealed women comprised only 7.1% of high ranking positions (Dunham & Alpert, 2005), which demonstrates a forward but slow progress.

Equal, or Not Equal? That is the Question

Being a woman in law enforcement is not easy. It remains a predominantly male profession that does not easily accept them. There is a general agreement as to why men have a problem with women. They think women possess inherent physical and emotional weaknesses. They are seen as less powerful, less trained and less willing to use force than male officers; and they are considered too soft (Seklecki & Paynich, 2007).

I remember the process I went through to become a law enforcement officer. Officers go through rigorous testing prior to being hired. First, everyone interested in a law enforcement career must pass a written test that assesses not only their mental and cognitive abilities. If one scores within a certain percentile one is requested to take an agility and endurance test. The prospective recruit must run an agility course, climb a six foot fence, jump a six foot solid wall, drag a 150 pound dead weight dummy, and run 150 yards. Some even require sit-up and push-up tests. All these tests are timed and better times receive higher scores. Most men can easily pass such tests because upper body strength is necessary for most of them. As a result the agility and endurance test seem geared toward men rather than women.

If one passes the agility test one is requested to take a series of psychological tests and background checks. The psychological tests are completed in one day and the results are available in a few days. However, background checks take anywhere from six months to a year. Since I was a female and the agency needed female officers my psychological tests results were expedited. My tests and interviews took less than two hours to complete. The county pushed me through the physical and mental tests along with a drug test and oral interview in less than two hours. My background took around two months since I did not have anything that presented a problem. Once completed, I was accepted to the police academy for basic training.

The police academy was a miserable place. Academies are especially so when they belong to the agency for which a recruit works. These academies tend to be harder on their own and they are especially hard on female recruits. There were five females in my class of thirty-two. When time came to learn restraining techniques I was

the only female who had to fight a male recruit. Since I was the tallest and largest woman in our class the instructors probably thought I could handle it. Nevertheless, I wondered how the other women were supposed to know how it felt to fight a man? It seemed as though they were treating them softer than me. Our class graduated with all the females intact and minus two men who failed out.

Prejudice remains beyond the academy. For example, I worked in a mountain community. Our station employed six female officers but two male sergeants that did not like working with us. They felt they had to make their positions and masculinity known, thereby creating a hostile work environment. Crude jokes are common in police departments. It is one way all officers relieve stress after an emotion or physical situation ends. However, these make officers harassed female coworkers far more than males whether or not a crime had occurred or we did our jobs. To prevent these situations all of us were more careful about performing our tasks "by the book"—responding appropriately to situations. We did our job and had our reports in on time. I transferred stations following an incident that could have resulted in injury because a sergeant decided a response to a known "wind" alarm was more important than providing support for me at the scene of a possible robbery. He left me alone and went with the male deputy instead. Luckily I was competent enough to wait and watch before going in and realized it was not a robbery.

The Survey

A potential problem in law enforcement agencies can be sexual harassment. It comes in many forms and can cause recruitment problems if an agency is known for harassment. In 2007 the researcher surveyed female law enforcement officers who work in 23 counties and 48 cities in the Texas Panhandle. In-person interviews were conducted after the results were tabulated. The main idea of the survey was to find solutions to the female recruitment issues plaguing area law enforcement agencies. However for this paper, the recruitment issues were removed as only the harassment issues were pertinent, along with how the public and male officers felt about women in policing.

The first five questions dealt with race, years in law enforcement, rank, educational achievement and their reasons for choosing law enforcement career. The next five centered on their experiences and knowledge of law enforcement. They were asked questions about: harassment and overcoming it, how they are viewed by their

Figure 1. Racial Self-Identification

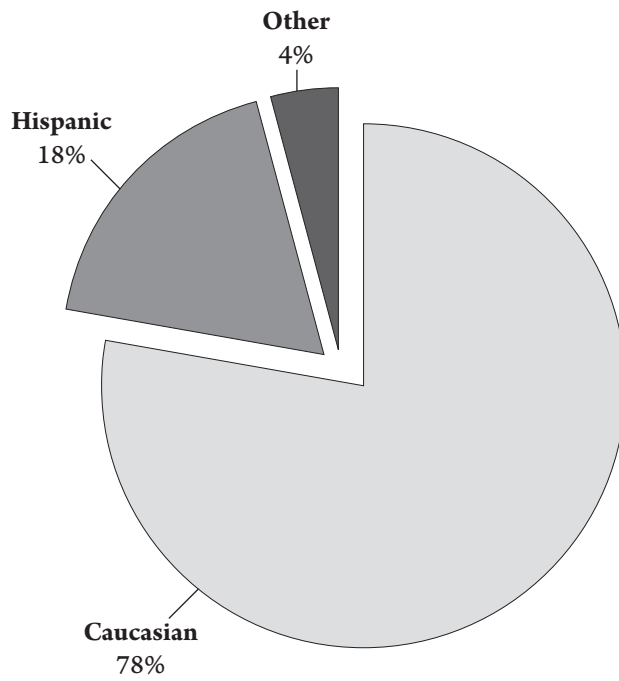


Figure 2. Ranks

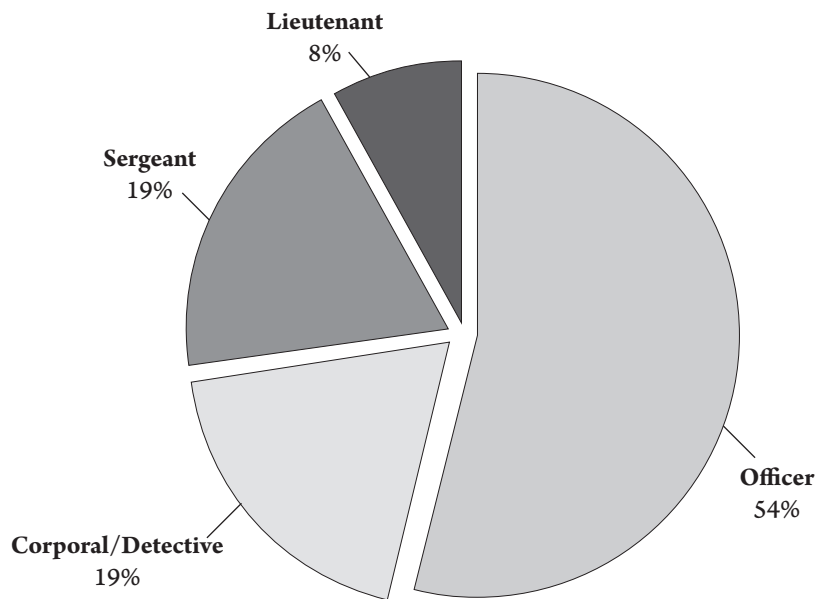


Figure 3. Years in Law Enforcement

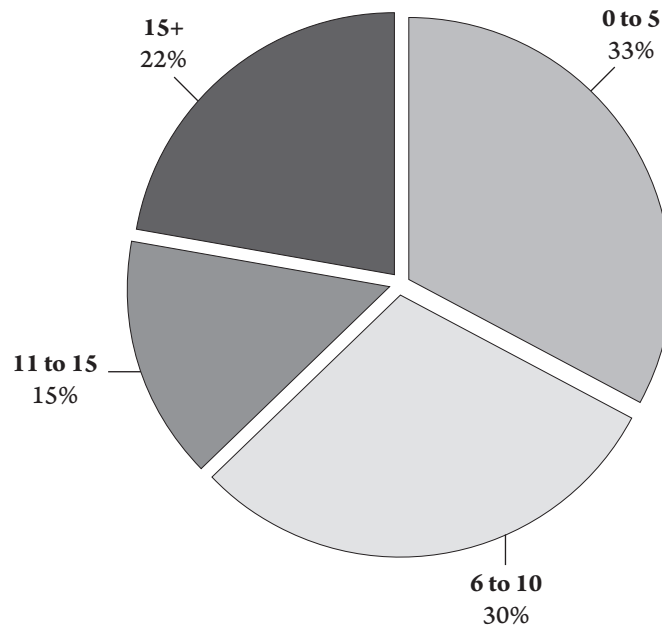
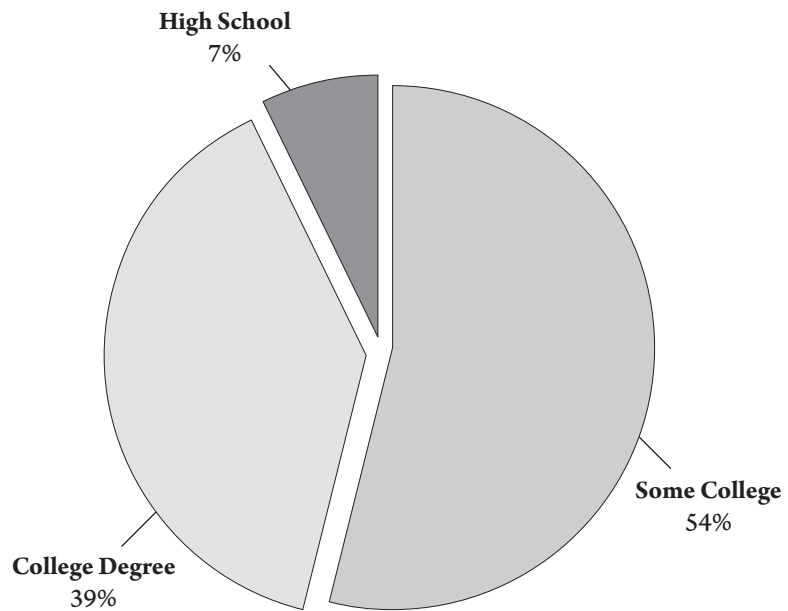


Figure 4. Education Level



peers, how they feel about women in law enforcement, and if more is expected of female than male officers, their perception about law enforcement being a “man’s job,” and advice for women entering the profession.

Most female officers had some college level education or held a degree (see Figure 4). As a career, most female officers have one of the following reasons for choosing law enforcement. A few reported their interest in law enforcement that influenced their career choice. Some wrote it was their desire to help people while others went into the profession for financial security. Most spoke of wanting to make a difference in the lives of others and that law enforcement helped accomplish this.

In regards to sexual harassment, 40.7% stated they had problems, while 59.3% said they had no harassment problems (see Figure 5). The officers who answered “Yes” to the harassment question had the option of answering how they overcame the situations. One chose to ignore the situation and did not report it. Another officer stated she was labeled a whistleblower and the situation was turned to make her out to be the aggressor. No action was taken with the actual aggressor and the officer was humiliated about the situation. Some stood their ground and voiced their concerns to make the situations stop. Others had to go as far as file grievances to get something accomplished. When situations like harassment arise, a department needs to make changes to make sure the changes do not hinder recruitment.

Besides harassment, one has to deal with their peers and coworkers. Coworkers are very important in law enforcement. They are the ones that see how an officer’s work ethic and values effect their working environment. Officers know what their coworkers are going through, just not on a professional basis, but in their personal lives. As a female, peers can help or hinder your place in the agency. They can be your friend or your enemy. Female officers stated there were no problems with discrimination and they are treated like family, equals and one of the guys. Some have had problems with their peers, stating issues such as not being seen as equal until they prove themselves and it being hard to keep the respect once you have earned it. They stated they did not believe it was the same for their male counterparts; the respect was always there until they did something to betray it.

When posing the question of how some females view other women in law enforcement, female officers tended to be harder on their female counterparts than they are towards the males. Women need to prove they can do the job just as well as the males and other females can change that attitude if they slack or mess up on the job. Most fe-

Figure 5. Problems with Harrassment

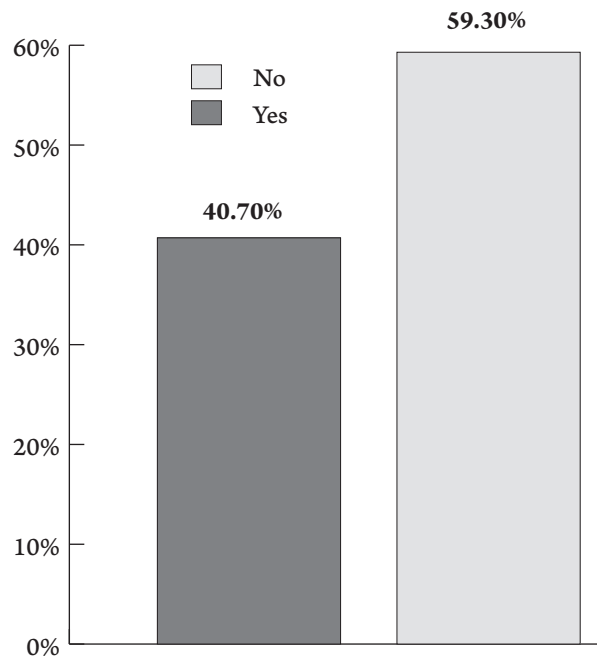


Figure 6. “Is More Expected of Women in Law Enforcement?”

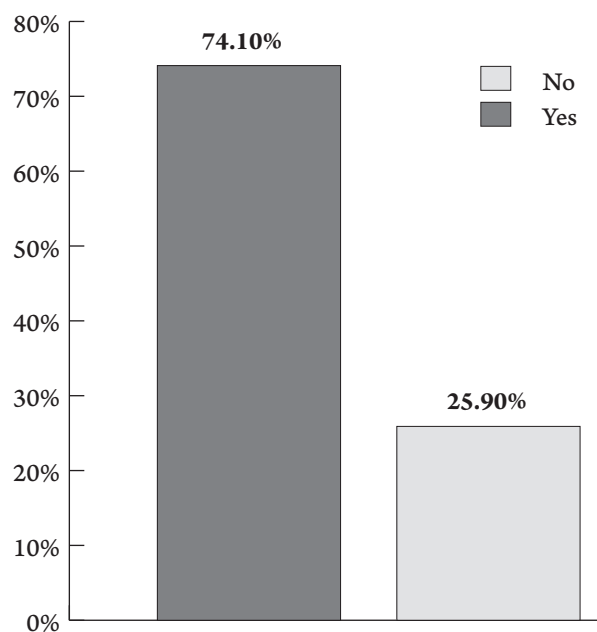
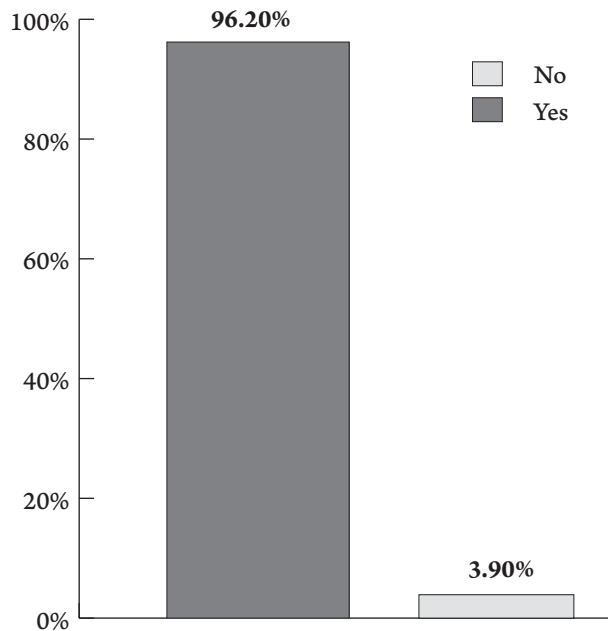


Figure 7. Awareness of the Number of Other Women Employed by Agency



males feel women should be in law enforcement if they can meet the goals set for the agency. They should not think that they need special treatment or that they will not be asked to do certain tasks because they are female.

The biggest drawback to women in law enforcement is their general lack of physical strength as compared to a man; a problem that was apparent in the preparation for the academy. On the brighter side, females stated there is a definite need for more women in law enforcement. They feel women have more to offer to law enforcement besides brawn. Women tend to handle situations better and sometimes there are calls in which a woman would be better suited to managing. People tend to see women as mothers, sisters, aunts and grandmothers, so it is easier to talk to them. Women are viewed as less confrontational, patient and do not require constant validation of their police position.

When it came to considering whether more was expected of them since they were females, 74.1% said no and 25.9% said yes (see Figure 6).

The female officers felt the public still views it as a man's job, making it harder for them to do their job (see Figure 7). Females felt there were gender issues when dealing with certain races. Some races feel women are beneath them and they look down upon them; for them dealing with a female officer can be difficult. It is impor-

tant to change this view and show how strong females are in the profession.

Interviews

The first interview was conducted with Chief Inspector Kathleen O'Toole of the Garda Inspectorate for the Republic of Ireland. She has 28 years experience in law enforcement, which include being the first female Police Commissioner of the Boston Police Department. The second interview was with Captain Valerie Tanguay, one of the few female captains with the San Bernardino County Sheriff's Department. Both officers have been or are working for large departments. They discussed what is needed to help women in law enforcement.

Chief Inspector Kathleen O'Toole

O'Toole became a police officer on a dare while she was a law student. She thought it would be an interesting opportunity to see the law from a different perspective and had only intended to do it for a few years. (personal communication, August 30, 2007)

Harassment has not been a big issue in her career. She dealt with subtle harassment from disgruntled employees or from people she's competed against for promotions. A few of them attempted to sabotage her, but she felt that happens to most people in the profession. She was able to overcome this by trying to confront the situations head-on in an honest, direct and transparent way. She did not allow them to deter her in any way. O'Toole felt these situations made her stronger and more determined.

