PEPPERDINE POLICY REVIEW
VOLUME V – SPRING 2012

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The mission of the Pepperdine Policy Review *is to publish the best scholarly research, innovative policy solutions, and insightful commentary that School of Public Policy students have to offer. This journal seeks to inform policy makers, academic research, and the general public of ideas that will help transform public policy debate in the United states and abroad. All articles are thoroughly reviewed by student editors and must meet rigorous academic standards.*

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Message from the Editors

Michael Crouch

Michele Ogawa

This publication marks the fifth volume of the Pepperdine Policy Review. This yearly journal represents the very best scholarly work that the Pepperdine School of Public Policy student body has to offer. This year's volume visits the four main areas that our School emphasizes: we look at the global interactions of nations in articles having to do with International Relations, we consider how we chose to govern in our country with our American Politics section, our State and Local section puts specific community issues under the microscope, and finally our Economics section considers the subjective value of decision making and how that affects our policy choices. Also, we have some shorter articles that serve to address specific topics and book reviews.

There is no easy transition, but we would like to take a moment to honor the memory of Dr. James Q. Wilson, Pepperdine's Ronald Reagan Professor of Public Policy. Dr. Wilson was an accomplished and revered man, one whose extensive career and inspiration will undoubtedly continue to enrich the University and the nation for generations to come.

Born towards the beginning of the Great Depression, James Q. Wilson was well educated, receiving his Ph.D. from the University of Chicago. He taught at Harvard University, Boston College, UCLA, and our own Pepperdine University. Perhaps, he is best known for his scholarly work, including his best-selling text book on American Government, his work on crime, culture, and morality. His lectures always provoked thought, and from our own experience, a few laughs. More can be read about this prolific man in many places, and his work will be read for many years to come, but these notes do not properly express the impact that Dr. Wilson had on many at Pepperdine.

The Pepperdine Policy Review is representative of the extensive time and effort the students of the School of Public Policy afford, and the high quality product that ensues. As such,

we would like to dedicate this publication of the Review to the memory of Dr. James Q. Wilson, to honor his commitment to scholarship and the lasting influence he has bestowed upon Pepperdine and the greater academic community.

Michael Crouch
Editor-in-Chief
Michele Ogawa
Managing Editor

Egypt Wrestles with Democracy:
Expectations versus Realities

Melody Harvey

Thus far, the definition of democracy in Egypt is simply "not the current regime." Indeed as according to experts, the Cairo protest was revolutionary because for the first time, the people are taking responsibility of their government and embracing notions of a need to do something about it. Democracy is thought to encompass "individual freedom and identity, diversity, [political and economic] competition, [popular sovereignty], and political accountability" (Tessler 2007, 109). Within the revolution, Egypt's focus was on change in society and politics (Ambassador Boker Balaz, September 10, 2011, conversation with author). In particular, Egypt wanted an end to Mubarak's thirty-year rule, and wanted to get rid of its current constitution. As the Middle East's "population and intellectual leader," Egypt is in a unique position to demonstrate successful democratization in the Arab world (Roskin and Coyle 2008, 292).

Now that Mubarak is overthrown, the world seeks to examine how Egypt's expectations align with that of their reality, even though Egypt's expectations are more so vaguely defined than they are clearly defined once culture is taken into account. Now as Egypt's military currently governs the county, the world seeks to examine how the debate behind Egypt's ability to democratize will play out. The country is at a very critical point where praetorianism (or more accurately, anarchy) and democratization are battling it out. At this critical point, the country can easily slip back into authoritarianism.

Moreover regarding Egypt's fragile political state, Egypt's political history can further exacerbate this slip back into authoritarianism, which is not in favor of successful democratization. Egypt's political history poses the greatest impediment to Egypt pursuing a democratic form of governance on account of its numerous cycles of authoritarian rule. Democratization may prove a challenging development for Egypt because they have democratic

rule to refer to in their history. In the eyes of its political history and current actions taken, military rule is not viewed positively toward shaping democracy given that Egypt has had military dictatorships in the past. This strong predominance of authoritarianism in Egypt's history and culture could explain the misconnection between where Egypt wants to be versus where they currently are now in democratizing.

FIRST OFF, WHAT HAPPENED? A LOOK AT THE APRIL 6 YOUTH MOVEMENT AND OVERTHROW OF
MUBARAK

The April 6 Movement is a small group of secular Egyptian students who organized and led the revolution in Egypt overthrowing Mubarak in a matter of 18 days (Egypt's Facebook Faceoff, PBS, February 22, 2011). The group was initially formed in 2008 to stand by a textile workers' strike against low wages and increased food prices (Egypt's Facebook Faceoff, PBS, February 22, 2011). As indicated on April 6 Movement's group page on Facebook, the group describes themselves as the following:

> We are a group of Egyptian Youth from different backgrounds, age and trends gathered since the renewal of hope in 6 April 2008 in the probability of mass action in Egypt which allowed all kind of youth from different backgrounds, society classes all over Egypt to emerge from the crisis and reach for the democratic future that overcomes the case of occlusion of political and economic prospects that the society is suffering from these days.
>
> Most of us did not come from a political background, nor participated in political or public events before 6 April 2008 but we were able to control and determine our direction through a whole year of practice seeking democracy in our country - Egypt.