Her advancement, she contends, was due to her competitiveness, even as a child she was competitive. She thought she could make more of a difference by attaining higher ranks. But she adds that the police officers on the ground have always been her true heroes. "They're the ones who make the greatest difference," she said. O'Toole was blessed with great opportunities, but her favorite part of the job was as a patrol officer.

Her peers and subordinates, she says, hopefully view her as principled, caring and capable. She can name her enemies on one hand; they are people she as either disciplined or competed against for promotions or appointments.

When it comes to females in law enforcement, she thinks it's fantastic, and it is hard to even imagine policing without women. Today, a police agency should be diverse and reflect the community it serves. O'Toole has

high expectations of women in law enforcement and has tried to be supportive as possible to women in the field. She feels agencies are recruiting better educated, more capable candidates to policing today, which she included both men and women in that category. She thinks that bodes well for the future.

She feels there are fewer disadvantages today than there were before for women. Much progress has been made, but every department is different. It usually depends on the leadership. Women have done very well in organizations with strong, progressive leaders. No doubt some feel it is still perceived as a “man’s job,” but most people value women in policing now. People routinely see women police officers now and she thinks they are being readily accepted.

O’Toole’s advice is strong: pursue your education, work hard and identify strong mentors.

Captain Valerie Tanguay

The second interview was with Valerie Tanguay (personal communication, 17 July, 2007). Her career in law enforcement started out as a college freshman majoring in criminal justice. She was first hired as a records clerk, which allowed her to have a glimpse of what law enforcement was all about. She was able to see firsthand what “real cops” did. They were not like *Charlie’s Angels*. She was “promoted” to dispatcher and was able to go on ride-alongs, participate in evidence collecting and minor report writing, this she says helped prepare her for a career in law enforcement.

Her decision for law enforcement came while she was a junior in high school. Her best friend’s dad was a detective in the local agency. He would tell stories of how he would work his way through investigations, chasing clues and trying to figure out “who dunnit.” She was a Nancy Drew fan and thought the combination of helping people and solving mysteries was exactly the excitement she was looking for. Knowing she had to be twenty-one years old to get into the academy in the State of California, she chose her college major and waited patiently for the calendar pages to turn so she could follow her dream.

Her education includes a BA in criminal justice with a minor in sociology, and a BA in liberal studies. She also holds a teaching credential for elementary school K-3. Tanguay earned the dual degrees so she could have options in case law enforcement did not work for her. She continues with local training and has been working as a facilitator for California’s Peace Officers Standard and Training Supervisory Leadership Institute program for approximately four years. Working through California State University, Long

Beach, the Supervisory Leadership Institute program is an eight-month leadership program for law enforcement Sergeants from throughout California.

She felt she was easily received as a woman in the profession and had very little problems with harassment. Being a part of a Sheriff’s Department, women were needed as ‘jail matrons’. It was when she sought out the patrol side of it that she encountered some ill feelings from the “real cops” who had been working patrol for years. Being among the first women assigned to the high desert, she felt she had to work harder, arrest more people and author better reports than her peers. Perhaps this was self-imposed, but being among the first, she was afraid that her performance would reflect on all women who followed her to the streets. To overcome the ill feelings against her, she focused on being brighter, faster, and better than the men, while maintaining humility. She would not be perceived as a “know it all,” for she felt it would lead to her demise. She had to be accepted as different (based on her gender), but still capable of holding her own with her male counterparts.

While working as a jail deputy she decided advancement was a definite possibility. A fellow female deputy named Sheree Palmerton from New York was an “up and comer” who moved to California. She was seen as bright, talented and with a determination to succeed. She was someone they all knew who would go out and change the world and Tanguay wanted to be part of that world. The two women a competitive alliance, knowing they had to support each other because of the profession’s public perception and their desire to break the “glass ceiling” preventing women from entering higher ranks and administrative positions. Tanguay said she would become the first chief inspector and Palmerton vowed that she would be the first. Tanguay “lost” the bet made so many years ago. Palmerton, now Sheree Stewart, became the first deputy chief in the department in 2005. They are innovators. They forged ahead to make the lives of those who followed easier. These women felt the pressure of being among the first to hold rank, but they did it with confidence, class and determination. They are making a positive difference for the future of the department, and doing it with a woman’s touch.

Her peers and subordinates who do not know her are initially hesitant to work with her. She is hopeful that she has developed the reputation of someone who is firm, fair, and considerate and has enough diversified experience to be credible.

When it comes to other women in law enforcement, she feels they bring a different perspective to the career.

Women solve problems with brains rather than brawn. She feels women have proven that they *can* accomplish more with words than brawn, but women are not afraid to take action when the time comes. Tanguay states there are so many exceptional women who have flooded the law enforcement profession, which continues to enforce that women are here to stay.

While working at the academy as a tactical officer, she had a reputation for being harder on the female recruits than the males. This was true. She was able to recognize that these individuals would face more adversity than the men; they were not gifted with great body strength, and knowing that their gender reflected heavily on the profession as a whole, she was intolerant of “weak” sisters. Her expectations of other females were they had to be smarter, stronger, and emotionally more stable than their counterparts. Even today, as commander, she has to remind herself that “meets standards” is not good enough for all deputies. She loves to hear of great successes of the young women within the department and is much more sensitive to their weaknesses and successes and of the male deputies. But as some have discovered, she is still intolerant of any female who looks unprofessional in uniform.

Tanguay admits she keeps track of how many women come into the department. She gives several examples as to why this is important. Keeping the number of females in the academy at an elevated level equates to more women being able to go out on patrol. Because of minimum staffing levels in corrections, there had to be a one-for-one exchange for the females who were waiting to hit the streets, which meant before a female could enter patrol, there had to be another officer to replace her in the correctional setting. Today Tanguay is more sensitive to women attaining rank; she closely scrutinizes the list of names on the promotional lists to continue to assess the women who are the future of the department.

Tanguay offers the following advice to women interested in law enforcement. Get an education to prove you are smarter and a great value. Go on ride alongs and interview current police officers. Harness your talents. Although many women are not as strong as men physically, they do possess other important skills. Don't be afraid to cry. Seek out advice and guidance of those you respect, both male and female. Most important: Dream! No one can take that away from you. The experience and observations of these interviews gave insight into experiences of women in the law enforcement field. The women showed how others feel about them in their positions and what they did to overcome obstacles along the way. They offer advice on what females in law enforcement need to

be successful in their career and what could be done to improve recruitment, along with what they have done to help the process. Both women are a fine example of women in law enforcement.

Conclusion

Females in law enforcement use a different tactic than men when it comes to policing. They rely less on physical force and more on their communication skill, which results in less potentially violent confrontations. They are also less likely to be involved in excessive force cases and female victims of violence tend to feel more comfortable dealing with female officers than with male officers (Bureau of Justice Assistance, 2001). Women tend to get fewer citizens complaints than their male counterparts, causing the department to look good and getting the community to trust them more than they do (Streit, 2001). In a male dominated profession the women tend to promote teamwork and effectiveness within the agency (Harris, 1999). They are dignified, tactful, sensible and sympathetic to situations and good law enforcement officers command respect to all situations they are involved with (Tenny, 1953).

I have encountered many situations in which being a woman really helped me. I was able to diffuse situations that I did not think would turn out well, from suicides to people with guns. Being a woman also helped me to deal with women who were raped and small children who were afraid. They seemed to be able to talk to a female officer more comfortably than talking to a male officer. But I also brought compassion into my job, the need and want to help people and keep them safe. Men always seem to have that rough exterior that does not allow them to let people know they really care about them and what they are going through.

While this research only touches some subjects of women in policing it is evident that women are slowly moving up and have a lot to offer. It is still evident harassment is a problem, not just from the survey results, but personal experiences along with the interviews from the higher ranking females. There is a need for more women in policing, but that is another research paper on its own.

DANIELLE FLANAGAN is a sophomore majoring in law enforcement.

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Appendix A Survey Questions

1. What race are you?
2. How long have you been in law enforcement?
3. What is your current rank?
4. What type of schooling have you had?
5. What made you decide to choose law enforcement as a career?
6. Have you had any problems with any type of harassment?
7. If so, what did you do to overcome the situation?
8. In your own words, how do you feel you are viewed by your peers as a female in law enforcement?
9. How do you feel about women being in law enforcement?
10. Do you think more is expected from a female law enforcement officer?
11. Are you aware of how many female law enforcement personnel are in your department?
12. Do you think the public still views law enforcement as a man's job?
13. What advice would you give to other females interested in a law enforcement career?

Appendix B Interview Questions

1. How long have you been in law enforcement?
2. What made you chose law enforcement as a career?
3. What type of schooling have you had?
4. Have you had any problems with any form of harassment?
5. What did you do to overcome, if any, those situations?
6. What made you decide to take the next step towards advancement?
7. How do you think you are viewed by your peers and subordinates?
8. How do you feel about women being in law enforcement?
9. Do you have high levels of expectations for other women in law enforcement?
10. Do you keep track of how many women are in your department?
11. What do you feel is the problem with recruiting women into the field?
12. Have you made any improvements towards trying to recruit more women?
13. Being a woman yourself, do you feel women are still at a disadvantage in law enforcement?
14. Do you feel people still see law enforcement as a "man's" job?
15. What advice would you give other women trying to get into law enforcement?

The Birth of Big Brother: Privacy Rights in a Post-9/11 World

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ABSTRACT: *Western European and North American countries reinterpreted their privacy laws after the terrorist attacks on New York City and the Pentagon in 2001. The author compares the increased use of camera surveillance in the United Kingdom to the Patriot Act in the United States. The article focuses upon the debate between supporters and opponents of American counter-terrorism laws and policies over the past eight years.*

Since the attacks of September 11, 2001, and the subsequent attacks in Spain and the United Kingdom, the concerns over terrorism have sparked a massive response. From military action to clandestine operations and the enforcement of new anti-terror laws, the Western world is attempting to mobilize against this increasing threat. However, in our determination to secure our populace and our borders, certain concessions have been made concerning our most fundamental rights. Some consider the new laws designed to combat terrorism actually encroach on our freedoms. One right at the forefront of the controversy is the right to privacy. But what is privacy, and what is threatening our privacy rights?

Like most terms in political science, privacy is difficult to define. Though not explicitly spelled out in the United States Constitution among the more familiar rights, such as freedom of speech and religion, legal experts have concluded that a right to privacy exists under a constitutional penumbra. Experts have based these conclusions in part from the texts of the First, Fourth, Fifth, Ninth, and Fourteenth Amendments to the Constitution. A single standard legal definition of privacy, however, does not exist. Indeed, in other countries, privacy is defined in different ways. In the United Kingdom, the Calcutt Committee on privacy concluded, "Nowhere have we found a wholly satisfactory statutory definition of privacy." The committee did, however, create a definition for privacy for suggested use in Britain: "The right of the individual to be protected against intrusion into his personal life or affairs, or those of his family by direct physical means, or by publication of information" (*Privacy.org*, 2006, para. 10). Robert Ellis Smith, editor of the *Privacy Journal*, said privacy is, "the desire of each of us for physical space where we can be free of interruption, intrusion, embarrassment, or accountability and the

attempt to control the time and manner of disclosure of personal information about ourselves" (*Privacy International*, 2003, para. 4).

In the United States, the Supreme Court has been the major source for our conception of the term. Supreme Court Justices Louis Brandeis and Samuel Warren (1890) wrote one of the first and most influential essays on privacy. In their paper they discuss many issues concerning the tangible and intangible aspects of privacy and what they view as threats to its protection. "Instantaneous photographs and newspaper enterprise have invaded the sacred precincts of private and domestic life; and numerous mechanical devices threaten to make good the prediction that, 'What is whispered in the closet shall be proclaimed from the housetops'" (Brandeis & Warren, para. 4). Warren and Brandeis defined privacy simply as, "the right to be let alone" (*Privacy International*, 2003, para. 4). Although there is no single privacy definition in the United States, the Supreme Court has time and again acknowledged its existence and the need for its protection in rulings from various high profile cases. Some of the more notable were *Griswold v. Connecticut*, *Roe v. Wade*, and *Lawrence v. Texas*. The Supreme Court has generally followed the principle of *stare decisis* when deciding cases of a similar nature.

Before 9/11, privacy intrusions in the United States did not seem to get much airtime. Overseas there were some concerns that certain programs involving cameras on the streets and in businesses were a threat to privacy. The United Kingdom is a prime example. Although street surveillance had been around for some time there, the number of cameras has increased drastically. In 2006 Brendan O'Neill, a British journalist, penned an article stating,

Throughout the country are an estimated five million CCTV cameras; that's one for every 12 citizens. We [in Britain] have more than 20 per cent of the world's CCTV cameras, which, considering that Britain occupies a tiny 0.2 per cent of the world's inhabitable landmass, is quite an achievement. The average Londoner going about his or her business may be monitored by 300 CCTV cameras a day. (O'Neill, p. 20)

In nearly all cases the justification for the use of cameras is that it makes the public safer. However, O'Neill (2006) interviewed Martin Gill, a professor of criminology at the University of Leicester who conducted research on crime rate in 14 different districts. Gill concluded cameras had little impact on crime. Only in one of the districts could a drop in crime be attributed to CCTV cameras. As he explained, "A camera can monitor things, but it cannot intervene and take decisive action, like a bobby on the beat" (O'Neill, 2006, p. 20).

If the evidence are indeed as credible as they seem, some disturbing conclusions must be made. The New York City Police Department launched a program in Brooklyn to install some 500 surveillance cameras throughout the borough in an attempt to stop street crime and terrorism. The program has cost nine million dollars, and the city has applied for 81.5 million more to watch all of lower Manhattan and parts of midtown (Privacy.org, 2006). Could the United States soon be as monitored as much as the United Kingdom? As unsettling as cameras in public places seem to be, other invasions into privacy are much more subtle and perhaps even more disturbing.

Privacy rights took a major hit after the 9/11 attacks. In our panic, desperate attempts were made to increase security. Legislation was passed hastily, airports were all but impossible to get through, and the nation was roughly awakened to the fact that there are some who despise all this country stands for. President Bush wasted little time in declaring "War on Terror," but his method of counterterrorism was unusual and nearly unprecedented. Years before 9/11, terrorism was dealt with by local police as a criminal matter in the United States as well as overseas. In this instance, the United States deployed its main combative force on an overseas campaign as a response to the attacks. The President sought to unite the intelligence community under one "intelligence czar," making terrorism an issue of national security under control by the federal government.

Legislation immediately drafted included programs such as the Total Information Awareness project (TIA), the Terrorist Information and Prevention Systems

(TIPS), and the Patriot Act. The official motto of the TIA is "knowledge is power." This initiative's goal is to collect unprecedented amounts of data from average citizens. This data is then filed in an archive for future reference. Different types of data collected would include credit card transactions, telephone numbers, internet service providers logs, medical records, financial records, and other information gathered by corporate entities. Based on the data collected, every individual would then be placed into categories analyzing how much of a link the individual could have with terrorism (Sullivan, 2003). One might conclude that since all of this information is already floating around in the files of commercial enterprises that having them collected by the government would do us little harm. Indeed, the Supreme Court has upheld lower court rulings that permitted public access to an individual's personal information. In such cases it can be assumed that government officials can access the same information without fear of litigation (Sullivan, 2003). However the TIA would not just allowed this type of collection, but would be granted the authority to gather information on its own including consumer information. Concern over the civil rights of American citizens prompted Congress to pass legislation to halt the formation of the TIA until it could be proven it was needed and would address civil rights issues. The President signed the bill (Sullivan, 2003).

TIPS, the other White House's proposed operation, would have allowed employees working in such occupations as postal or utility workers to report any unusual or suspicious behavior directly to the government through a special hotline (Sullivan, 2003). The idea was to give workers at sensitive areas that may be potentially appealing to a terrorist attack the ability to alert the proper authorities, skipping local police altogether. Once again, Congress officially banned all provisions provided by TIPS.

Although TIPS and TIA were extremely controversial, one piece of anti-terror legislation that has been approved and reauthorized is the Patriot Act. The first authorization of the bill was passed just weeks after the September 11 attacks, and most of the bill was reauthorized late in 2005. Opponents and proponents of the Patriot Act are not hard to find. Some see the law as instrumental to protecting our nation. Others see it as an excuse for Uncle Sam to pry into our personal lives. But what exactly does the Patriot Act do?

Championed early in 2002 by Attorney General John Ashcroft and backed by the President, the bill was introduced to help assist Federal and local law enforce-

ment work together and to loosen restrictions on acquiring information that could possibly be used to prevent a terrorist attack. Ashcroft testified before Congress that “[t]he Patriot Act is al-Qaida’s worst nightmare when it comes to disrupting and disabling their operations here in America” (Associated Press, para. 3). Some major provisions of the bill include enhanced sentences for terrorist related crimes, eliminating the statute of limitation for certain terrorist crimes, allowing law enforcement to obtain a warrant anywhere a terror related incident occurs, and the use of “roving wiretaps” (DOJ, 2005). The Department of Justice’s Web site contains the government’s official stance on the Patriot Act, as well as the actual text of the law. After all, appropriate criticisms cannot be made unless one first has an understanding of the law.

Critics of the Patriot Act say that the law does nothing more than provide the government with a venue to monitor our personal lives and infringe on our civil liberties. Belgian sociologist Jean-Claude Paye (2006) argues that the Patriot Act has made special emergency powers permanent, effectively expanding the authority of the executive branch over its judicial counterbalance. “It legitimizes a change in the political system, granting to the executive power the prerogatives of the judiciary” (Paye, 2006, p. 29). According to Paye, one major goal of the Patriot Act was to incorporate the rules of gathering information on foreign intelligence into the realm of criminal investigation. The Foreign Intelligence Service Act (FISA) court, established in 1978 to provide information about counter espionage, can now share information with local police departments and other federal agencies. The FISA court now acts as an authorizing court to the law enforcement agencies seeking information concerning national security. Since the FISA court is comprised of members appointed by the president, the court itself allows nearly any method of data gathering without much hassle. The weight of the evidence need only be clear and convincing. Such a system seems to short-circuit the normal judicial checks and balances on government data gathering, and has thereby added to the power of the executive, according to Paye.

Another way in which the executive has gained power has been in the acquisition of warrants. Under Article 216 of the Patriot Act any federal judge may issue a warrant to acquire all incoming and outgoing electronic connection data. The Article makes the judge’s warrant valid anywhere in United States territory, and the enforcers applying for the warrant can choose the judge they want to hear the case. In addition, the burden of proof has been lessened substantially. This method of warrant

acquisition means that if the government wants a warrant they will get one (Paye, 2006).

Another controversial provision of the Patriot Act is the authorization of what has become known as “sneak and peek” warrants. Article 213 allows investigators access to any person’s home or belongings without notifying the resident of their intrusion. These warrants may be carried out while the resident is not present. In addition, under the old warrant system, the resident must be informed either before the search or shortly thereafter. Article 213 stipulates that the investigators must inform the resident, “within a reasonable period of its execution.” Article 213 also allows the investigators conducting the warrant to collect various pieces of evidence, both electronic and tangible, as well as the authority to install what is known as the “Magic Lantern” program, which records all activity taking place on the individual’s computer, not just internet activity (Paye, 2006, p. 30).

In an article agreeing with Paye’s criticism, Michael E. Tigar (2006) argues that the Patriot Act does indeed expand executive power by granting the power to arrest people who are loosely associated with possible terrorist organizations, even if they have committed no crimes. He maintains that

the Patriot Act and its kindred laws revive the old criminal syndicalism, restraint of trade, and conspiracy laws that have been used against every progressive and liberationist movement in the United States including labor unions, socialist parties, and civil rights organizations. . . . (p. 26)

According to Tigar, individuals can now be guilty of association, not just guilty for committing the criminal act. Furthermore, this curtails our first amendment rights of freedom of speech and of the press. Tigar notes that if, for example, a person speaks out in favor of terrorist organizations they may find themselves under constant surveillance by the government or even arrested merely for expressing their opinion.

Laws regarding the capture of suspected foreign terrorists may cause even more concern than the statutes regarding our own citizens. Stories of torture by our own troops at Abu Ghraib or Guantánamo Bay, Cuba, inflicted upon individuals captured on some Middle-Eastern battlefield continue to permeate the news media. The government does not believe the suspected enemy combatants should be allowed Geneva Convention rights granted to captured POWs. After continued public protest, Geneva Convention rights have more or less been granted to detainees, however the government still with-

holds some key rights such as access to lawyers and the right to a competent military tribunal (Lelyveld, 2003). Tigar (2006) expands on this subject saying, “A new statute passed in September 2006, expressly denies habeas corpus from detainees and strips them of well recognized protections under the laws of war . . .” (p.27).

Even with the many criticisms of the Patriot Act, others continue staunchly to support the efforts made by our government to protect the people from terrorists. The administration’s top officials continue to believe that it is the first, best line of defense when dealing with this global war on terror. In a recent editorial in *US News and World Report*, Mortimer Zuckerman maintains that the media has distorted the actual use of telephone monitoring by the government. He says that the government does not listen to the content of every call. Indeed the number of analysts needed to do so would be exhausting. Rather government monitoring of personal telephone communications merely looks at the patterns of the incoming and outgoing numbers. He goes further suggesting that there is no breach in privacy, and the government should be allowed to observe such information exchanges (Zuckerman, 2006).

In response to ongoing criticism of the Patriot Act, the Justice Department seeks to refute many claims organizations such as the ACLU make against the new law with what they assert to be the reality of the matter. As Paye noted, the Patriot Act allows delayed notification of search warrants. Paye insists this is a breach in the privacy of citizens. However, the Justice Department points out that delayed notification of search warrants is not a new concept; it has been used successfully for many years in prosecuting organized crime, drug cases and child pornography. “The Patriot Act simply codified the authority law enforcement had already had for decades. This tool is a vital aspect of our strategy of prevention—detecting and incapacitating terrorists before they are able to strike” (DOJ, 2007).

With regard to the indefinite detention of foreigners, the ACLU (n.d.) asserts, “Suspects convicted of no crime may be detained indefinitely in 6 month increments without meaningful judicial review” (para. 5). The Justice Department responds that,

[a]n extremely narrow class of aliens can be detained under section 412. There must be ‘reasonable grounds to believe’ that the alien: (1) entered the United States to violate espionage or sabotage laws; (2) entered to oppose the government by force; (3) engaged in terrorist activ-

ity; or (4) endangers the United States’ national security. (DOJ)

Indeed many, if not all, of the civil rights abuses claimed by the ACLU, or other such organizations, against the Patriot Act are addressed on the Justice Department’s Web site.

Research into a topic such as privacy is indeed an exhaustive effort. While criticism of government statutes is very common, few of those critics are very vocal about alternative ideas. Still, a few think tanks have come up with hypothetical models to follow in order to combat terrorism and protect civil rights simultaneously. Phillip Heymann and Juliette Kayyem (2005) penned a possible solution in *Protecting Liberty in an Age of Terror*. The authors suggest the United States use a system of biometric identification to collect information on the citizens of the country. They give rough guidelines on the appropriate use of such methods in identifying terrorists or persons subject to suspicion and distinguishing them from “trustworthy” citizens. They go on to lay down many guidelines restricting the power of the government to use the biometric ID as much as they wish.

So what does all this mean? Privacy is an important matter, and it does not look like it will fall from the headlines anytime soon. Thankfully, we live in a country where we can change the way the government operates if we do not like it. The people need to be vocal on this issue. If this does not affect them I do not know what will. In the end, however, it is not so much the law that threatens privacy rights, but the individuals in power. Any law can be abused. The founding fathers knew this and tried to create a delicate balance of power between the branches of government. As John Adams said, “There is danger from all men. The only maxim of a free government ought to be to trust no one man living with power to endanger public liberty.” If we, the citizens, become responsible enough to elect honest, well meaning people to office, no law would adversely affect us. It is time to take a stand against government abuses. Plato said, “The price good men pay for indifference to public affairs is to be ruled by evil men.”

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The Impact of Domestic Violence on Society

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ABSTRACT: *Domestic violence is broadly defined as a form of physical, emotional, sexual, psychological, and economic abuse of another person. Regardless of one's race, gender, or economic status, domestic violence between partners, parents, etc., the author hypothesizes that only through educational programs can one reduce the impact this social issue has on victims, their families, friends, co-workers and health care providers.*

By definition, domestic violence is a pattern of abusive behavior in any intimate relationship that is used by one partner to maintain a sense of control over the other. Domestic violence is further defined as physical or sexual violence within the family. This includes sexual abuse of children and physical abuse of elderly parents (Etter & Birzer, 2007). Domestic violence occurs without regard to race, age, sexual orientation, religion, or gender. It matters not if one comes from upper-, middle-, or lower-class families. Domestic violence occurs in both same-sex relationships as well as opposite-sex relationships. It should also be noted that domestic violence affects other family members, friends, and co-workers (Office on Violence Against Women [OVW], n.d.). If a child grows up with domestic violence, he is, in effect, taught that violence is a normal way of life. A behavior inculcated by the very people who are supposed to provide him with love and comfort. This sets in motion a vicious cycle where children of abusers become abusers themselves.

Unfortunately, domestic violence is very prevalent in our society. In the United States, it is estimated that between two to four million women are victims of domestic violence every year. It is probable that every 18 seconds someone is a victim of domestic violence. In one research study it was determined that approximately 80.8% of accused abusers were male as compared to 19.2% of female offenders. While females do abuse, most reported offenders are male (Etter & Birzer, 2007).

There seems to be three main characteristics of men who batter their partners; frustration or stress, gender roles or learned behavior, and alcohol (Etter & Birzer, 2007). The excessive consumption of alcohol is a major contributor to domestic violence. Approximately 43.5% of State prisoners victimizing a family member and 53.8% victimizing nonfamily members were using drugs or alcohol when they committed the offense of domestic violence (U.S. Department of Justice [DOJ], 2005).

Generally, when the subject of domestic violence is discussed, one thinks about physical abuse. However, there are many types of abuse that fall under the umbrella of domestic violence. The major areas of concern with respect to domestic violence are physical abuse, sexual abuse, emotional abuse, economic abuse, and psychological abuse.

Physical Abuse

Physical abuse includes anything that causes physical pain such as hitting, biting, or slapping. It also includes denying a partner medical care or forcing a partner to use drugs or alcohol (OVW, n.d.). Women who are victims of physical abuse often go to their local hospital emergency room for treatment. Some main areas of concern these women report are they do not have an opportunity to talk to the healthcare provider about the abuse due to the presence of a third party. There is a lack of assessing the safety of the patient by medical professionals and the risk for further abuse by the perpetrator who is present during the examination, and a failure to provide the patient with avenues of available resources. There is currently ongoing education and training for healthcare providers in an effort to help the patient at a time when she is the most vulnerable. Many survivors feel that if the healthcare provider had substantiated that abuse had taken place during the medical examination, along with reassuring condolence, there would be a life-changing alteration in the way the victim feels about herself (Rhodes, Frankel, & Levinthal, 2007).

The state of Kansas has adopted a forward-thinking law. It is known as the Protection from Abuse Act (PFA). A Protection of Abuse Order is an order of the court that legally restrains the conduct of the abuser and prohibits the abuser from any contact with the victim. Initially, a temporary order is issued by the court against the alleged

abuser. An evidentiary hearing is scheduled and the order is then served to the abuser. Depending on the outcome of the evidentiary hearing, a PFA order may be made permanent by the court. If the alleged abuser violates the terms of the PFA, they may be arrested. Conditions specified by the PFA usually state there is to be no contact with the victim, but it may also dictate that the abuser be evicted from the residence. Temporary custody of minor children may also be specified by the court. According to the Kansas Attorney General's Office, from 1992 to 2001, the number of PFA filings has almost doubled. In Kansas, the PFA has proved to be a useful tool in the state's efforts to prevent domestic violence. Abusers may be arrested, convicted, and incarcerated for violating the protection order. This can occur through a situation involving various acts ranging from visiting the person's house to committing a new assault. A beneficial change with this law is the police no longer have to tell a battered woman that there is nothing they can do until the abuser beats her up again. This law gives the police the leverage they need to arrest the abuser for any violation of the PFA order. The PFA law is a step in the right direction, although there are some domestic violence offenders that continue to violate orders from protection even after their marriage or relationship with the victim has ended.

One important piece of federal legislation has been passed over the course of the last two decades is known as the Violence Against Women Act of 1994. This legislation was designed to improve interstate criminal justice enforcement and provide adequate funding for criminal justice interventions and social services for the victims of abuse. The VAWA focuses primarily on six areas: safe streets for women, safe homes for women, equal justice for women in the courts, stalker and domestic violence reductions, protection for battered immigrant women and children, and provisions for strengthening existing laws. These goals are accomplished through the use of grants, education and training programs, and pro-arrest policies (Cho & Wilke, 2005).

Not everyone agrees that aggressive law enforcement, such as mandatory arrest policies, have the best long-term outcome. Although it is generally agreed that arrest may assist the victim in the short term, a fear may exist that the end result will leave the victim even more vulnerable to violent abuse. On the other hand, many people think that the problem of domestic violence lies with lenient law enforcement and sentencing; they feel that our laws should be enforced more strictly (Cho & Wilke, 2005).

If a male is the victim of physical abuse it is often ignored because it is too embarrassing for both the male and female. Husbands may not leave their abusive partners since their financial responsibility will continue, the wife could quite possibly still be allowed custody of the children, and the husband would lose the comforts of his home. Most men of abuse will not retaliate physically to a beating because of the social stigma that is attached to "wife beaters." Instead, they will try to make their wife feel guilty about the physical abuse (Etter & Birzer, 2007). One area that women confess as a catapult for aggressive behavior is jealousy, coupled with poor anger management skills. They believe that their spouse or partner is not committed to the relationship. A common scenario is that the male spouse returns home late at night and the woman then confronts him at the door. All too often the verbal confrontation ends up turning into a physical dispute, and one or both partners may be arrested. When asked, women are likely to say that their aggression was a way to protect themselves (Henning, Jones, & Holdford, 2008).

It is the opinion of some that a vast majority of the women who have been arrested for domestic violence turned out to be victims of abuse who had decided to defend themselves when their partner attacked them. "Treatment for these women should focus on prior victimization, safety planning, anger management, assertiveness, and other issues related to the suppression of women" (Henning et al., 2008).

Sexual Abuse

Sexual abuse includes marital rape, forcing sex after physical violence has occurred, or something such as one partner treating the other partner in a sexually demeaning manner (OVW, n.d.). Incest is also considered a form of sexual abuse.

Emotional Abuse

Emotional abuse consists of undermining the self-esteem of one's partner, or upsetting the balance of one's relationship with their children (OVW, n.d.). It may include constant criticism, threats, and jealous control, such as isolating the woman from friends and family. Emotional abuse, also known as emotional battering, may be taken less seriously than physical abuse. However, emotional abuse may leave long-term emotional scars, which could be more damaging than scars caused by physical attacks (Braden-Maguire, 2005). It is widely recognized that emotional abuse contributes to both depression and low self-esteem in battered women.

Interestingly enough, research has shown that

a battered woman who has killed her spouse will be judged guilty more often when the abuse she has suffered is emotional rather than physical. These results indicate that the use of physical violence by a battered woman is perceived as more justifiable when she has experienced physical abuse (Braden-Maguire, 2005, p. 407).

Economic abuse means to make one partner financially dependent on the other by maintaining complete control over the finances. This is often seen both in marital relationships as well as older children-aging parent relationships. Another way to abuse someone financially would be to deny them the freedom to be gainfully employed (OVW, n.d.). This type of abuse is readily seen in instances where the victim has immigrated to the United States. The victim is generally solely dependent on his or her abuser, who is their legal sponsor as well as their financial support. A research study was done to explore the barriers faced by victims of domestic violence who are Korean immigrants in the United States. Oftentimes, barriers are grounded in the very nature of the Korean culture. The main barrier is the Korean community itself, which tends to find fault with the victims of domestic violence and therefore the victim has no place to turn to and no one to rely on within their community. There is a very strong fear among Korean immigrant women that their in-laws will retaliate if they report such abuse to authorities. There is also a lack of education in that for the most part, Korean women immigrants are not aware about the Violence Against Women Act or the Immigration Act of 1990. These Acts allow battered immigrant women and children to self-petition for permanent residency. This would free battered women from some of the control that abusers often have over them (Shim & Hwang, 2005).

Research has demonstrated that women of color and women from refugee communities typically avoid seeking help from the police for fear that it would bring shame or dishonor to the family. The main reason that Korean victims of domestic violence refuse to seek counseling or outside help is described as saving face, or *chae-myun* (Shim & Hwang, 2005, p. 323). It has been further discovered that Korean victims of domestic violence avoid police intervention due to their lack of trust and a fear of authority figures. Even with this fear, Korean victims have said they prefer police intervention rather than help from the Korean community. This is because they fear that involvement by their own community would bring even more shame and dishonor to their family (Shim & Hwang, 2005). The Korean culture is very strongly rooted in family, and it is often difficult to break through

that culture. The abuser of Korean domestic violence victim is all too aware of such beliefs.

It has been noted that the most emphasized goal of arrest policies is to punish the batterer and to treat domestic violence as a crime. While the judicial system may very well focus on punishing the abuser, the victim may wish to be protected in ways other than having their spouse arrested. Through a Mandatory Arrest Policy, an abused woman loses her autonomy first by her abuser and then again by the police because she has no control over the situation. In Korean culture, there is concern that once an arrest is made, the victim has no other choice but to leave her spouse. This would almost be equal to ending the marriage, and may be against the victim's will at that moment (Shim & Hwang, 2005). This is a perfect example of why we must be ever mindful of the many cultures within the United States as we push for further legislation against abusers.

Although it is widely recognized that family and intimate partner abuse occurs across all economic groups, it seems to be most prevalent in low economic groups. Severe violence against both women and children is highest among families with low incomes or with male partners that are either unemployed or have a low paying job. It has been determined that poverty increases a poor woman's vulnerability to partner abuse (Bassuk, Dawsom, & Huntington, 2006). The woman sees no way out of her poverty and feels that she must stay with her partner.

Psychological abuse means to cause fear by intimidation. It means to threaten physical harm to self, partner, children, pets, or property. This is a very powerful way to manipulate one's partner (OVW, n.d.). Often psychological abuse is used in conjunction with physical or sexual abuse. Recent data suggest that a growing number of women are being arrested for assaulting their partners. It has been found that women were more likely than men to have been prescribed psychotropic medications, to have attempted suicide, and to show evidence of some sort of personality disorder. On the other hand, men were more likely to have problems with substance abuse, either drugs or alcohol, and show signs of early conduct disorder. A female domestic violence offender most probably has dealt with years of psychiatric problems (Henning et al., 2005). It is unclear to me if the reason for such emotional problems lie within a dysfunctional or abusive relationship, or if she entered the relationship with emotional baggage. It is generally agreed that a female offender needs individual treatment, rather than the group counseling that is most often used for male offenders (Henning et al., 2005).