April 6 primarily used social media to reach their targeted population for mobilization: young, educated but unemployed people (Egypt's Facebook Faceoff, PBS, February 22, 2011). April 6 gained 78,000 members in a very short amount of time on Facebook, and 6,000 protestors were arrested on the day of the protest (Egypt's Facebook Faceoff, PBS, February 22, 2011). April 6 studied the revolution in Tunisia and the non-violent Serbia and Ukrainian student protests (Egypt's Facebook Faceoff, PBS, February 22, 2011).

In Egypt, approximately 60 percent of the population is under age the age of 30, many of whom are educated yet unemployed (Alterman 2012, B9). This clearly aligns with Huntington's (2006, 48) observation that "the higher the level of education of the unemployed, alienated, or

otherwise dissatisfied person, the more extreme the resulting destabilizing behavior." Kimenyi (2011, 1) agrees with Huntington using sociologist Seymour Martin Lipset who said that "the demand for democracy is a result of broader processes of modernization and development. In the long run, it is very difficult for societies that have attained high living standards to tolerate living under autocratic regimes." Kimenyi (2011, 1) also points out that once a significant percentage of the population has access to education, it becomes more difficult for elites "to continue to justify the exclusion of resources and privileges to the general population."

Furthermore, Kimenyi (2011, 1) greatly observes that indeed, the Egyptian revolution was led by young college graduates forming the country's middle class "that [are] no longer willing to live under semi-feudal autocrats." However, the high rate of unemployment makes reading "emerging middle class" rather difficult; and yet it is plausible that this unemployment could also be because the significantly inequitable income distribution that is present in Egypt. In Egypt, approximately 40.5 percent of the population is poor (Nawar 2007). Also, these recent college graduates or "emerging middle class" have access to technology and digital information, whereas the mass does not. Currently in the Middle East, including Egypt, there are only the elite and then there are the masses, neither of whom would suggest a revolution.

April 6 selected January 25, 2011 as the official protesting day because that day in Egypt is Police Day, and that day followed briefly after Tunisia overthrew their president. April 6's demands during the protests were as follows:

Mubarak must immediately resign.

The national assembly and senate must be dissolved.

A "national salvation group" must be established that includes all public and political personalities, intellectuals, constitutional and legal experts, and representatives of youth groups who called for the demonstrations on Jan. 25 and 28. This group would form a transitional coalition government for a transitional period. The group would also form a transitional presidential council until the next presidential elections.

A new constitution must be written to guarantee the principles of freedom and social justice.

Those responsible for killing of hundreds of 'martyrs' in Tahrir Square must be prosecuted.

Detainees must be released immediately. (Egypt's Facebook Faceoff, PBS, February 22, 2011)

Interestingly during the protest, everything stopped for prayer and then the protest resumed. This indicated great respect for culture, even though the organizers themselves were secularists. As Benson and Snow (2000, 621-622) point out, the more relatable the movements' framings are to the daily experiences and cultures of targeted populations, "the greater their salience, and the greater the probability [and prospect] of mobilization." With that in mind, it is also important to point out that numerous groups, including the Muslim Brotherhood, participated and helped lead the protests at Tahrir Square. Political diversity, an element of democracy that Tessler mentioned, has merged in the fight to overthrow Mubarak.

During the 18 days of protest, Mubarak sent the military to contain protestors. Certainly in accordance to Brinton's anatomy of a revolution, the military ultimately sided with the people and helped to overthrow Mubarak. Yet in Egypt, the army tends to side with the people – or the people tend to trust and count on the military.

Haass (2011) states that Egypt's revolution occurred because of three decades of Mubarak's rule, planned hereditary of presidency, corruptions, and economic reforms not helping the majority of Egyptians. Haass (2011) also notes that while some protestors in Egypt want complete democracy, the majority of Egyptians simply want a less corrupt government, greater ability to participate in politics, and a better economy than that of the overthrown regime.