If a woman experiences either physical or sexual abuse as a child, there is a much higher degree of likelihood that she will be victimized by an abusive partner later in life. "Women may learn the victim role when they watch parents engaged in physical fighting" (Bassuk et al., 2006, p. 388). Several studies have also documented high incidences of child sexual abuse among women who have been abused. One study of very poor women found that if there is a childhood history of physical or sexual abuse, there was a four times greater risk that she would be victimized by her partner as an adult (Bassuk et al., 2006). This demonstrates a need to educate these women so this cycle can be broken. If this is the way they have learned life is supposed to be, then they won't realize there is something very wrong with their partner's behavior. I feel this is very much a psychological issue; dysfunction breeds dysfunction.

In light of our current military activities, I wondered if people who had gone to war had any lasting emotional problems that would make them more apt to commit an act of domestic violence. One study revealed that people in the military, albeit a veteran or current military soldier, that experience in military service did not yield itself to manifest aggressive behavior towards their partners or their children. In fact, the study showed that "male veteran status appears to lower the odds of an occurrence of common couple violence" (Bradley, 2007, p. 205). An explanation for this may be because "the military teaches its recruits that the use of violence must be controlled and carefully channeled" (Bradley, 2007, p. 205). Like many of the research articles have pointed out, this too, is a learned behavior.

Although it is widely recognized that domestic violence is a widespread problem affecting both genders, all races, and all social classes, we seem to be light years away from finding a solution. The answer is not found in a "one-size fits all" mentality. Our current laws work to enforce the safety of the victim of the abuser, yet we still hear of many instances where the victim was later killed by her abuser. At what point do we forgive the victim, who, acting out of raw, primal fear for her life, takes the life of her abuser? Why aren't the many social programs

we have in place not addressing the problem of domestic violence?

I feel that the answer lies in education. We must educate the abuser, so they will fully understand the dramatic negative impact their actions have on themselves as well as family, friends, and co-workers. We must educate the victims so they will understand the abuse is not because of anything they have or have not done. It is not the fault of the victim, they must also realize that they don't have to stay in an abusive relationship. We must educate our children so they will grow up to realize that violence is not the answer to how one should handle life's stressors. We must also continue to educate our healthcare providers so they will be better equipped to handle the issues of domestic violence when they are faced with caring for victims of abuse. I truly believe that knowledge is power. Knowledge feeds the human spirit, allowing us to overcome the adversities that we are faced with. Even the population that does not have much formal education is capable of learning how to deal with the problems of domestic violence.

I do believe there are people who abuse that are pure evil. And I agree that these people should be put in prison so their victims will be safe. After reading these research articles, I have come to believe that the majority of abusers lack the coping skills necessary to deal with life's frustrations. Research has shown that all too often they turn to alcohol as a means to deal with their stressors and then the situation escalates until they physically harm someone they probably deeply love. I find that to be the most disturbing and confusing element of domestic violence. In almost all cases, the offender abuses those who look to them for love and support. While domestic violence is prevalent in society there are ways in which we can help alleviate the problem and try to put a stop to it before we those we love are hurt.

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Treatment of Minorities in Texas Government Textbooks

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ABSTRACT: *The authors compare Texas Government textbooks published between two periods: 1971 to 1984 and 1996 to 2005 for their discussion about the contributions made by women and racial minorities to the state. Results show books published in the second time frame provide more details. Except for a detailed discussion about late Governor Ann Richards, these books focus provide a less-than-average coverage on either topic.*

Introduction

Minorities have been an integral part of Texas government in some form or fashion since before the formation of the state. Blacks were initially slaves brought in to work plantations, and eventually became part of the reason for the Civil War. For centuries, they fought for rights and privileges that were common and natural for the white male population. During this time, blacks suffered severely at the hands of whites that wanted to keep them in a position of subjugation. Eventually, the state of Texas had to give them their rights due to a federal government mandate.

Mexicans became instant minorities when 55% of Mexico was ceded to the United States through the Treaty of Guadalupe Hidalgo. If the Mexican nationals chose to stay in their homes, now part of the United States, then after one year they were allowed to become citizens. The treaty was intended to protect the civil rights of these nationals, and allow them to continue to live as they had prior to the enactment of the treaty. The United States Senate revised the treaty after signing, and Mexicans became targets of discrimination.

Women, too, had been kept down and in their place, which at that time was considered in the home. Throughout the United States, with Texas being no exception, women also had to fight for their rights. Women were (and still are) discriminated against in many areas including job status and pay equity, and especially in the political arena. When women fought and won the right to vote, men still expected their wives to vote how they were told. When women choose to speak up and be heard, they too became an integral part of the political system.

All states have a connection between their government and their history. Texas is no exception. For stu-

dents of Texas Government to appreciate the role that minorities played in shaping the Texas political system, they must understand what role the minorities took in history. Textbooks often are the most common source of information for most students. It is appropriate then to ask if Texas Government textbooks have provided a clear understanding of minorities, and their role in shaping Texas government. In addition, to fully understand the changing concepts of minorities, it is appropriate to see how minorities were treated over the past three and one half decades in Texas government texts.

Methodology

Two sets of textbooks were selected for analysis. All textbooks were regarded as college level textbooks. Major publishing firms published all of the texts with the first set being published between 1971 and 1984 (see Table 1). More recent texts were published between 1996 and 2005 (see Table 2). In order to analyze the changes over the years several of the texts are from the same authors but are different editions.

To measure coverage of minorities, each text was subject to the same analysis. Using the index for reference, each page listed in the index for each minority was researched and the number of times the minority was listed was counted. This count included all text, subtext or headings to pictures, tables or graphs, and references as endnotes. If, in the count of one minority, another minority was listed, it was also counted, even if that page was not listed for that minority in the index. In addition, in some indexes the minority would be listed with the reference "See Minorities." (i.e., Black: see Minorities). In that case, "minorities" would be referred to for the pages regarding that race. Only the pages listed in the

Table 1. List of Analyzed Texas Government Textbooks (1971–1984)

Anderson, J., Murray, R. & Farley, E. (1971). <i>Texas Politics: An Introduction</i> . NY: Harper and Row.
Kraemer, R. H., & Newell, C. (1979). <i>Texas Politics</i> . St. Paul, MN: West Publishing.
Kraemer, R. H., & Newell, C. (1984). <i>Texas Politics</i> . 2nd ed. St. Paul, MN: West Publishing.
MacCorkley, S., Smith, D., & May, J. C. (1974). <i>Texas Government</i> . 7th ed. NY: McGraw Hill.
Nimmo, D., & Oden, W. (1971). <i>The Texas Political System</i> . NJ: Prentice Hall.

index under each minority were researched. Hence, if a minority was listed on a page *not* listed in the index or in combination with another minority, it was not counted.

The number of paragraphs and pages were also counted when mostly dedicated to that minority. Paragraphs for Blacks and Mexicans were difficult because in many texts, when one minority was listed, so was the other. In many cases, however, just based on the count of the minority word used, that paragraph would be given to the minority with the larger word count. Total pages are an approximation based on an accumulation of paragraph sizes. The total pages mentioned in the index for each minority were also counted along with the “minorities” reference.

Terminology for minorities was different for most of the textbooks according to the published dates. When counting for black, the terms Negro, Colored, Black, Black Texan and African American were counted. For Mexican, the terms Mexican American, Spanish American, Mexican, Hispanic, Latino, Chicano and brown were counted. For women, women and female were counted.

In the second set of texts, those dated 1996 through 2005, in addition to the minorities being counted, Tony Sanchez, Ann Richards, Kay Bailey Hutchison, Carole Keeton Strayhorn (formerly Rylander) were also counted. These persons are, or were, in our opinion, relevant minority figures in Texas politics. This same process for counting was applied to these people.

Pictures regarding the minorities were counted separately. All pictures, whether real, cartoon, or editorial, were counted. Pictures for women may have been counted twice in order to satisfy the race-gender factor. Pictures for Mexican Americans also proved to be difficult due to several factors. Some of the pictures were too small to be able to distinguish between white and Hispanic, and in some cases, unless a name was attached to the picture that was clearly of Hispanic origin, differentiation was not possible.

Analysis

Content analysis of the selected texts indicates an uneven treatment of minorities over the decades. In the early texts, Table 4, except for MacCorkel, Smith and May, women seem to be mentioned as an after thought (though Texas had already had a female governor—Mariam “Ma” Ferguson in 1924). When comparing the early texts to the newer texts, Table 3, women are still underrepresented in most texts, with the exception of Ann Richards, who receives significant mention in many of the texts.

When comparing minority word count to paragraph or page counts, in many texts the numbers are vastly swayed. In these texts, this indicated that the majority of words counted were only as a statistic regarding either demographics or geographical locations.

African American and Hispanic counts ranged from no coverage (according to the index) in the Coleman, Calvi and Marsh text, to extensive index coverage with the Tannahill text listing African Americans 53 times, and Latinos 52 times. The Kraemer, Newell and Prindle, 8th edition, listed African Americans 45 times, Mexican Americans 28 times, Hispanic nine times, and Latino four times. The Gibson and Robinson text referenced African Americans 32 times, and Hispanic 28 times in the index. Though Tannahill had the greatest number of mentions in the index for African Americans (53), they did not have the greatest number of word, paragraph, or page totals. In fact, Tannahill had the least total paragraphs and pages compared to the other two texts for both minorities. Haig, Peebles and Keith, with just 27 mentions in the index, had the same number of paragraphs and a greater page count than the Tannahill text. This again could be an indication of statistical usage for the minority, or could indicate the amount of substantive coverage provided by the author.

In 8 of the 15 books analyzed, the word count difference between African American and Hispanics was 17 mentions or less. The three Maxwell and Crain texts had

Table 2. List of Analyzed Texas Government Textbooks (1996–2005)

Coleman, S., Calvi, J. V. & Marsh, F. L. (1996). <i>Texas Government</i> . New Jersey: Prentice-Hall.
Crain, E., & Perkins, J. (2005). <i>Introduction To Texas Politics</i> . 5th ed. Belmont, CA: Thomson-Wadsworth.
Gibson Jr., L. T., & Robison, C. (2005). <i>Government and Politics in The Lone Star State, Theory and Practice</i> . 5th ed. New Jersey: Pearson-Prentice-Hall.
Haag, S. D., Peebles, R. C. & Keith, G. A. (1997). <i>Texas Politics and Government Ideas, Institutions and Policies</i> . NY: Longman.
Kraemer, R. H., Charldean, N., & Prindle, D. F. (2002). <i>Texas Politics</i> . 8th ed. Belmont, CA: Wadsworth-Thomson Learning.
Kraemer, R. H., Charldean, N., & Prindle, D. F. (2004). <i>Texas Politics</i> . 9th ed. Belmont, CA: Wadsworth-Thomson Learning.
Maxwell, W. E., & Crain, E. (with Davis, E. S., Flores, E. N., Ignagni, J., Opheim, O. & Wlezien, C. B.). (2000). <i>Texas Politics Today</i> . 9th ed. Belmont, CA: Wadsworth-Thomson Learning.
Maxwell, W. E., & Crain, E. (with Davis, E. S., Flores, E. N., Ignagni, J., Opheim, O. & Wlezien, C. B.). (2002). <i>Texas Politics Today</i> . 10th ed. Belmont, CA: Wadsworth-Thomson Learning.
Maxwell, W. E., & Crain, E. (with Davis, E. S., Flores, E. N., Ignagni, J., Opheim, O. & Wlezien, C. B.). (2004). <i>Texas Politics Today</i> . 11th ed. Belmont, CA: Wadsworth-Thomson Learning.
Tannahill, N. (2005). <i>Texas Government, Policy and Politics</i> . 8th ed. NY: Pearson Longman.

a significant spread between minority counts due to each text containing essays regarding Mexican Americans in Politics.

As the tables show, the total word count is not the deciding factor when looking for coverage. Only 5 of the 15 texts analyzed have a word count for African American or Black over 50, and 7 of the 15 texts have the terms for Mexican American listed over 50 times. However, the total pages for African American for these five texts range from 3 $\frac{3}{8}$ pages to none of the texts having more than 4 $\frac{1}{2}$ total pages. For Mexican Americans, the total pages for these seven texts range from two pages to 9 $\frac{1}{2}$ pages due to the political essays included in the text.

Analysis of the picture counts held the same theory. If a text lists one picture, it may be less than $\frac{1}{16}$ of a page, or a full-page picture. The Maxwell, Crain, et al., 9th and 10th editions show 22 pictures of women for each text, yet the total pages dedicated to the pictures was 4 pages for the 9th edition, and 2 $\frac{3}{16}$ pages for the 10th edition.

Conclusion

The amount of information that a student can receive from these texts concerning minorities in the Texas government ranges from zero or no coverage to some coverage. The Gibson and Robinson text, in my opinion, had the best coverage for all three of the discussed minorities when compared to the other 14 texts. The

Haig, Peebles and Keith text had good coverage for the African Americans and Hispanics, but fell short with less than adequate coverage for the women.

As indicated by the analysis, the greater index mention was not indicative of the most, or even the best, coverage. Nor is the size of the book. The only way to decide who has the best coverage, therefore, is to read the text. The three Maxwell, Crain, et al. texts had essays regarding Mexican Americans in Politics. These essays did indeed contribute to the coverage, both historically and current, of Mexicans to the political arena. Without these essays however, the coverage for Mexican Americans was sparse.

Most surprisingly in analysis of the pictures was the Kraemer, Newell 2nd edition, published in 1984. This text contained five pictures of African Americans and each of these pictures were in comic or editorial form. In each of the pictures the African American women were dressed in a fashion associated with historical times. The women had on large aprons, turbans on their heads, and in the comic form, extremely large lips and very black faces. Some of the same pictures were still in the 8th edition, published in 2002.

Texas has a very long history of slavery, as well as racial and minority discrimination. Ten of the texts had less than three pages of coverage for African Americans, six texts had less than three pages for Mexican Americans, and all fifteen texts had three or less pages for women (without Ann Richards). Which means that for most of the authors, whether published between

Table 3. Content Analysis of Minorities in Texas Government Textbooks, 1996–2005

Text	Total Word Count From Index Reference						
	Total Text Pages	Minority	Page/ Citation [*]	Paragraph	Pages [†]	Pictures [‡]	Other
Coleman, Calvi, Marsh Published 1996	254	African American	NL/0	0	0	1	
		Mexican American	NL/0	0	0	1	
		Tony Sanchez	NL/0	0	0		
		Women	1/7	1	1 ½	3	
		Ann Richards	17/24	5	½		
		Kay Hutchison	5/8	0	0		
		Carole Rylander	NL/0	0	0		
		Minorities	NL				
Crain, Perkins Published 2005	175	African American	8/22	4	1 ¼	0	
		Mexican American	7/27	8	1 ⅙	1	
		Tony Sanchez	NL/0	0	0		
		Women	3/10	1	⅛	6	
		Ann Richards	5/5	0	⅙		
		Kay Hutchison	3/2	0	0		
		Carole Rylander	1/2	0	0		
		Minorities	1/-				
Gibson, Robinson (5th ed.) Published 2005	491	African American	32/150	29	4 ⅜	6	
		Mexican American	28/158	22	4 ⅝	4	a
		Tony Sanchez	7/25	2	⅝		
		Women	12/59	13	2 ⅙	13	
		Ann Richards	43/85	19	3 ⅜		
		Kay Hutchison	7/15	2	⅙		
		Carole Strayhorn	5/11	1	1		
		Minorities	40/-				
Haig, Peebles, Keith Published 1996	632	African American	27/100	17	4 ½	6	
		Mexican American	12/67	5	2	2	a
		Tony Sanchez	NL/0	0	0		
		Women	4/28	1	⅙	11	
		Ann Richards	37/95	19	4		
		Kay Hutchison	2/6	1	⅙		
		Carole Rylander	NL/4	0	0		
		Minorities	54/-				
Kraemer, Newell, Prindle (8th ed.) Published 2002	450	African American	45/92	19	4 ½	2	
		Mexican American	41/106	18	5 ⅜	2	b
		Tony Sanchez	NL/0	0	0		
		Women	3/13	0	0	18	
		Ann Richards	38/67	14	2 ⅞		
		Kay Hutchison	10/12	1	⅙		
		Carole Rylander	9/10	3	⅝		
		Minorities	16/-				
Kraemer, Newell, Prindle (9th ed.) Published 2004	299	African American	6/13	2	⅝	0	
		Mexican American	6/19	5	1	0	
		Tony Sanchez	11/22	5	2 ½		
		Women	1/1	0	0	4	
		Ann Richards	12/17	3	⅙		
		Kay Hutchison	2/3	0	0		
		Carole Rylander	2/2	1	⅙		
		Minorities	NL				

Table 3. Continued

Text	Total Text Pages	Minority	Page/ Citation*	Paragraph	Pages [†]	Pictures [‡]	Other
Maxwell, Crain, et al. (9th ed.)	396 Published 2000	African American	9/45	5	3/8	8	
		Mexican American	17/145	34	9 1/2	3	c
		Tony Sanchez	NL/0	0	0		
		Women	2/19	3	1	22	
		Ann Richards	9/17	7	2 1/2		
		Kay Hutchison	8/10	2	1/2		
		Carole Rylander	2/2	0	0		
		Minorities	6/-				
Maxwell, Crain, et al. (10th ed.)	385 Published 2002	African American	SM/19	2	5/16	7	d
		Mexican American	SM/47	13	3 1/8	2	c, d
		Tony Sanchez	NL/0	0	0		
		Women	3/19	5	1	22	
		Ann Richards	10/14	5	3/8		
		Kay Hutchison	5/7	2	0		
		Carole Rylander	3/1	0	0		
		Minorities	9/-				
Maxwell, Crain, et al. (11th ed.)	418 Published 2004	African American	7/32	3	5/8	5	e
		Mexican American	10/77	20	3 1/4	2	c
		Tony Sanchez	14/23	2	5/8		
		Women	2/17	3	3/8	23	
		Ann Richards	9/13	5	7/16		
		Kay Hutchison	7/7	1	0		
		Carole Strayhorn	2/1	0	0		
		Minorities	NL				
Tannahill (8th ed.)	399 Published 2005	African American	53/140	17	3 5/8	11	f
		Mexican American	52/123	17	2 7/16	15	g
		Tony Sanchez	13/8	3	1		
		Women	4/47	3	3/4	23	
		Ann Richards	7/12	1	1/4		
		Kay Hutchison	2/2	0	0		
		Carole Rylander	1/1	0	0		
		Minorities	NL				

* Page/Citations category is the total number of pages mentioned in the index/total word count of the minority from those pages.