THE MIDDLE EAST (INCLUDING EGYPT'S) HISTORICAL SIDE TO DEMOCRACY

Historically, Muslims concurred with equality with three exceptions: slaves, women, and non-believers (Lewis 2011). For democratizing, "relevant orientations include both generalized support for democratic political forms and the embrace of specific democratic values, such as respect for political competition and tolerance of diverse political ideas" (Tessler 2007, 107). Given Muslims' notable prejudices toward other religions through-out time even to this present day and predominance of authoritarianism in the Middle East, such "respect for political competition" and "tolerance of diverse political ideas" are rather questionable. Indeed, Christians and their various denominations and sects are granted protection status known as "dhimmi" in Arab countries, yet these non-Muslims are still discriminated against. "Further historical precedence for this unequal treatment is [this] role of dhimmi in Islamic empires: a non-Muslim could live in peace …[if] he accepted a second-class status, did not participate in certain

occupations, did not build a house larger than a Muslim neighbor's, did not join the military, but did pay a higher tax" (Roskin and Coyle 2008, 13). In theory, while religion and politics remain rather separate in Western countries, Islam and politics are completely intertwined in Middle East countries. This lack of separation between church and state may suggest some degree of intolerance toward religions that the state is not intertwined with. Islam encompasses all aspects of life—business, political, and personal (Tessler 2007).

When the Middle East speaks of good and bad government, they speak of justice versus injustice as opposed to freedom versus restrictions (Lewis 2011). Islamic tradition states that a just ruler has rightly obtained power and is required to righteously exercise that power (Lewis 2011). It appears to be that to justly obtain power, the people may have to concur that the ruler is the rightful one, but Allah (or his Prophet) must approve of this ruler. Islamic tradition also stresses obedience for Muslims should "[o]bey God, obey the Prophet, obey those who hold authority over you" except "in sin;" then subjects have the responsibility to revolutionize and defy (Lewis 2011). Some experts believe that it is not possible for Egypt, along with other countries to democratize, because in Islam, Muslims stress that Allah is the ultimate authority.

Egypt spoke of freedom or liberty within the realm of slavery and legalities as opposed realm of government and politics (Lewis 2011). In the Middle East, good versus bad government is more closely aligned with justice and injustice as opposed to liberties or freedom (Lewis 2011). There were two points made concerning proper conduct of the government in relation to the ruler: 1) consultation, where the ruler adheres to "consultants" such as advisors, cabinet members, and any other sort of governmental body and vice-versa; and 2) consent and contract, where both rulers and subjects are accountable toward each other (Lewis 2011). One could think of these two points as a sort of checks and balances, since the "consultants" could very easily get rid of a ruler and subjects can ultimately overthrow a ruler. However, it is thought that modernization would lead to ending Islamic checks and balances because unlike in many Western governments, Islamic societies had many levels in-between restricting the ruler's powers (Lewis 2011). Modernization typically gets rid of traditions (Roskin and Coyle 2008).

Very importantly, Egypt has had millenniums of non-democratic rule. Their ancient era consisted of monarchies, military dictatorships, conqueror rule (including that of the Ottomans) and colonial rule (France and Britain) through various conquerors as well as original settlers until 1952, when Abdul Nassar became the country's leader (Roskin and Coyle 2008). Hence, Egypt

really does not have its political history to look to as a source for forming their democracy. Even under the rule of Nassar, "[t]here was no democracy; elections were fake" (Roskin and Coyle 2008, 88). Then came the presidency of Anwar Sadat, and Hosni Mubarak after the assasination of Sadat. While, since 1952, presidents came to power by democractic means or processes, their rule and leadership have been authortarianist.

Recently, right before the Egyptian revolution, many members of Muslim Brotherhood claimed to be "independent" to gain seats in Parliament, especially because the Brotherhood in itself is "still technically illegal for advocating Islamic rule […] The Brotherhood ran in only a third of the contests to avoid alarming the regime" (Roskin and Coyle 2008, 294). Muslim Brotherhood's participation in politics, even if it meant to run as "independents," signaled that Egypt is fed up with corrupted, authoritarian regimes. Optimistically, this could indicate that Egypt might successfully democratize.

<center>EGYPT'S EXPECTATIONS AND WHAT THEY WANT TO ACHIEVE</center>

As indicated above, the biggest challenge for democracy in the Middle East is history, for the predominance of authoritarianism would make democratizing a rather difficult, if not lengthy, process. As Tessler (2007, 108) quoted, "'[d]emocracy is not attained simply by making institutional changes through elite-level maneuvering. Its survival depends also on the values and beliefs of ordinary citizens.'"

According to Brown (2011, 129), "the opposition would like to see a whittling down of the powers of the presidency; firm institutional guarantees of judicial independence, largely in form of a more autonomous and powerful judicial council; judicial monitoring of elections; an end to exceptional courts and Egypt's state of emergency; more robust instruments for protecting rights and freedoms; and a truly pluralist party system." Brown (2011) suggests that while Egyptians may not exactly opt for an American-type of "checks and balances," they tend to discuss a more literal "separation of powers."

Among the April 6 demands were that "a new constitution…be written to guarantee the principles of freedom and social justice;" that "a 'national salvation group' must be established that includes all public and political personalities, intellectuals, constitutional and legal experts, and representatives of youth groups who called for the demonstrations on Jan. 25 and 28;" and that "[t]hose responsible for killing of hundreds of 'martyrs' in Tahrir Square must be prosecuted." April 6 is calling for equalities, political participations, and accountability. As

stressed above, Egypt's idea of freedom differs than that of the United States'. Given that justice and injustice is referred to in terms of good government versus bad government in the Middle East, perhaps social justice indicates that the government treats all subject well and applies laws equally to all, regardless of a subject's social characteristics or identity.

Muslim Brotherhood, judiciary, and business sectors are expected to steer Egypt's course over time (Cook 2011). During the eighties and nineties, the judiciary used their independence to "enforce some of the rights and freedoms embedded in the Egyptian constitution […] By 2005, parliament had one-fifth of its seats controlled by the Muslim Brotherhood" (Brown 2011, 127). Various sources suggest that judiciary could play a very significant role in resurfacing liberal and democratic aspects of constitutions (Brown 2011). As previously mentioned, younger leaders' values include accountability, transparency, tolerance, and rule of laws as part of establish a new government of sorts in Egypt (Cook 2011). However, it is unknown precisely how liberal and pro-democratic the Muslim Brotherhood really is, if they sincerely are at all (Cook 2011).

…VERSUS EGYPT'S REALITY: WHERE THEY REALLY ARE NOW

Currently, Egypt is in a praetorian state, ruled by a military council of 18 members. According to The New York Times (NYT) (2011), the military "quickly suspended unpopular provisions of the constitution, even while cracking down on continuing demonstrations." The military stated that they would step down once parliamentary and presidential elections are held at some point this fall, yet the people question the extent of the military's loyalty to the revolution (NYT 2011). However, the military recently changed its mind and "planned to retain full control of the Egyptian government even after the election of a new Parliament begins in November" (NYT 2011). The military promised elections in September, but then postponed them until after Parliament elections, and after ratifying a new constitution (NYT 2011).

The rights of women and Christians remain a serious issue in light of modernization (Cook 2011). Most recently, the burning of a church in Egypt led to ultimate clashes against military rule, Muslims and Coptic Christians. "Christians had joined the pro-democracy protests in large numbers, hoping for protections of a pluralistic, democratic state, but a surge in power of Islamists has raised fears of how much tolerance majority rule will allow" (Kirkpatrick 2011). A woman was quoted saying that "the military…was 'trying to start a civil war'" (Kirkpatrick 2011). A Christian man was quoted saying "'…this is the issue of the freedom that we demanded and can't find'" (Kirkpatrick 2011). Certainly, as Huntington (2006) stated would happen, the

military won; the protest resulted in deaths of 24 Coptic Christians, and hundreds more people were injured. Note that historically, Muslims has valued equality, but not toward non-believers. If the radicals, or in the Middle East's case, Islamists are expected to rise next to rule and govern, then this entrenchment of history plus the radicals' beliefs could contradict the strive toward democracy as envisioned in the West and in Egypt's Christians.

Prior to this incident trials against Mubarak were held through-out August and September (NYT 2011). However, Field Marshal Tantawi "testified…in a closed hearing that disappointed prosecutors who had hope he would help determine whether the ousted Egyptian leader conspired to order the killing of unarmed demonstrators in his final days of power in February" (NYT 2011). It is generally believed that testimonies of key military leaders still loyal to Mubarak would ultimately let the former president get away with his most serious crimes. However, the fact that the former president is even standing trial is astonishing to fellow Arab countries (NYT 2011).

Also in September, the military council essentially reinstated the "state of emergency" to allow investigations into judicial matters to break up further protests (NYT 2011). This is especially in light of the significant role that the judiciary typically plays in liberalizing (or one could say democratizing) Egypt. This reinstatement ran contrary to the military government's word to get rid of the law, which was paramount to Mubarak's rule. During Mubarak's time, issuing a "state of emergency" permitted "arrest[ing] people without charge, detain[ing] prisoners indefinitely, limit[ing] freedom of expression and assembly, and maintain[ing] a special security court" (NYT 2011). This "state of emergency" certainly lies opposite of democracy – at least in light of the United States – where invasions of privacy and prohibiting free expressions and assembly run counter to democratic ideology. If anything, this reinstatement is a step backwards for Egypt in their pursuits toward a more democratic country.

However, on October 26, 2011, two policemen were convicted of killing Kahled Said, the young man thought to spark Egypt's revolution and who serves as its symbol (The Associated Press 2011). One article reports that the verdict was reached after evidence suggesting that the policemen indeed beat Said to death was presented (The Associated Press 2011). "However with the light sentence, the lawyer Hafiz Abu-Saada said the court convicted the two of manslaughter, rejecting the more serious charge of murder or torture, as defined in international accords in which Egypt is a signatory" (The Associated Press 2011). Yet the people are taking this verdict

as a sign of some justice present within government, and believe that the verdict has still done right by Said (The Associated Press 2011).