NL = category was not listed in the index.

SM = Referenced "See Minorities".

† Page totals are an estimate on the part of the authors.

‡ Pictures counted for women include all minorities and may be counted twice to satisfy race and gender.

a. Mexican Americans listed as "Hispanic."

b. Authors listed Latinos, Mexican American, and Hispanics separately in index.

c. Include essay's regarding Hispanics in politics.

d. African American and Hispanic referenced "See minorities."

e. Index listed "Blacks, see African American."

f. Author uses "colored" and "black" along with "African American."

g. Author uses "Latino" and "Hispanic."

Table 4. Content Analysis of Minorities In Texas Government Textbooks 1971–1984

Text	Total Text Pages	Minority	Total Word Count From Index Reference				
			Page/ Citation [*]	Paragraph	Pages [†]	Pictures [‡]	Other
Anderson, Murray, Farley 1971	327 Published	Black (Negroes)	20/46	6	3	0	
		Mexican American	21/35	6	3	0	
		Women	5/12	0	0	0	
		Minorities	17/-				
Kraemer, Newell (1st ed.) 1979	460 Published	Black	14/23	5	1 1/8	3	
		Mexican American	20/88	29	7	0	a
		Women	0/1	1	1/16	8	
		Minorities	27/-				
Kraemer, Newell (2nd ed.) 1984	406 Published	Black	3/11	1	5/8	5	b
		Mexican American	10/63	18	5 1/4	0	
		Women	NL/0	0	0	11	
		Minorities	NL				
MacCorkle, Smith, May (7th ed.) 1974	438 Published	Black	6/29	0	0	0	c
		Mexican American	7/29	1	3/4	0	c, d
		Women	3/25	5	1 5/8	0	c
		Minorities	NL				
Nimmo, Oden 1971	166 Published	Black Texan	16/68	4	1 3/4	0	c, e
		Mexican American	19/43	10	3 1/2	0	c
		Women	NL/3	1	1/16	0	c
		Minorities	NL				

^{*} Page/Citations category is the total number of pages mentioned in the index/total word count of the minority from those pages.
 NL = category was not listed in the index.

[†] Page totals are an estimate on the part of the authors and does not include pictures.

[‡] Pictures counted for women include all minorities and may be counted twice to satisfy race and gender.

a. Totals include one three-page essay regarding Chicanos and politics.

b. All pictures involving black were in comic or editorial form only.

c. This text had no pictures in the textbook.

d. Authors use “Spanish American” in tables.

e. Blacks listed in index as “Black Texans.”

1971 and 1984 or between 1996 and 2005, the amount of coverage did not significantly change. The texts averaged 380 pages. Three pages of coverage is less than one percent of coverage for minorities. African Americans, Mexican Americans and Women all have a place and a voice in the political arena. As time passes, their participation in politics is growing and they have become target voters for politicians to focus on. I would encourage future authors to look at how minorities have been covered in previous textbooks, and to modify the

coverage to coincide with the important roles that they have played in the forming of and the current direction of Texas Government.

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When a Popular Idea Meets Congress: The History of the Term Limit Debate in Congress

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ABSTRACT: *This paper examines the history of the term limit debate in the United States from the days of the Articles of Confederation through the 1990s. The research finds that the realities of the legislative process provide infertile ground for enacting congressional term limits. Advocates of term limits serving in Congress have not had the resources to overcome the obstacles presented by the legislative process. The findings contradict the conventional wisdom that Congress responds quickly to popular ideas that sweep the nation.*

The legislative term limit movement emerged as a significant political phenomenon in the early 1990s. Term limitation, however, was far from a new idea (see Petracca, 1992). In fact, the idea of placing limits on the amount of time an elected official spends in office has been debated since before the framing of the Constitution of the United States. The novelty of the Oklahoma term limit effort in 1990 was that it was successful and that it involved the mass electorate using the citizen initiative process. This paper surveys the history of the legislative term limit debate in the American political system and provides the reader with a context in which to place the term limit phenomenon of the 1990s. The present research also demonstrates the difficulties faced by term limit proposals in the “regular” legislative process.

Limits in the Articles of Confederation and the Constitution

The delegates to the First and Second Continental Congresses did not have fixed terms of service. However, members of Congress under the Articles of Confederation (1776–1789) were selected by state legislatures annually with the restriction that “no person shall be capable of being a delegate for more than three years in any term of six years. . . .” (Articles of Confederation, Article V). Thus, the first national legislative body in the United States operated with term limitations.

During the life of the Articles of Confederation, the service of delegates who had violated the term restrictions was challenged many times. The Congress convened a Committee on Qualifications in 1784 to determine “whether any members were tarrying beyond their appointed terms” (Journal of the Continental Congress

1784, pp. 98–99). The Committee found Samuel Osgood of Massachusetts ineligible for service since he had served three years after the ratification of the Articles. Osgood withdrew from the House (Burnett, 1964). Other delegates were investigated, primarily for serving beyond the one year for which they had been elected. Some controversy ensued over the exact date of election for the delegates from Rhode Island, and they refused to vacate their seats. Concerned that prolonging the controversy might disrupt the proceedings of Congress, the Committee on Qualifications dropped the matter (Burnett, 1964). The inconveniences caused by term limits, a minor concern compared to other frustrations created by the Articles of Confederation, led to the calling of a convention to amend the Articles (Farrand, 1913, chap. 3). This convention eventually produced the Constitution in 1787.

The issue of limiting service in the legislative body to be created by the Constitution was discussed at the Constitutional Convention, but the delegates, many of whom had served in the term-limited Congress under the Articles, did not include term limits in the finished document. The “Virginia Plan” included a clause stipulating that members of the first branch of the national legislature not be eligible for reelection for a period of time after their terms had expired (U. S. Constitutional Convention, [1787] 1970). However, term limits for members of the national legislature were not incorporated into the Constitution.

Analysts differ on why the Founders chose to keep term limits out of the Constitution. Richardson (1991) reports that term limits and several other measures were characterized “as entering into too much detail for general proposition” (p. 44). According to the Federalist Papers, the delegates believed that in order to govern effectively, the members of the executive and legislative branches

needed to stay in office long enough to develop “a knowledge of the means by which t[he] object [of government] can best be obtained” (*Federalist* no. 62).

Petracca (1992) provides additional explanations for the Constitution’s lack of term limits. Some delegates believed that since the terms of office in the House of Representatives were short (two years), mandatory rotation (or term limits) was unnecessary. It was inconceivable that representatives would win reelection many times and with short terms, House members would often return to their homes and mix with the people. Others, particularly the delegations from the New England states, did not think that rotation was necessary since instruction to representatives was the norm in that region. Constitutional safeguards, such as separation of powers, made mandatory rotation seem unnecessary. Finally, voluntary rotation was the practice in most state legislatures of the era and the delegates believed that the tradition would become the norm in the new national legislature.

James K. Coyne, a founder and former president of Americans to Limit Congressional Terms (ALCT) and a former U.S. representative from Pennsylvania, posits that term limits were not included in the Constitution because the delegates could not agree on the length of the limits. Thus, they “established the minimum qualifications for service in Congress—age, residency, and citizenship.” “The delegates,” Coyne argued in an interview, “fully expected states to enact different term limits to meet their different needs.”

As we know, term limits, or mandatory rotation, were not included in the Constitution by the Framers. However, the tenure of many state executives was limited. Voluntary rotation was the norm in state legislatures. George Washington, in refusing to run for a third term as President, established a voluntary rotation tradition lasting until 1940 when President Franklin Roosevelt successfully campaigned for a third term.

After the Constitution was ratified, the discussion of term limits at the national level did not reach the political agenda again until the 1940s with the debate surrounding Roosevelt’s disregard of Washington’s presidential precedent. The result of this debate was the 22nd Amendment limiting the President to two terms.

Congressional Activity on Term Limits

There was little discussion of congressional term limits in the period from 1789 through the 1940s (Richardson, 1991). However, term limitation for members of

the new Congress was an issue early in the history of the body. During the First Congress (1789–1791), Representative Thomas Tucker of South Carolina, responding to Anti-Federalist arguments raised during the Constitution’s ratification, introduced two proposals relating to congressional terms. The first would have restricted members of the House of Representatives to serving three consecutive terms during an eight-year period. The second resolution proposed reducing a Senator’s term to one year and restricting him to five consecutive terms during a six-year period (*The Annals of Congress*, 1789–1791). The House did not vote on Tucker’s proposals and there is no evidence that the proposals mobilized any public support.

Term limit debate did not resurface until the middle of the twentieth century. During the 150 years between term limit proposals in Congress, there was little interest among members of Congress for term limits, but not for the same reasons that contemporary members reject the proposal. Throughout the 19th Century, there was a tradition of voluntary rotation. Service in Congress was seen as a temporary stop on one’s career path (Kernell, 1977). Price (1971) identifies the lack of a seniority system and the frequent shifts of party control as factors encouraging many members of the House who desired a career in politics to leave the House and seek seats in the Senate or in the Governor’s Mansion. Even if a person had a desire to make the Congress his career, he would be dissuaded once he arrived in Washington. The city was “neither a pleasant nor a powerful place” (Hibbing, 1991, p. 4). A member of Congress had to endure “bitter and outrageous language, scathing ridicule, and sarcasm” from his colleagues (Price, 1971). The Congress of the 19th Century did not enjoy a great deal of power as Price (1971) describes: “in many respects the pre-1900 House was similar to the average current (1960s) state assembly.”

When term limits emerged from obscurity to attract national public attention, it revolved around the issue of limiting the number of terms a President could serve. It is clear that proponents of presidential term limits were upset with Franklin Roosevelt’s violation of Washington’s two-term tradition. Because the American electorate had just elected President Roosevelt to four terms in office, the Congress, in proposing the twenty-second amendment, was acting contrary to the wishes of that electorate. In fact, the timing of the passage of the amendment suggests that it was an attempt by the Republican Party to reassert its control over government after regaining a congressional majority in 1946.

The history of the 22nd Amendment foreshadows the current congressional term limit process. Barnicle (1992) notes “Congress determined that presidential term limits could be enacted if presidential term limits received public support. Congress also determined that the ratification process was an adequate way to achieve public consent” (p.422). Thus, it did not matter that there was no public outcry for presidential term limits. The ratification process provided the necessary measure of public support without the people having to do anything.

The 22nd Amendment was ratified in 1951.¹ It should be noted “limitations on gubernatorial terms based upon fear of excessive executive power have always been fundamental to the constitutional design of state governments” (Beyle, 1992, p. 159). In fact, term-limit advocates reason that if the number of terms their governor, and now the President, may serve is limited, the terms of members of legislative bodies also should be limited.

Twentieth Century Debate on Congressional Term Limits

After Representative Tucker’s term limitation proposals met an apparently quiet death during the First Congress, congressional term limits were not discussed in Congress again until 1943, and then the discussion was a sidebar to the presidential term limit debate. Although the issue of congressional tenure had been debated for many years, Richardson (1991) notes that it was not until the 1970s that “length of service began to emerge as the dominant issue” (p. 45), rather than length of term.

Term limit proposals have been introduced fairly regularly in the U.S. House and Senate since the 1940s; however, little action has been taken on these proposals by either chamber. Prior to the 104th Congress (1995–1996), there had been three floor votes on bills or amendments involving term limits, all in the Senate where nongermane amendments to bills are allowed (one in 1947, one in 1991, and one in 1993). There also had been only three congressional hearings on the subject of term limits, although the hearing during the 79th Congress primarily concerned presidential terms (see U.S. Congress. Senate. Committee on the Judiciary, 1945). In 1994, the Republican Party included term limits as one of the items of its “Contract with America.” As a result, the House held hearings and voted on a term limit constitutional amendment during the first 100 days in March 1995. The term limit amendment was the only one of the ten Contract

items to be defeated in the House. The Senate also held hearings in 1995. Constitutional amendments providing for congressional term limits were defeated in the House in the 105th Congress (1997–1998) as well.

Term Limit Advocates in Congress

Since the 1940s, there have been a large number of term limit proposals introduced in Congress. Although Congress has passed no proposal, a pattern emerged from an analysis of the advocates. Typically, a member of Congress mentioned term limits in the course of campaigning for his or her first election and then introduce legislation during his or her first term in office. Occasionally, a member continued to be reelected and to reintroduce the same term limit proposal. Typically these proposals are never reported out of committee. An examination of some of the term limit proponents who served in Congress addresses the reasons for this situation.

Senator “Pappy” O’Daniel

During the 1947 Senate debate on a proposed amendment limiting a President to two consecutive terms, Senator W. Lee “Pappy” O’Daniel (D-TX) was the first modern-day senator who offered an amendment to the proposed amendment in the nature of a substitute. O’Daniel’s substitute amendment included provisions lengthening the President’s and Vice President’s terms to six years, prohibiting the President and Vice-President from seeking reelection, and limiting the aggregate service of a member of Congress to six years (*Congressional Record*, 1947, pp. 1962–1963).

Senator O’Daniel’s statement in proposing his substitute is remarkably similar to the arguments heard in today’s term limit discussion:

I . . . find that there is among our people a deep-rooted suspicion that some public officials have more interest in doing the things that will get them reelected, instead of doing the things that are best for the rank and file of our people. . . . I do not entertain much hope of having my proposal adopted at this time, I do propose it in all sincerity, because I believe such an amendment to our Constitution would be highly beneficial to the people of the United States. . . . (*Congressional Record*, 1947, p. 1963)

Senator O’Daniel’s proposal had little support among his colleagues in the Senate. The O’Daniel substitute was defeated with only its sponsor voting in the affirmative.

Representative “Wat” Arnold

Another term limit advocate in the 1940’s was Representative Samuel Washington (“Wat”) Arnold of the First District of Missouri. In June of 1944, Rep. Arnold, a Republican, introduced a proposed constitutional amendment (H.R. 172) that went beyond O’Daniel’s proposal. It limited members of the House and Senate, as well as the President, to six years in office. Arnold’s arguments mirror Senator O’Daniel’s statement as well as the present-day arguments:

I find that I am, by virtue of my election, enrolled as a Member of the strongest pseudo union in the world. The rights of protective employment, seniority, and the innumerable privileges of office are mine to use as I will; and the payment of my dues, in the form of periodic reelection by my constituents, promises to become increasingly painless with the passing years. By careful tending of political fences, I find that representation is expected to blossom from the promising bud of popular service to the full flower of professionalism in the art of purveying legislation by the years. (*Congressional Record*, 1944, p.2950)

Arnold’s electoral history offers some insight into his unusual support of term limits, especially at a time when few desired to limit the service of members of Congress. He was elected by a district “which ha[d] gone Democratic except in the Hoover landslide of 1928, for three generations.” He defeated a long-term incumbent Democrat by 8,300 votes without making a campaign speech. Seeking to advance the issue, Arnold also planned to present the proposal to the committee writing the Republican platform in 1944 (*Congressional Record*, 1944, p.2950).

Rep. Arnold provides evidence that members of Congress can change their minds on the value of term limits. In 1947, Arnold decided to seek a fourth term, in effect violating the three-term limit his proposal would impose. He said in a statement announcing his reelection bid that “it was all a mistake, . . . it takes three terms before a congressman gets enough seniority to be of much benefit to his district” (*Hannibal Labor Press*, 1947, p. 1).

Representative Thomas Curtis

In the 1950s and 1960s, another Republican Representative from Missouri, Thomas B. Curtis, was a leading advocate of congressional term limits in Congress. During his 18 years in Congress, Rep. Curtis introduced his proposal nine times. Curtis’ proposal would have limited members of Congress to 12 consecutive years of service. With a “2-year sabbatical,” the member would become

eligible again for election to the “National Legislature.” In introducing the measure in 1965, Curtis complained that his bill often “appeared in lists of legislation least likely to succeed.” He argued that congressional term limits were necessary to alleviate “the detrimental aspects of the seniority system,” and to allow representatives the opportunity to “mix” with their constituents (*Congressional Record*, 1963, pp.722–723).