Considering the freedom of expression and assembly and the advocacy for a person done wrong, a very important element in democratic societies includes civil societies. Civil societies have various organizations (professional, non-profits, etc.), labor unions, clubs, associations, public entities such as libraries, churches, etc. However, Egypt currently has no civil society; the only place that any sort of discussion, organization, or expressions could take place is at a mosque (Roskin and Coyle 2008). This could very well explain why observers currently see "organized Islam filling the vacuum" in absence of an authoritarian regime in Egypt (Roskin and Coyle 2008, 285). Lack of civil societies hinders the ability for a country to transition into "building the new democracy" (Kinsman 2011, 41) because there are no apolitical avenues in which political activities, formulations of political thought, and political participation are taking place. Civil society, with its vast diversity of services and beliefs, serves as an intermediary for democracy, especially for societies attempting to transition from authoritarianism.

Also, there are no precedents or official procedures in place for how to formulate a new constitution (Brown 2011), especially if Egyptians desire public input. The New York Times (2011) suggests that developing and ratifying a new constitution in Egypt may take at least a couple of years, if not longer. Just as Huntington (2006) expressed, Egypt is currently experiencing rapid social movement accompanied by groups making slow changes.

DEBATES AROUND A DEMOCRATIC EGYPT… THEN AGAIN, WHOSE "DEMOCRACY"?

Generally, thought-of hindrances to establishing a democracy in Egypt as well as the Middle East as a whole include, but are not limited to deep roots of authoritarianism, lack of a civil society, and lack of Islamic political thought of what "citizenship" is or means (Lewis 2011). In the PBS documentary Egypt's Facebook Faceoff (aired February 22, 2011), no person examined discussed or mention what democracy meant while the term rolled out their mouths.

With that in mind, another potential barrier to democracy includes culturally influenced orientation and perspective in relation to individualism versus group associations. Westerners tend to stress individual elements such as occupation when introducing themselves, while Middle Easterners tend to stress group identities such as family, religion, and ethnicity or nationality (Roskin and Coyle 2008). Democracy tends to stress individualism, and freedoms and liberties for individuals to be unique, or be "their own person." However, April 6 appears to demonstrate

the possibility to integrate group identities while stressing characteristics found in the democracy which they fight for: individuality and diversity. Note that in introducing themselves on web sites and social networking sites (Facebook), the first thing they say is "[w]e are a group of Egyptian Youth" but then they point out a couple of times that they come from diverse "backgrounds, age and trends [… and] society classes."

Roskin and Coyle (2008, 279) mentioned that "at a certain point during the modernization process, demands for democratization rise." Usually poorer countries (whose GDP per capita is less than $5,000) failed to democratize, while better off countries (whose GDP per capita is more than $6,000) successfully democratized (Roskin and Coyle 2008, 279). The CIA World Factbook estimated GDP per capita for Egypt as of 2010 is $6,200 (in purchase parity power, or PPP). "Attempts at democracy in poor lands tend to fail as populist demoagogues or military officers turn themselves into authoritarian leaders" (Roskin and Coyle 2008, 279). Based on income alone, modernization theory suggests that Egypt should successfully democratize, but its current praetorianism combined with the people's typically extraordinary trust in the military could lead this attempt at democratization to fail, or military officers would have "turn[ed] themselves into authoritarian leaders." The military has already reinstated "state of emergency," and has postponed their said periods of temporary rule. Hopefully, effects of income and education levels in Egypt would override this potential failure.

Lastly, an important barrier to democracy is the comprehension of this political ideology, particularly when it comes to one of its factors: elections. Much of the media highlights the Middle East's emphasis on elections, and this view that elections are key to democracy. Democracy is much more than elections; as discussed above, another very important element of democracy includes civil societies, and well as embracing "individual freedom and identity, diversity, [political and economic] competition, [popular sovereignty], and political accountability" (Tessler 2007, 109). An election in itself can, and in many instances has, elected a dictator in power. Elections are not always fair, and as shown in Egypt's political history, said elections are often fixed.

Lewis (2011) suggests that items that could help with establishing a democracy in the Middle East as well as Egypt include the following: consensual, contractual and limited government; traditional refusal of despotism; permitting consultation; and usage of modern communications and its technology (Lewis 2011). It appears to be that the usage of modern

communications and its technology are well underway in Egypt, as April 6 used Facebook to mobilize protestors and Egypt's local news sources are openly discussing doubts of military's rule and sincere intentions.

Lewis (2011) also suggests that grave threats to establishing a democracy in Egypt include tyrannies and Islamic fundamentalists, particularly the Muslim Brotherhood in Egypt. Brinton (1965) states that in revolutions, moderates actually organize the revolution, and then they are thrown out and radicals succeed them. In the case of the Middle East, these "moderates" are secular and these "radicals" are Muslim fundamentalists/Islamists. Brinton (1965) observes that extremists do not rule during typical times because of their inability to compromise. Currently, it is debatable if the Muslim Brotherhood is radical or extremist, but in Egypt their party has held seats in parliament but has not been in top power. Also, like a typical extremist group, Muslim Brotherhood has experienced moments of suppression (Wickham 2011). Yet, Muslim Brotherhood seems to be compromising democracy with Islamism.

Today, the timing and Egypt's current situation has created a great opportunity for Muslim Brotherhood to be voted in into government. If the majority really had their way, chances are that the Brotherhood would have occupied the majority of seats in Parliament, and would be the ultimate executive power in Egypt (Roskin and Coyle 2008). "Its naïve but effective slogan 'Islam in the Solution' promised to solve all problems, from hunger and economic development to getting rid of the Americans and the Israelis. The Brotherhood is well organized and helps the poor with food, medical care, and community problems the regime neglects. Many Egyptians see the Muslim Brotherhood as the only hope for change" (Roskin and Coyle 2008, 294). Brinton (1965) notes that government tries to collect more money, which in cases of dictatorship, may include increased food prices. As shown, the Brotherhood combats this food insecurity, along with providing many other services that the regime failed to provide. It is expected that they will at least run on the platform that they serve "the people."

However, many sources reveal that the Muslim Brotherhood is announcing mixed stances on democracy and pluralism. At times, the Muslim Brotherhood's leaders' statements are even contradictory to each other. Factions within the Muslim Brotherhood make it difficult to take any one particular stance, especially when two of those factions involve the following: 1) willingness to work with secularists so long as it does not interfere with Islam, and 2) internally changing the group, even though such changes would be deemed too far from Islamic conservatism (Wickham

2011). However, they always go back to their basic stance that the country should be ruled in accordance to Shari'a law. Yet, as Lewis (2011) states, no one will know how liberal Muslim Brotherhood sincerely is (or is not) until they actually rule. For Muslim Brotherhood, indeed the ultimate question is if "supporting a transition to democracy as an end in itself or as a first step toward the ultimate establishment of a political system based not on the preferences of the Egyptian people but the will of God as they understand it" (Wickham 2011, 205).

CONCLUSION: AS REVOLUTION EVOLVES, HISTORY WILL REMAIN ITS MOST SIGNIFICANCE OBSTACLE

Huntington (2006) stated that invasion of foreign ideas spark revolutions. Especially if those foreign ideas are dramatically different than that domestically, the revolution is sparked only to be left with how to reconcile traditions starkly different than modernity. Such culturally ideological differences lead Egypt's expectations of democratization to optimistically exceed that of reality. Yet, as "the [Arab] brains are in Cairo," Egypt is key to figuring how to intertwine democracy with Islamic culture.

However, revolutionary and modernization theory suggest that intellectual, educated, middle-income Egypt should be able to successfully democratize, under presumptions that the Muslim Brotherhood would adhere to their sayings that they will embrace diversity more. This is very important if Egypt is to democratize, given that the majority would vote for Muslim Brotherhood, and Egyptians view them as the hopeful way of change.

Public Broadcasting Service's (PBS) (2011) Frontline article on the April 6 Movement ends with the following perfect demonstrations of Brinton's (1968) observation—as moderates settle in, radicals take on the revolution and proclaim that the war has not yet been won, and demands of the people are not yet satisfied:

In a Feb. 14, 2011 interview with NPR, April 6 founder Ahmed Maher talked about his message to followers about continuing the protest: "Those who are demonstrating have their own issues. We made the decision not to demonstrate while we wait for a response to our demands [for reform]. We can always go back to the street."

Yet activist Hossam el-Hamalawy sees the fight as far from over: "Activists can take some rest from the protest and go back to their well-paying jobs for six months, waiting for the military to give us salvation. But the worker can't go back to his factory and still get paid 250 pounds. … [T]he mission is not accomplished."

Note that the moderates are taking great credit for this successful overthrow, and that they are now taking the backseat. Essentially, they are handing the revolutionary reins to the more radical protestors. The quotation above also very well demonstrates that as of today, Egypt really is not where they do want to be, and its political history significantly widens this expectation of the democratizing process versus where the democratizing process actually stands. The greatest issue within the revolution to bring democracy to Egypt is the millennia of authoritarianism the country has had. In view of political history, the military's current governance in Egypt is concerning because Egypt has had military dictatorships in the past especially considering some measures that the military has taken that are at odds with democracy such reinstating "state of emergency," and postponing their said periods of temporary rule.

The inability for history to repeat itself greatly rest on other factors thought to assist democratizing such a country's income and education level, usage of modern communications and technology, tolerance toward diversity, presence of a civil society, and having a clear perspective or definition of "democracy" and "citizenship" to look up to. Without a formal understanding of "democracy" or presence of a nonpartisan, apolitical civil society, reality will continue to lag behind expectations.