For all his attempts, Representative Curtis’ proposal never progressed very far through the legislative process. The lack of success can be attributed to a number of factors. First, the proposals were referred to the House Judiciary Committee, chaired by Rep. Emmanuel Celler (D-NY), a product of the seniority system. Second, Rep. Curtis did not work very hard to encourage his colleagues or constituents to support the bill. Finally, Curtis was unwilling to follow his own proposal. In 1962, a constituent, noticing that Curtis was seeking a seventh consecutive term, inquired of the Congressman: “if you honestly believe in your proposal, why do you not now ‘sit out’ a term as you want to force your colleagues to do?” Rep. Curtis responded that by sitting out a term he would rob his constituents of the benefits of his seniority.²

Representative Bill Frenzel

Term limit activity in Congress continued through the 1960s and into the 1970s. While short-term members of Congress introduced some term limit proposals, the tradition of members introducing and reintroducing the same proposal in multiple Congresses continued. One such Congressman was Representative Bill Frenzel, a Republican from Minnesota. Frenzel served in the House of Representatives for 20 years, 10 Congresses, and he introduced an 18-year term limit in each of those Congresses. According to Frenzel, public reaction to his proposals was very minor, owing, perhaps, to the fact that “term limits were often overshadowed by other events.” He first introduced his proposal primarily because he had mentioned it in his initial campaign for Congress, a campaign in which he criticized the “immortal Congress.” Term limits, he argued, would bring members of Congress to the level of “mortals,” thus allowing them to legislate more appropriately. He told a Memorial Day audience in Edina, Minnesota, in 1971, “too often the effect of longevity in Congress is to promote the status quo and to establish a general condition of inertia” (Frenzel Press Release, 1971, p. 1).

Frenzel reports that the press and his constituents never made any serious inquiry about his longevity in office. “When I first announced that I was seeking a seat in

the U. S. Congress, I mentioned that I would stay only about five or six terms,” he said in an interview. “The Minnesota press corps would occasionally ask about that suggestion after my seventh term, but, since they never paid attention to my term limit idea, I was never held to my proposal.”

Post-Watergate Term Limit Debate

The post-Watergate era resulted in the first attempt to bring “grass-roots” pressure on Congress to enact term limits. In 1977, “four relatively freshman Members of Congress” became directors of “the newly-formed Foundation for the Study of Presidential and Congressional Terms.” The members were Senators Dennis DeConcini (D-AZ) and John C. Danforth (R-MO) and Representatives John W. Jenrette (D-SC) and Robert W. Kasten (R-WI). When the freshmen members of Congress joined the Foundation, they expressed frustration at the inability to discuss term limits through the “Congressional route.” Instead, they were trying “a new route - through the public.”³

The Foundation for the Study of Presidential and Congressional Terms approached the subject of congressional term limits from a scholarly perspective. To draw the public’s attention to term limits, the Foundation planned “a program of public forums such as college debates, speeches and essay contests.” Additionally, there were plans to give the public the chance “to vote on the question of limiting both Congressional and Presidential terms” by putting the question on “eight or 10 statewide ballots” in 1978.⁴ While these plans foreshadow several strategies employed by the term limit movement of the 1990s, there is no evidence that the public ever had the chance to vote on congressional term limits before 1990.

Even though the Foundation apparently was unable to hold statewide votes on congressional terms, the organization continued to function through the early 1980s. A document published by the foundation in 1980 indicates that it was “a National Heritage Foundation” (Foundation for the Study of Presidential and Congressional Terms, 1980). A review of its 1980 Board of Directors is instructive. Griffin Bell was a director as was his colleague in the Carter Administration, Cyrus Vance. Former Representative Thomas B. Curtis (R-MO) also served as a director. By 1981, the foundation appears to have ceased operation. It can claim some success in bringing the subject of congressional term limits to public attention through congressional hearings.

The post-Watergate era also witnessed the first congressional hearings on term limits. Interestingly, the

hearings were scheduled at the insistence of now Senator Dennis DeConcini (D-AZ). Previously, it had been the Republican minority in Congress that actively supported term limits. The late 1970s were a time of increased distrust of government. In fact, the committee that held the term limit hearings had earlier heard testimony on the subject of establishing a “national voter initiative.” In opening the hearings, Senator DeConcini stated many of the arguments for term limits found in today’s debate. Incumbency in the House and Senate was becoming a problem, DeConcini argued, and had resulted in an increased “rigidity in government.” Term limits would break up the “cozy triangles or subgovernments” that had emerged in government. The electorate would be offered new alternatives at the ballot box, as persons from various walks of life would be drawn to public service (U. S. Congress. Senate. Committee on the Judiciary. Subcommittee on the Constitution 1978, pp. 4–6).

The 1978 hearing did not result in Congress proposing a constitutional term limit amendment to the states. Although Senator DeConcini continued to support term limits and introduce proposals in the Senate throughout his career, he did not make any additional effort to develop a movement among the American people. Experts from the Foundation for the Study of Presidential and Congressional Terms presented testimony at the congressional term limit hearing, as did former Representative Curtis. George Will and the *Wall Street Journal* editorialized against the suggestion that congressional tenure needed to be limited. Political scientists, including Norman Ornstein and Thomas Mann, argued that term limits were a bad idea. The congressional hearings in 1978 failed to energize any portion of the mass electorate to demand congressional term limits.

Congressional Term Limit Activity in States During the the 1980s

The 1980s witnessed a transformation of congressional term limit activity. Members of Congress still introduced term limit measures and the press, the public, and their colleagues largely still ignored the proposals, but a term limit murmur began to emit from the states. In 1983, the Utah legislature passed a resolution calling for a constitutional convention on congressional term limits. South Dakota’s legislature passed similar legislation in 1989 (Richardson, 1991). In 1991, similar resolutions were introduced in Arizona, Arkansas, Maryland, Montana, Oregon, Rhode Island, Florida, and North Dakota. Almost

all resolutions were tabled or died in committee (Richardson, 1993). Much of the congressional term limit legislation introduced in state legislatures after 1991 were attempts to direct attention away from citizen initiatives on term limits.

The Class of 1980

The coattails of Ronald Reagan in 1980 brought a sizable number of Republicans to Congress. Like Rep. Bill McCollum of Florida, many campaigned on a program that included term limits and a number continued their association with term limit legislation. Rep. Tommy Hartnett (R-SC), who introduced the term limit platform plank in 1988, was a member of the Republican Class of 1980. Unlike McCollum and Hartnett, many Republican freshmen were defeated in the mid-term election of 1982. One of these unlucky freshmen was a representative from southeastern Pennsylvania, James K. Coyne. He eventually became president of Americans to Limit Congressional Terms in the 1990s. Another similarly unfortunate Republican freshman was John Napier of South Carolina.

In 1980, Napier campaigned for a seat in the House advocating a simple two-part plan. First, he wanted to ensure that Congress operated under the same laws it enacted for others. The second part of Napier's platform was congressional term limitations. His proposal included a limit of six two-year terms for members of the House and two six-year terms for Senators. This position is interesting considering that Napier's Democratic opponent, John Jenrette, was one of the founding directors of the Foundation for the Study of Presidential and Congressional Terms in 1977. Napier was successful in his campaign for Congress largely because Jenrette had been implicated in the ABSCAM scandal of the late 1970s.

Napier reported he was introduced to the idea of rotation or term limits while working for Senator Strom Thurmond of South Carolina. During Napier's first couple of years as a Senate staffer, he noticed that good senators were quitting the chamber in frustration. On their way out, these senators would often remark that the "system works best when people move in and out." The comments inspired Napier to research the idea of rotation. His belief in the wisdom of rotation was honed during a stint as a counsel on a Senate committee charged with writing a Code of Ethics in 1977. Napier also was inspired by the words of former Senator Howard Baker (R-TN) who often would wax eloquent on the virtues of the "citizen legislator" in speeches on the Floor or in

committee. To Napier, it seemed only natural to include term limits in his campaign program in 1980.

Rep. Napier followed through with his term limit proposal by introducing a bill in his first year in office. The bill (H.J. Res. 270) was cosponsored by three supporters of term limits, Representatives Bill McCollum, Tommy Hartnett, and Dan Coats of Indiana. The bill was buried in the House Judiciary Committee although Napier's local press and constituents, according to the former congressman, received it favorably. Rep. Napier was not received as favorably overall. In 1982, Democrat Robin Tallon defeated him. According to Napier, the district was not "designed for a Republican."

Committee on Limiting Terms

During the 1980s, members of Congress again made some effort toward developing a term limit movement among the public. A group of Republican House members from the "Class of 1980" organized the Committee on Limiting Terms (COLT) in 1985. The group's objective "was to form something where we could go out . . . and reach the public and try to stimulate support for this concept [of term limits]" (*Congressional Record*, 1988, H9566 [4 October]).

COLT's organization was largely the effort of Rep. McCollum. He recounted in an interview that he and some of his colleagues noticed a need for "some vehicle to raise money for the term limit effort." They decided that a group had to "begin preparing a plan to realize the enactment of term limits." This group would provide a stable organization controlled by members of Congress, who are accountable to voters. Originally, COLT promoted a call for a limited constitutional convention to enact term limits.

In an interview, Rep. McCollum reported that COLT was not involved in the term limit movement after the 1992 campaign. He believed that a group of members of Congress should be involved, but his attempts to bring COLT into the developing term limit phenomenon were rebuffed by term limit advocates outside of Congress. In 1992, COLT joined with Common Sense, Inc., and shared an executive director with that organization. Common Sense also served as a fundraiser for COLT, but by November 1992, Rep. McCollum realized that fundraising efforts were not very productive. McCollum and COLT ended the partnership with Common Sense. In 1994, COLT maintained a mailing list of potential financial contributors and the group distributed a "pledge" to congressional candidates asking for their support for a constitutional amendment limiting mem-

bers of Congress to 12 years in the House and 12 years in the Senate. Rep. McCollum continued to work for term limits in Congress through informal meetings with other term limit supporters. According to McCollum, mobilizing the public to support an issue requires funds and “we [COLT] weren’t getting any.”

Congressional Term Limits and the GOP Platform

During the summer of 1988, an event occurred that sparked the term limit movement lasting into the 1990s. For the first time in history, a major party platform included a plank calling for a constitutional amendment limiting congressional terms. Offered “almost lightheartedly” to the Republican Convention platform committee by former Representative Tommy Hartnett of South Carolina, the measure was approved, to Hartnett’s surprise. In support of his proposal, Hartnett argued that members of the House and Senate seek reelection “unwilling to discipline [federal] spending, so the only way we can discipline spending is to discipline the members of Congress themselves . . . , make ‘em live under the laws they pass.”⁵ In 1992, an identical term limit proposal appeared in the Republican platform. Neither the 1988 platform nor the one in 1992 specified the length of the term limit.

Representative Bill McCollum

Despite the largely unsuccessful effort at mobilizing the public, Rep. McCollum resembles the other members of Congress examined here. He was first elected in 1980, running on a platform that included term limits. He has introduced a 12-year term limit amendment in each Congress since 1981 and every proposal has met a silent death. With the activity created by the term limit movement of the 1990s, Rep. McCollum recently has worked harder at advocating his proposal. He submitted two discharge petitions in the 102nd and 103rd Congresses; neither collected the requisite number of signatures. He also organized a number of “Special Orders,” press conferences, and discussion sessions for members of Congress on the subject of term limits. His term limit proposal was one of the options which was part of the “Contract with America” and which was subsequently defeated.

Rep. McCollum faced an interesting situation in 1992. Since his freshman year in Congress, he had proposed constitutional amendments limiting congressional terms to 12 years. In 1992, he was running for reelection to a seventh term that would not be allowed under his proposal. Rep. McCollum’s opponent in the 1992 general election was a spokesman for “Eight is Enough,” the

1992 term limit initiative campaign in Florida. The opponent, Mike Kovalski, challenged McCollum on his apparent hypocrisy in calling for term limits without limiting himself. Rep. McCollum responded in familiar fashion, arguing that he could do more for Florida and the cause of term limits by staying in the House. With his experience and seniority, he would hurt his district by leaving.⁶

Before leaving the case of Rep. McCollum it is instructive to note that he was fairly active in term limit discussions in the House during the first session of the 103rd Congress in 1993. During the second session (1994), however, he became more deeply involved in “crime” issues important to his constituents in Florida. With the resignation of Minority Leader Robert Michel of Illinois and the ascension of Newt Gingrich of Georgia, Rep. McCollum actively campaigned for the position of Minority Whip.

The Contract with America and the US Supreme Court

Members of Congress continue to introduce term limit legislation, which continues to face institutional and political barriers. One small victory was achieved in the fall of 1993, when the House Subcommittee on Civil and Constitutional Rights began hearings on term limits. A second round of hearings was held in early summer 1994.

In 1994, Republican candidates for the U.S. House of Representatives included a vote on congressional term limits as one item on “the Contract with America” (Gimpel 1996). When the party gained control of both Houses of Congress for the first time in 40 years, the Republican leadership was forced to bring term limits to a floor vote. Two Republican proposals were offered; the first (by Rep. McCollum) provided for a limit of 12 years in the House and 12 in the Senate, the second (by Rep. Bob Inglis of South Carolina) provided for only six years in the House and 12 in the Senate. Both proposals, and a number of alternatives, failed to garner the 290 votes necessary for a constitutional amendment.

In its 1995 ruling in *U.S. Term Limits v. Thornton* the U.S. Supreme Court voided the congressional term limit measures enacted in 22 states from 1991 through 1994. The Court found state-enacted congressional term limits violated the qualifications clause of Article I by adding a qualification for members of Congress. The result of this ruling is that any congressional term limits must be enacted through the amending process that requires a two-thirds vote of the House and Senate and ratification

by three-quarters of the states. Since the Thornton ruling, the House defeated constitutional amendments proposing term limits in 1997.

There has been little action on term limit legislation since the 105th Congress (1997–1998).

Explaining the Failure of Term Limit Legislation

The failure of term limit legislation in Congress cannot be attributed to a lack of popular support for term limits. Public opinion data demonstrate that the idea has had popular support since the 1940s. Except at one point in 1955, the public has supported the concept of congressional term limits. However, not until the 1990s has public opinion been as overwhelmingly in support of term limits. Term limit advocates make a proper claim when they argue that “everyone (except incumbent officeholders) support term limits.” Term limit opponents argue Americans already have the power to limit politician’s terms in office. It is exercised every election day. While it is clear that the electorate has supported term limits for a number of years, two questions remain. Why did a movement not form before circa 1990? Why does the massive support of term limits not impact the legislative process?

Resources

Any explanation for the failure of term limit legislation to be acted on by Congress must include two factors: a lack of resources, and the political nature of term limit proposals. The first factor, a lack of resources, leaves more congressional term limit proponents in Congress unable to overcome the many institutional challenges faced by proposals. It is a rare member of Congress whose sole program is term limits. Usually, term limits are part of an agenda that includes other congressional reform issues, general government reform, and other ideas. The member of Congress must rally support for these other issues as well as for term limits, and term limits usually is the least important issue on the agenda. As Copeland (1993) found, members of Congress typically spend much more time on other proposals. Promoting a term limit proposal takes an enormous amount of time when the proposal does not have the support of either party’s leadership. It also is difficult for a member of Congress to find the resources to initiate a “movement” outside Congress.

Among the resources available to advocates of term limits are those members of Congress who support

Table. Support for term limits in the U.S. House of Representatives, 105th Congress, by political party and number of terms served (N=427).

	Support for Term Limits	
	Yes	No
Political Party		
Democrats	18.5	81.5
Republicans	79.3	20.7
Number of Terms Served		
One	51.4	48.6
2–4	64.4	35.6
5 or more	34.5	65.5

Source: House Roll Call 21, 105th Congress, First Session (Corbett, 1999, p. 162).

the concept. Many term limit supporters in Congress, though, have tended to be less senior members of the Republican Party. Interestingly, Republicans in leadership positions tend to look at term limits with disfavor or support the idea because of its political value. The long thin line of term limit supporters includes many who change their point of view as they gain seniority or those who campaigned on term limits solely in order to win the election.

The second leg on which an explanation of congressional term limit failure rests is purely political. Commentators of all political stripes have recognized that members of Congress will not vote for something that is not in their best interest. On its face, voting to enact term limits would appear to not be in the best interest of a member of Congress. However, if it seems that a large segment of the electorate supports the concept of term limits (as it does), then a vote for term limits would be self-serving. In the words of one congressional observer, “half of the term limit bills introduced in any one Congress are introduced for purely political reasons.” Congressional candidates, in their zeal to run against the institution, often invoke term limits in campaign speeches and advertisements, usually to wild applause. When they reach the Floor of the House or Senate, among the first pieces of legislation they introduce may be a proposed constitutional amendment limiting congressional terms. It is rare that the proposal

receives any additional promotion from the Representative or Senator.

The political challenges faced by supporters of term limits become clear when the amending process is considered. To become an amendment, the proposal must be approved by two-thirds of both Houses of Congress. It then must be ratified by three-quarters of the states. Roll call data from two term limit votes in the House presents several of the obstacles faced in this process, while also indicating where support for term limits may be found in the House. Examining the 1995 vote, Mitchell (1996) finds that 70% of House members elected since 1992 voted in the affirmative on the amendment while 59% of those elected since 1982 supported term limits. Only 29% of the members of the House first elected before 1982 voted “yes” on the constitutional amendment. Data from the 1997 vote are presented in the table above.

Republican House members support term limits while Democrats largely oppose the idea. A second, but not surprising, characteristic of term limits support is that more senior members are more likely to oppose term limits. Of course, a sizable number of newer members of Congress are Republican.

The Cold, Barren Ground

Term limitation is an old idea that burst on the American political agenda in the 1990s in a different form than it assumed in the past. Term limits have been discussed at the elite level for a long time without the mass public demanding to be involved. Except for the members of COLT, members of Congress have not attempted to mobilize the mass electorate for term limits.

The legislative arena is cold, barren ground for enacting term limits. The term limit phenomenon of the 1990s experienced its greatest success when it avoided the legislative process and focused instead on the more fertile ground it found in direct democracy. Through the direct democratic instrument of the citizen initiative, term limit activists were able to tap into the discontent of the American electorate.

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Notes

1. Only two states, Oklahoma and Massachusetts, did not ratify the 22nd Amendment.
2. Lawrence W. Barron to Hon. Thomas B. Curtis, 22 August 1962. Thomas B. Curtis Papers, Western Historical Manuscript Collection, Ellis Library, University of Missouri-Columbia, Columbia, Missouri; Hon. Thomas B. Curtis to Lawrence W. Barron, 6 September 1962. Thomas B. Curtis Papers, Western Historical Manuscript Collection, Ellis Library, University of Missouri-Columbia, Columbia, Missouri.
3. Mimi Noel, “A New Try to Limit Congressional Terms,” Roll Call, 27 October 1977.
4. Noel, “A New Try.”
5. David S. Broder, “GOP Moderates Rebuffed On Softening of Platform,” Washington Post, 11 August 1988.
6. Mike Oliver, “Trying to Make a Name for Himself,” Orlando Sentinel, 29 October 1992.

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Cost-Effectiveness Analysis of Woodbury County, Iowa's Community-Panel Drug Court Program

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ABSTRACT: *This paper is part of a larger, five-year follow-up study of drug court participants in and the recidivism rates of the Woodbury County Drug Court Program. Drug court programs are a response to cost-effective alternatives to the modern-day correctional program. These new courts combine substance abuse treatment with social services in the criminal justice system. Program evaluations show this new form of criminal justice effectively reduces alcohol- and drug-related crime and recidivism. The key is direct contact with a judge who oversees the client during early recovery, but this can be cost-prohibitive. The county wanted to establish such a program but judges could not allocate the required time for oversight. As a result, they created the first community-based drug court program whereby individual clients work more closely with local volunteers who are trained in addiction and the law. The results show graduation rates equal to or exceeding national averages. The paper has three goals. First it analyses the total cost of the drug court program and compares costs associated with traditional probation. A cross-comparative analysis is conducted of 2002 juvenile and adult drug court graduates and the traditional system. Each group was followed for 30 months post-release. An analysis of their overall costs to the community shows that drug court expenses may be "frontloaded" but the program saved money in the long-term.*

Introduction

One primary purpose of drug court programs is to create a cost-effective alternative to the traditional penal system. Drug courts combine substance abuse treatment with social programs and traditional criminal justice measures. Clients are expected to obtain and maintain sobriety, complete general education credits or begin college or technical training, obtain stable employment, and meet current financial and social obligations. This program was created over 20 years in Miami-Dade County, Florida from an increase in drug-related arrests, conviction rates, and prison populations and increased incarceration costs, decreased funding for state prisons, local jails and rehabilitative programs (Banks & Gottfredson, 2004; Belenko, 1998a, 1998b; Shanahan, Lancsar, Haas, Lind, Weatherburn & Chen, 2004; Bureau of Justice Assistance [BJA], 2002; Wilhelm & Turner 2002).

Several scholarly journals and government agencies have published articles or monographs on the cost-effectiveness of the drug court program; however, they are limited (Belenko, Fagan, & Dumanovsky, 1994; Belenko, 1998a; 1998b, 2001). While most focused on outcomes, they lack methodological rigor. These reports usually examined one community's drug court program and did not conduct a cross-comparative analysis on the phenomenon; as a result, they do not explain rival hypotheses, statistical analyses, and inconsistencies (Gottfredson,

Kearley, Najaka, & Rocha 2005; Shanahan et al., 2004; Sanford & Arrigo, 2005; BJA, 2002). While these situations prevent generalizability to other drug court programs, it appears that drug courts are effective in reducing alcohol- and drug-related crime and recidivism (Breckenridge, Winfree, Maupin, & Clason, 2000; Shanahan et al., 2004; Spohn, Piper, Martin, & Frenzel, 2001). However, one aspect their courts have in common is employing one judge to work directly with clients. When Woodbury County wanted to establish such a program, the judges could not allocate the required time to oversee it. As a result, they created the world's and America's first community-based drug court program. A judge may sentence someone to the program. However, the individual client works more closely with local volunteers who are trained in addiction and the law. The results show that its graduation rate is equal to or exceeds the national average. This paper is part of a larger, comprehensive five-year follow-up study of drug court participants in and the recidivism rates of the Woodbury County Drug Court Program.

The primary goals of this paper are threefold. First, the paper analyses the total cost of the drug court program and compares costs associated with traditional probation. Second, a cross-comparative analysis is conducted of 2002 juvenile and adult drug court graduates and the traditional system. Each group was followed for 30 months post-release. Third, an analysis of their overall costs to the community shows that drug court

expenses may be “frontloaded” but the program saved money in the long-term.

Cost-Effectiveness Analysis and Methods Used In Evaluating The Woodbury County Drug Court Program

The cost-effectiveness analysis has a two-fold purpose. First it will implement a formula that determines the program’s relevant costs. Secondly, the evaluation covers the period from January to December, 2002. The follow-up study was completed over the next 36 months. In this section, the paper outlines the qualifications for participation and the implementation of the study’s methodology.

Qualifications for Participation and Methodology

Participants included in the analysis entered drug court or the conventional court system in 2002. The study evaluates cases of persons who fit the following criteria: 1) committed the same crime in the Woodbury County area; 2) entered in and fulfilled all requirements of the drug court program or the conventional court system in 2002; 3) met similar demographic requirements—race, gender, age, and zip code; 4) public information about the client’s legal involvement was available through the Iowa Criminal Information System (ICIS), the state’s publicly accessible criminal justice program; 5) exposure to treatment or 12-step programs; and 6) randomly selected to participate in the study.

Since the project focused on persons involved with the criminal justice system, the researcher made every reasonable effort to protect the vulnerable population. The researcher compiled a list of names of all 2002 graduates and was able to access information about any criminal, civil, or traffic violations that occurred since graduation. This information is publicly available on the ICIS Web site, http://www.judicial.state.ia.us/online_records/.

The identity of clients was removed from all documents and the clients’ names were written separately. If identifiers were revealed to the investigators, they signed confidentiality agreements with the State of Iowa that would force them to pay up to \$1000 in fines and spend one year in prison if convicted. Furthermore, the Internal Review Board at West Texas A&M University approved the study along with the National Institutes of Health. Upon receiving permission, former clients were contacted to participate in the study; however, since po-

tential subjects tend to be members of a transient population, efforts to reach them by letter and telephone were largely unsuccessful. To compensate for this limitation, the study was announced at a press conference and covered by area media outlets in July, 2005. Director Gary Niles was interviewed by local radio personalities about the program and its ongoing research during peak listening hours over the following two weeks. These interviews calmed any concerns the community and potential subjects may have had about the project and its subsequent findings. In addition, the researcher made every reasonable effort to protect the anonymity of the participants and uphold legal and ethical standards of the West Texas A&M University, the States of Iowa and Texas, and the National Institutes of Health while accessing follow-up information.

Costs Associated with Effectiveness Measures and Costs

Using similar calculations used by Shanahan and Lانسار in their cost effectiveness analysis of the New South Wales, Australia, Drug Court Program, the Woodbury County evaluation examines the long-term effectiveness of the program (Shanahan et al.). The Woodbury County program is a complex organization, much like the New South Wales program. Not only does it involve numerous agencies but also provides a four-phase system to assist the clients that involves treatment providers, counselors, probation officers, courts, lawyers, and community members in the program. The cost evaluation follows conventional data collection methods: 1) identify activities and costs; 2) identify financial resources; 3) costs per unit of service; and 4) the value of those resources (Shanahan et al., 2004). The formula used in both the New South Wales Drug Court Program and the Woodbury County program is as follows:

$$\text{Total cost per person} = (\text{average assessment costs}) + (\text{average cost of court appearances} \times \text{number of court appearances}) + (\text{average cost of treatment} \times \text{number of days in treatment}) + (\text{average costs of probation and parole} \times \text{numbers of days}). \quad (\text{Shanahan et al., 2004, p. 10})$$

Total costs for Year 2002 Drug Court clients and the control groups were determined by obtaining the average total cost per individual. This average is obtained by dividing the total costs of each group by the total number of days.

Average costs per client per program = total costs / number of 2002 clients

All costs associated with the exposed and control groups will be subdivided into adult and juvenile costs (see Table 1).

The costs are higher for juvenile offenders than adults because of increased legal and program requirements. Unlike most drug court programs in the United States, both adult and juvenile programs are post-plea agreements in the Woodbury County program; therefore, incarceration costs prior to sentencing and the amount of time served in jail have no budgetary impact on the program.

Furthermore, there are other social costs that impact the budget and evaluation process. Detoxification costs are not a responsibility of drug court because the client has received those services prior to entering the program; therefore, these are not considered to be part of the equation. Both the drug court program, traditional corrections system, and a client's private insurance program pay for assessment and counseling. Costs borne by drug court and the correctional system are only included in the equation. The administrative costs to complete and analyze the Substance Abuse Subtle Screening Inventory (SASSI) are considered a primary job requirement; therefore, it would be considered part of the probation officer's responsibility (SASSI Institute, n.d.). However, assessment and treatment costs differ based upon the individual needs of the clients regardless of their legal status. If a person committed similar crimes after release from either drug court or the traditional justice system, the incurred costs are not paid by the drug court program but by the county's general fund. As a result, it is a societal cost that must be considered in evaluating outcomes but can be difficult to quantify; however, these figures were included in the overall estimates when appropriate.

Limitations

As with all drug court programs, there are several limitations that may impact the overall study. First, their assignment to either drug court or the traditional system is based upon the SASSI score. Those persons with higher scores are assigned to drug court. However, a client may be assigned to the traditional program yet required to attend 12-step meetings. It was difficult to formulate a control group because of the impossibility to control for attendance at 12-step meetings. Therefore, the comparison group had no evidence of seeking support; however, the researchers cannot guarantee the clients were immune to any treatment program or support group.

Table 1. Resource Allocation of Funds*

Category	Subcategory
Court	Adult and Juvenile Probation Officers and Juvenile Trackers Court Administration Costs and Fines
Assessment	Referral and assessment by officials
Treatment	Clinical and pharmaceutical treatment— Inpatient, Intensive Outpatient, and Continuing Care
Monitoring	Urinalysis Ankle Bracelets Patrolling Costs Home Arrest
Incarceration	Incarceration Costs for Clients who Fail Drug Court or Traditional Correctional Measures

* Information was collected during onsite observation of court and non-court related activities over the course of three years.

Victims of juvenile crime may be compensated. More likely, juvenile clients are court-ordered to pay damages, retribution, or complete an assigned number of community service hours with an approved agency. Many juvenile clients are not employed more than 20 hours per week. More likely, they are full-time high school students who work part-time jobs or participate in school programs. Their lost wages would not apply because it is not the sole income source for the client. Juvenile court hearings have no associated jury costs; additionally, a witness' financial costs would be limited to those who were victimized by the juvenile and the parent/guardian of the child in question. As a result, lost income due to victim or parental involvement cannot be estimated nor were they included in estimated societal costs. These costs remain at or near zero as all drug court hearings occur between 6:30 and 9:30 p.m. every Wednesday evening.

Even with these limitations, the final results show the overall community investment into drug court saves community funds because it slows the revolving door into jail and forces the participants to become part of society.

Results

Program Costs for Drug Court Participants

Drug court-related costs include the following areas within the program: court administration, court fees, judge and panelist costs as well as legal expenses. Most drug court-related expenses are administrative. Since Woodbury County's drug court is a post-plea program, police and investigation expenses are indirect costs. The court system bears the same cost per juvenile investigation regardless of the crime or sentence. Other factors such as victim compensation, lost wages, a jury trial and witness time have little, if any, impact on these related expenses.

Initially, Woodbury County's drug court was funded primarily with Edward Byrne Memorial State and Local Law Enforcement Formula Grant Program (Byrne Grant) and Woodbury County General Fund dollars. Today, they are funded through a line item on the state's budget (Prouty, D., 2002; G. Niles, personal communication, October 20, 2005). These costs include salaries and benefits for 3.5 juvenile probation officers equaling \$202,979.95.¹ Three administrative assistants and the chief administrator of the program receive 20 to 50% of their salaries and benefits from the grant, an amount totaling \$74,778.80. Collectively, they monitor an average of 100 juveniles each year with approximately 25% graduating each year of the program's existence. No court reporter records the minutes of each hearing. They are taped and transcribed while a panel member writes the highlights of each session. A transcriber spends 10 hours weekly typing minutes. The person is paid \$50 per hour, earning \$26,000 annually.

District judges donate the time allocated to drug court proceedings. Two associate juvenile judges can sentence criminals found guilty of drug-related, nonviolent crimes to drug court. Each juvenile judge donates one hour of his or her time to hear, assign, and follow-up with probation officers and clients about one's progress. Their donated time equals \$6,732 annually throughout the program.² While exact estimates are not available, lawyers with the Juvenile Justice Center, located in Sioux City, estimated each lawyer spends three hours on average per juvenile case at a cost of \$50 per hour. In 2002, 24 juvenile clients were admitted and completed drug court costing the county \$7,200 in legal fees.³ Since community members are trained by and serve as voluntary members of the drug court program, their annual donated contributions totaling \$24,360 as in-kind contributions.⁴ Dinner is provided by the county to these volunteer judges at each court hearing. Always held in the evenings, the average costs of

dinner for the volunteer community panel judges equals \$218 each meal and served a total of 52 weeks, costing \$11,371.98 annually. These community volunteers save the Woodbury County Drug Court Program \$12,988.02 annually.

While their operation mimics much of the Woodbury County Drug Court Program, the adult drug court probation staff is much smaller. Admitted post-plea into the program, adult drug court participants are monitored more closely than their adult probation counterparts but less than juveniles sentenced to drug court. Two probation officers work directly with adult clients, each earning \$65,879.73 in salary and benefits.⁵ While all adult records are maintained within this system, the two adult officers coordinate drug court hearings directly through administrative staff housed within Woodbury County's Juvenile Services Center.

As do their juvenile counterparts, district judges and district associate judges donate the time allocated to drug court proceedings. Their donated time equals \$26,037 annually throughout the program.⁶ While exact estimates are not available, lawyers with the Juvenile Justice Center estimated each public defense lawyer spends three hours on average per case at an average cost of \$50 per hour. This same figure was applied to adult clients as well as juveniles. In 2002, 19 adult clients sought court-appointed attorneys. They were admitted and completed drug court costing the county \$5700 in legal fees.⁷ Since community panel members hear both juvenile and adult cases, their in-kind contributions are equally shared between both groups.

Adult participants are more likely to be required to pay all court fees and victim compensation, or restitution, to the victims than other juveniles who are sentenced to drug court. Community service hours may be assigned at sentencing, particularly if the client is unemployed at that time. No trial information was available through Adult Probation Services; therefore, no information was available to determine if any adult drug court client went to jury trial. According to the ICIS Web site there is no evidence of any client going to a jury trial and being sentenced to drug court. The clients plead guilty, tested, and were offered the drug court option. The number of community service hours as well as total restitution amounts was not available for either source.

Assessment and Treatment

All persons who are sentenced to drug court will be required to participate in counseling and rehabilitation programs. The requirements vary based upon the client's

level of dependence and substance abuse history, psychological and physical health concerns, and living situation. Their individual needs are determined by a substance abuse therapist, the probation officer, the courts, and the client. Re-evaluation occurs throughout the client's involvement in drug court and may be reported to the courts at any time.

For purposes of this cost-effectiveness study, those persons who were accepted into the drug court program also completed it during the 2002 calendar year. It is the best group to estimate costs for several reasons: 1) the program had existed for two years at this point so major administrative issues had been resolved; 2) associated costs were more easily estimated based upon two years of initial experience and future projections would remain stable; 3) clear communication lines were established between the courts, the administrative staff, and supporting governmental and nonprofit agencies that work with clients; and 4) the courts had precedence which could be utilized in sentencing nonviolent, addicted clients to the drug court program.

During 2002, 24 juveniles were sentenced to and completed drug court. They received substance abuse treatment from a state-approved juvenile substance abuse treatment facility located in the area. While the range of required services and necessary expenses widely varied, the Woodbury County Drug Court Program and the Third Judicial District spent \$7,608.71 per juvenile who entered the program during 2002. The total estimate equals \$182,609.

Nineteen adults received treatment services that were provided through the Woodbury County Drug Court Program and area providers. A large majority of those services were provided by state approved facilities located in the Sioux City area. The range of necessary services varied on a case-by-case basis. However, the range of required services and necessary expenses varied widely from providing a substance abuse evaluation only to in-patient treatment and intensive outpatient services. The Woodbury County Drug Court Program and the Third Judicial District spent a total of \$99,324.41 in 2002, averaging \$5,227.60 per client.

While the average costs per juvenile and adult does not significantly differ, monitoring requirements increase program costs. This is particularly true among juveniles who are enrolled in the program.