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U.S. Strategy in Afghanistan
From 2001 to Today

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The attacks of September 11, 2001 shocked the world and wounded the United States. In a state of uncertainty, the US rose up in defiance, issuing strong statements that served to rally patriotism, threatening anyone on the other side of a solid red line: "You are either with us or against us." In an act of retribution, the U.S. quickly planned to attack the perpetrators, al Qaeda. They were an unknown group to the American public, a stateless group of nomads who lived in caves and traveled along goat paths. It was a new type of enemy that used airplanes as weapons; the fight against them would require a new type of warfare. President Bush called it the War on Terror and issued a warning to anyone who harbored terrorists. Of course, Afghanistan's government, the Taliban, who were recognized as legitimate by only three other governments, refused to turn over their guests who had been based in the country since 1997. With emotions running high and a sense of urgency to respond, the United States made invasion plans.

The ultimate goal of engagement was broad: to end terrorism. Regarding Afghanistan, the U.S. wanted to be sure that the country would never be used to launch terrorist attacks against the U.S. or her allies. President Bush wanted to use Afghanistan as an example to send a message to other terrorist organizations that the U.S. would not end the war until "'every terrorist group of global reach has been found, stopped and defeated'" (James M. Lindsay, 2001). The strategy was incomplete however; without a determined, well defined and measurable goal, the world's greatest military power engaged in a war that has lasted ten years against an elusive and amorphous enemy that has been all but defeated. This paper will discuss the changing U.S. policy towards Afghanistan as time progressed, beginning with President Bush's initial authorization to engage and the development of democracy as a goal, and then proceeding on to President Obama's new strategy and the terms of the troop drawdown. The policy is long and complicated; this paper will offer insight into the comprehensive timeline and general trends, and

will touch on one possible policy avenue based solely on the United States' recent history in the country.

OPERATION ENDURING FREEDOM: THE DEVELOPMENT OF THE STRATEGY

President Bush prepared for war. On September 18, 2001, he signed a law that authorized the use of force against America's attackers (Bruno, 2011). He looked to other countries for support, especially from within the region. Within a month, the 5th Special Forces Group (Airborne), a Special Operations Unit, had landed in Uzbekistan, bordering the north of Afghanistan (Stewart, 2003). From the onset, the immediate objective was to destroy al Qaeda and their networks of support, and the administration had "stated that it is not out to replace one regime with another" (Gossman, 2001) . However, the U.S. Army Center of Military History claims that the Army Special Forces were to "change the government of Afghanistan so that the country was no longer a safe haven for terrorists," demonstrating the confusion that surrounded the invasion (Stewart, 2003). The plan to take the country was called Operation Enduring Freedom. The Special Forces aligned with a number of commanders from the Northern Alliance—the anti-Taliban government that had been run into a miniscule part of northeastern Afghanistan. The U.S. was aware of the inner-rivalry between the Afghan commanders, and divided the Special Forces teams amongst them evenly to avoid favoritism (Stewart, 2003). With global and internal support, the U.S. was ready to invade.

Operation Enduring Freedom was the first taste of combat for most American soldiers. It commenced on October 7, 2001 with a bombing campaign (Bruno, 2011). On October 19, 2001, conventional ground forces invaded to meet up with their Afghan allies (Stewart, 2003). The first military success was the fall of Mazar-e Sharif, in the north on November 10, 2001 (Stewart, 2003). The Special Forces team assigned to the local warlord, General Dostum, had divided into two along with the general's men (Stewart, 2003). They moved in towards Mazar-e Sharif from the north and south of the city, with overhead support, until the Taliban fled. Taliban strongholds around the country fell quickly and without much resistance. The Taliban retreated from the capital, Kabul on November 13, 2001, to Kandahar, where the group had originated from, and to the Tora Bora Mountains.

The military was prepared to deal with the imminent human rights issues that were to follow the battles. On November 20, 2001, Central Command (CENTCOM) gave authorization to initiate humanitarian operations and to "create conditions for a peaceful, stable Afghanistan,"

(Stewart, 2003) effectively expanding the objectives of the operation. This brought in more Army support forces, however many worked "from outside of Afghanistan since the Central Command was under pressure to limit the "footprint" of American troops on the ground" in an conscious effort to not occupy the country as the Soviets had (Stewart, 2003). Nonetheless, they used old Soviet bases and airstrips for their convenience. Understanding this mindset is important because it shows a dominant American presence in the country would subside, but also that attentiveness to Afghan sensitivities only stretched so far. A Combined Joint Civil Military Operations Task Force (CJCMOTF) coordinated relief organizations (Stewart, 2003). They airlifted food packets to refugee camps, and dropped leaflets that "informed the Afghan people about their forthcoming liberation, and warned them of the dangers of unexploded ordnance and mines"—a thoughtful gesture considering the high literacy rate in the country   (Stewart, 2003). In any case, the humanitarian effort reveals caution and awareness in the military, even if just on a small scale.