Monitoring

Several measures are used to track juveniles involved with the drug court system. Two full-time juve-

nile trackers, who work directly with clients at school and home, each earned \$44,000 in salary and benefits. A local agency is contracted to provide part-time tracking support for other juvenile clients. It is estimated their employees work with 30 juvenile clients and spend four hours weekly at a cost of \$15 per contact hour. This totals an annual cost of \$93,600. School liaison officers, local police officers posted in Sioux City high schools, spend an estimated 20% of their on-the-job time with juveniles assigned to drug court. Investment associated with school liaison officers involved with drug court juveniles is estimated at \$22,329.60 for 2002. Urine samples are collected and sent to laboratories by probation officers to test for the presence of drugs within the client's system. They can occur at random; however, the client is more likely to submit urine samples early into their treatment program. The county pays a local laboratory approximately \$30,000 annually to manage approximately 1154 tests; unfortunately, it is not possible to delineate the number of tests for juveniles and adults.

Other methods include the use of electronic bracelets, home arrest, and neighborhood patrolling costs. The Woodbury County Drug Court paid \$9,125 on such monitoring programs for juveniles. However, different monitoring policies apply for adults in community-based drug court.

Adult drug court clients are provided more autonomy than their juvenile counterparts. Both groups meet at least biweekly with their probation officers and frequent urinalysis throughout their drug court experience. Clients are subject to reasonable search and seizure on their person or property if substance abuse or illegal activity is suspected. However, ankle bracelets and trackers are not provided to or required of adult probationers involved with drug court for financial purposes. Adult clients are either unemployed or underemployed. If an adult is monitored, he or she must reimburse Woodbury County for their expenses which can cost up to \$75 weekly; therefore, costs for ankle bracelets and trackers are too prohibitive for adult clients to pay. This forces adult service to rely heavily upon counseling reports, urinalyses, and client behavior to monitor one's progress through the program.

The total estimated cost equals \$731,159.45 in 2002 dollar values. If this figure is divided among the 43 graduates in 2002, the costs appear to be astronomical, \$17,003. While the program began with very few clients at its conception, the program manages 100 clients each year. This decreases its overall expenditures per client to \$7,311.59. If applied to the total number of clients who

participated in it over its five year history, the cost per client decreases to \$2,894.32 annually (see Table 2).

Program Costs For Traditional System

Administrative and Court Costs

As mentioned earlier, there are some similarities between the Woodbury County Drug Court Program and its traditional Juvenile Court Services programs. While both programs encounter similar expenses, the traditional system may not detect a drug or alcohol problem among its clientele until a chemical dependency issue arises. Furthermore, the probation officers have a higher caseload thereby preventing them from spending as much time with traditional probationers as their drug court counterparts. This could inhibit a probation officer's ability to discuss a substance abuse problem with a client.

The traditional Juvenile Court Services Program is currently funded with dollars funded with state general fund dollars to the Third Judicial Court District as allocated by the Iowa State Legislature. These costs include salaries and benefits for six juvenile probation officers equaling \$395,278.38.⁸ One supervisor and a three-quarter time director earns salaries and benefits equal to \$125,557.23.⁹ Four administrative assistants receive 50 to 100% of their salaries and benefits from this funding source, an amount totaling \$122,077.60. While the number of juvenile probationers fluctuates between 240 to 360 persons annually, each probation officer averages 50 offenders annually. The total administrative costs average \$642,913.21 each year over the past five years.

Two associate juvenile judges can sentence criminals found guilty of drug-related, nonviolent crimes to drug court. Each juvenile judge earns \$134,640 annually, including salaries and benefits, for a total cost of \$269,280. Furthermore, each judge supervises one full-time court reporter who earns approximately \$121,920. Since there are no consistent voluntary donations provided directly to the program, the traditional program receives no in-kind support.

As with drug court clients, the Juvenile Justice Center averages three hours per juvenile client and charge the same rate, \$50 per hour, to represent juvenile defenders. Approximately 300 juveniles were represented by counsel each year, costing \$45,000 in general fund dollars to protect the juveniles' legal rights. As a result, the number of youth involved with Juvenile Court Services of Woodbury County, Iowa remains relatively constant. A similar situation exists within adult probation.

Woodbury County's Adult Probation Program operates like similar organizations throughout the country. The client reports to a probation officer and is subject to search, unannounced check-ins at employment sites, etc. All restitution and community service hours must be completed prior to release. They are more responsible for their own actions than their adult drug court counterparts. The ICIS Web site shows no evidence of any client appearing before a jury prior to sentencing to and participating in the traditional probationary program. If an adult were found to present oneself before a jury trial, he or she was not considered for the program or study. The number of community service hours as well as total restitution amounts was not available for either source. Also, there is no evidence if any of the client's attended court or met with one's probation officer during normal working hours and if this impacted their earning potential.

Ten probation officers work directly with adult clients, each earning an average of \$65,879.73 in salary and benefits. While all adult records are maintained within their system, the two adult officers coordinate drug court hearings directly through administrative staff housed within the Juvenile Services Center. Five district judges and two district associate judges are assigned to the courts, costing a total of \$1,078,200 annually in salary and benefits. Each judge has a court reporter who earns the same amount as their juvenile counterparts. Earning \$121,920 in salary and benefits, these seven court reporters collectively earn \$853,440 annually. No in-kind donations are provided to the traditional court system.

As with drug court clients, public defenders work with adult clients. They average three hours per adult client and charge the same rate, \$50 per hour, to represent juvenile defenders. Approximately 300 adults were represented by counsel each year costing \$45,000 in General Fund dollars to protect their legal rights.¹⁰

Assessment and Treatment

While clients in need of services are never denied them, their problems may be less apparent to a probation officer with a larger caseload. On average, traditional probation officers can see up to 50 clients daily. As a result, the probationer may not receive much attention from the courts during one's probationary period unless another crime is committed. If a client commits a non-violent, substance abuse-related offense that involves drugs and alcohol while on probation or is intoxicated in the probation officer's presence, he or she is asked to complete the SASSI and referred to drug court for assistance. This referral is contingent upon the score a potential client may

Table 2. Drug Court Expenditures in 2002

Accounts	Personnel and Supply Requirements	Cost Per Account	Total Costs	
Administrative and Court Costs	3.5 Juvenile Probation Officers	202,979.95		
	2 Adult Probation Officers	131,759.46		
	3 Administrative Assistants	74,778.80		
	<i>Total Personnel Costs</i>			409,518.21
	2 Associate Juvenile Judges	(6,732)		
	3 District Associate Judges	(10,098)		
	5 District Judges	(19,305)		
	<i>Total Judge Costs</i>			(36,135)
	Legal Fees in 2002			
	For Juveniles	7,200		
	For Adults	5,700		
	<i>Total Legal Fees</i>			12,900
	29 Community Panel Judges	(24,360)		
	52 Meals for Community Panel Judges and Judicial Trainings per year	11,371.98		
<i>Total Panel Contributions</i>			(12,988.02)	
	Court reporter/transcriber	26,000.00		
	Grant writing	1,000.00*		
<i>Subtotal</i>			373,295.19	
Assessment and Treatment Costs	24 Juveniles at \$7,608.71 per client	182,609.00		
	19 Adults at \$5,227.06 per client	99,324.41		
<i>Subtotal</i>			281,933.41	
Monitoring Costs	Ankle bracelets for juveniles	2,281.25		
	2 Trackers at \$44,000 each (20% time)	17,600.00		
	Contractor for less needy Juvenile Offenders (20% time)	18,720.00		
	School Liaison Officers at three area high schools (20% time)	22,329.60		
	Urinalysis costs	15,000.00		
<i>Subtotal</i>			75,930.85	
Total Annual Estimated Costs			731,159.45	
	Total Estimated Annual Costs divided by 43 Graduates in 2002	731,159.45/43	17,003 per client	
	Total Estimated Annual Costs divided by 100 (average number of clients participating in the program annually)	731,159.45/100	7,311.59 per client per year	

* The drug court program retains a local grant writer to assist in researching and writing other grants related to the mission of the current program.

receive. The higher the score, the more likely someone will be given the option to participate in drug court. If the client has a demonstrated dependence or abuse with a mood-altering substance, assessment and treatment costs would be paid for by the drug court program. Otherwise, six to ten probation officers earn the same salary and benefits as their drug court counterparts but manage, on average, 25 additional cases.

Monitoring

Monitoring responsibilities are left to the discretion of the probation officer working within the traditional system. Both traditional and drug court probation officers rely on juvenile trackers; however, they do not clearly document how much time is spent with each type of client. For this study, the trackers estimated they spend approximately 20% of their time working directly with juvenile drug court clients. Even though the courts currently do not document the amount of time each tracker spends with each client, the traditional probation officer has greater responsibility placed upon him or her for tracking their juvenile clients.

Traditional probation officers appear to be more directly involved with and solely responsible for this activity than those officers working with the drug court program. This activity includes tracking school attendance at a traditional setting or at one of the on-site alternative schools. Other methods include the use of electronic bracelets, home arrest, and neighborhood patrolling costs. Unlike adults, juveniles are not responsible for costs associated with electronic or home monitoring. The Woodbury County Juvenile Court Services pays \$9,125 on such programs for those clients who are not part of the drug court program. A similar situation exists for adults who are part of the traditional system.

Traditional probation clients are provided more autonomy than their adult drug court counterparts. While clients do meet on a regular basis with probation officers, the amount of time an officer may spend varies based upon the crime the client committed and the client's risk of violation. As a result, the probation officer may meet infrequently or continuously visit with their clients.

Like their drug court counterparts, traditional probation officers do not require their probationers to use ankle bracelets because they are cost-prohibitive for the client. As a result, adult services rely heavily upon counseling reports, urinalyses, and client behavior to monitor one's progress through the program (see Table 3).

Woodbury County's Adult Probation Department expends its annual funding allocation similarly to their

juvenile counterparts. Both groups have increased administrative and court costs. However, they have no volunteer support provided to the department by community groups as the drug court program provides. There are no trackers in adult probation; however, the agency pays for urinalyses. The client is responsible for payment if he or she claims the results are false-positive. As mentioned previously in this paper, the county contracts with a private provider who completes the tests regardless of the client's participation in drug court or traditional probation (see Table 4).

Final Analysis

In Table 2: Drug Court Expenditures in 2002, juvenile and adult drug court-related costs were combined to determine the average amount spent upon each person in three ways: by the number of annual graduates, the average number of persons involved annually, and the annual costs based upon the number of participants throughout the life of the program. Based upon the number of annual graduates, drug court costs total \$17,003 per person; however, there are approximately 100 participants in the program at any given time. This reduces the annual costs to approximately \$7,311.59 per person. For the life of the program, the cost per person averages \$2,894.32 annually. Table 2, entitled Traditional Probation Costs for Juveniles in 2002, expenditures related to adult clients was separated from juvenile costs. The annual cost per client averages \$4,834.14 per person. Drug court expenditures for juveniles are 2.21 times higher than those who completed the traditional probationary route. This rate remains constant when adult drug court client costs are compared to traditional probationary costs. The analysis in Table 3, Traditional Probation Costs for Adults in 2002, estimates the annual expenditure for 1000 clients to be estimated at \$2,739.09 per client; meanwhile, adult drug court clients expenditures are 3.24 times higher than the county government pays to monitor their more traditional counterparts. This figure is similar to those juveniles who participated in this program. However, there are additional costs associated with drug court that does not apply to traditional probation, i.e. treatment and counseling.

Informally called "front-loading," drug court expenditures are more likely to occur at the client's initial acceptance into the program. Upon reviewing the category, Treatment and Assessment, it is determined that the court is more likely to pay for a client's assessment for his or her addiction beyond the SASSI with local treatment providers. At which point, an individualized treatment

Table 3. Traditional Probation Costs for Juveniles in 2002

Accounts for Traditional Probation	Personnel and Supply Requirements	Cost Per Account	Total Costs
Administrative and Court Costs	6 Juvenile Probation Officers 1 Juvenile Supervisor 0.75 Director of Juvenile Services	395,278.38	
	4 Administrative Assistants <i>Total Personnel Costs</i>	<u>125,557.23</u>	<u>122,077.60</u>
<i>Subtotal</i>			<u>649,913.60</u>
Monitoring Costs	2 Juveniles Judges	262,548.00	
	2 Court Reporters	243,840.00	
	Legal Fees For Juveniles	45,000.00	
	Monitoring	6,843.75	
<i>Subtotal</i>			<u>558,231.75</u>
Monitoring Costs	2 Trackers at \$44,000 each (80% time)	70,400.00	
	Contractor for less-needy Juvenile Offenders (80% time)	74,880.00	
	School Liaison Officers at three area high schools (80% time)	89,318.40	
	Urinalysis costs	7,500.00	
<i>Subtotal</i>			<u>249,598.40</u>
Total Annual Estimated Costs			<u>1,450,243.75</u>
	Total Estimated Annual Costs Divided by 300, the average number of juve- niles who participate in the traditional system*	1,450,243.75/300	4,834.14 per client per year

* These figures were based on the 2002-dollar values. Since 300 juveniles are involved with juvenile court annually, the result would be the same for each year in which the drug court program existed.

plan is created. The court's pay for such programs early in the process whereas the traditional probation programs usually do not pay for such programs. If a client is determined to need drug court, he or she would be referred to it and the program would begin the assessment process and accept the financial costs of providing for treatment. Unlike drug court programs, more traditional probation expenditures occur throughout their sentence. The financial "front-loading" technique may result in a higher success rate among clients.

Conclusion

Woodbury County, Iowa experienced an increase in drug- and alcohol-related crime like many other American communities. It responded by creating a drug court program. Out of necessity, it turned to its citizens to serve as community judges so it would relieve area judges of an increasing case backlog and financial constraints. Citizens created a new form of drug court program that appears to

be equally successful to or exceeds the national average of other drug court programs around the nation. Traditional probation appears to be less expensive in the short-term. However, the long-term investments into drug court far outweigh the short-term financial gains brought through more traditional probation programs. When social costs are added into the equation, it is believed the drug court program pays for itself while the traditional probationary system continues to drain the judiciary's coffers. Even though the community-based approach is still in its in-

fancy, it provides greater insight into the drug court phenomenon that has spread throughout the United States and provides communities an option to hold clients more accountable while saving themselves thousands of dollars in annual incarceration expenses.

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Notes

1. Each probation officer earns a base salary of \$42,000 with an additional 33% to cover the cost of fringe benefits. However, these salaries vary among the four probation officers because of their individual job-related experiences, job performance, and educational level.
2. On average, judges earn \$164.73 per hour. The judge allocates one hour of his or her time each week of the year.
3. Juvenile Justice Center lawyers cost \$50 per hour and allocate, on average three hours of billable time per client. In 2002, they worked with 24 juveniles who participated in the drug court program.
4. In 2002, 29 community judges donated four hours of personal time each month to the program. The average 2002-dollar value given by volunteers nationwide totals \$17.50. While there are persons who earn more than this figure who sit as a community panel, there are a number of persons who are retired and no longer work in their profession. As a result, this is an acceptable dollar average the researcher could use to determine the amount each community drug court judge donates per hour.
5. $\$65,879.73 \times 2$ probation officers = \$131,759.46 a year.
6. The amount of time allocated by participating district judges and district associate judges was determined by averaging the hourly wage each of the five judges earn and multiplying it by 52 weeks. The formula is $[(\$174.25 \text{ per hour} \times 1 \text{ hour weekly} \times 52 \text{ weeks}) \times 5 \text{ judges}] + [(\$164.73 \times 1 \text{ hour weekly} \times 52 \text{ weeks}) \times 3 \text{ judges}] = \$1,9305 + \$10,098$.
7. The average amount of time that was reported by the juvenile center that accepts such cases equals three hours. Each lawyer charges, on average, \$50 per hour and worked with 19 adult clients during the year. The formula was $(\$50 \times 3 \text{ hours} \times 19 \text{ clients})$.
8. Average salary and benefits were \$65,879.73 multiplied by the number of probation officers who work in the department.
9. A three-quarter time supervisor and one-full time employee costs equal the costs of one probation officer's annual salary with benefits. The annual salary, including benefits, of the supervisor was multiplied by 0.75.
10. The formula is $300 \text{ juveniles} \times \$50 \text{ per hour} \times 3 \text{ hours}$.

Table 4. Traditional Probation Costs for Adults in 2002

Accounts for Traditional Probation	Personnel and Supply Requirements	Cost Per Account	Total Costs
Administrative and Court Costs	10 Adult Probation Officers	658,797.30	784,354.53
	4 Administrative Assistants	125,557.23	
	<i>Total Personnel Costs</i>		
	2 Juveniles Judges	1,048,797.00*	1,902,237.00
	2 Court Reporters	853,440.00	
<i>Subtotal</i>			
	Legal Fees Adults	45,000.00	52,500.00
	Urinalysis costs	7,500.00	
<i>Subtotal</i>			
Total Annual Estimated Costs			2,739,091.53
	Total Estimated Annual Costs Divided by 1000, the average number of adults participating in the traditional system.†	2,739,091.53/1500	1,826.06 per client per year

* Since the same seven judges who serve in adult court also sentence persons to drug court, the researcher determined their average annual salaries and deducted the amount of time they donate to the drug court program. This figure is estimated to be \$29,403 and is deducted from the original amount of \$1,078,200.

† Castle, M. Personal Communication. March 25, 2005 and April 2, 2008. These figures were based on the 2002 dollar values. Since traditional probation officers have on average 150 probationers, it is estimated that 1000 persons are listed with the organization at any time.

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