The first major obstacle that the operation faced had to do with prisoners of war rather than in the battlefield. Towards the end of November, prisoners after a battle were taken to a prison in Mazar-e Sharif without being thoroughly searched for weapons and devices (Stewart, 2003). When U.S. intelligence officers began to interrogate them, "some 600 of the "detainees" disarmed the guards and took over the prison compound," capturing two intelligence agents (Stewart, 2003). One was killed, and the first conventional forces, a small Quick Reaction Force of infantry, entered Afghanistan to help (Stewart, 2003). Later in December, 2001, a task force was assigned to interrogate prisoners again. Having learned from this first prison incident, they took caution. Prisoners with "valuable intelligence were evacuated" to Kandahar, before they were sent to Guantanamo Bay, Cuba, for further interrogation (Stewart, 2003). U.S. strategy for handling prisoners was developing, but did not take into consideration the future ramifications that it would have on public and global opinion of the U.S.

The Taliban and al Qaeda were not yet eliminated from the country, though. Kandahar was the last remaining major city under Taliban control. The U.S. allied with a pro-western, anti-Taliban Pashtun—a rarity—named Hamid Karzai to attack Kandahar. It fell on December 7, 2001 (Stewart, 2003). The Tora Bora Mountains also held an unknown number of al Qaeda operatives. A mostly Afghan force carried out the operation with help from Special Forces. With the fall of these last two strongholds, Afghanistan was considered liberated (Stewart, 2003). The

original goals of destroying the al Qaeda base and their network, and the early adopted one of overthrowing the government, had been achieved. The Northern Alliance now held Kabul, and warlords from before the Taliban era were restored to their mansions in their respective cities.

Intelligence was concerned with other pockets of enemy forces and a possibility of guerilla warfare popping up. One such enclave of al Qaeda forces was discovered in a valley near the Tora Bora Mountains, and Operation Anaconda was planned to destroy it. It was the first major battle of the entire war, and took place from March 2, 2002 to March 19, 2002 (Stewart, 2003). They planned to isolate the enemy and prevent escape by blocking the exits of the valley. With about 2,000 U.S. soldiers and 1,000 Afghans, the operation was unprepared for the enemy's strength and strategy, and took heavy losses (Bruno, 2011) (Stewart, 2003). Al Qaeda also faced losses, and in the end, the U.S. and allies were victorious. In "Operation Enduring Freedom, American military power delivered a fatal blow to the Taliban and their al Qaeda allies for a major victory in the war on terrorism" (Stewart, 2003). The escape of Osama bin Laden was the only, albeit major, failure of Afghanistan, but with the country classified as liberated, attention shifted away from the Taliban and al Qaeda and towards the new war plans for Iraq. Afghanistan's secondary position would remain throughout the duration of President Bush's administration.

AFGHANISTAN'S NEW GOVERNMENT AND SECURITY FORCE

In December of 2001, in Bonn, Germany, a conference was held by the United Nations that included all the major players interested in Afghanistan's future government. This included the United States, with the demand for a pro-Western democracy, Iran and Pakistan, each interested in a friendly neighbor, Russia, India, various European countries, and Afghan factions, which included the Northern Alliance and a group representing the king, ousted in the 1970's (Dobbins, 2009). They set up a process for writing a constitution and electing a government (World Factbook, 2011). The process took place over three stages. The first, the interim government, lasted for six months, and Hamid Karzai was appointed head. Then the Loya Jirga nominated a transitional government to take over for the next eighteen months. Finally, a second Loya Jirga ratified the constitution, and elections were held (Kumar, 2001). The long process was purposeful by the international actors because it would allow time for the chaos to calm so that no person could claim an emergency reason to abandon the constitution or democracy (Kumar, 2001). Bringing democracy to Afghanistan was in its first stages.

The Bonn Agreement also included guidelines on the multinational troop force that was to help the government achieve security and stability called the International Security Assistance Force (ISAF). The Northern Alliance originally had no desire for troops to remain, and so the size and mandate were meant to be much smaller than had taken place in other crisis zones, like Bosnia and Kosovo (Kumar, 2001). Their goals were to "deliver aid, stabilize Kabul, and train an all-Afghan security force" (Kumar, 2001). It became clear that stability would not come quickly, and the force had managerial issues as the command rotated every six months. In the fall of 2003, the North Atlantic Treaty Organization (NATO) took permanent leadership although it had always been under the command of a NATO member (ISAF, 2011). At the same time, the United Nations also expanded their mandate to all of Afghanistan, not just in and around Kabul.

THE NATIONAL SECURITY STRATEGY OF 2002: THE DEFENDER OF FREEDOM

In September, 2002, President Bush issued his first National Security Strategy, which explicates the reason the U.S. continued its operation in Afghanistan after their nominal goals had been reached. The preface addresses the superiority of democracy and the values of freedom, the latter of which are shared by all peoples of the world. It calls on "freedom-loving people across the globe" to protect "these values against their enemies," and declares that the U.S. will defend, preserve, and extend the peace through "fighting terrorists and tyrants," "building good relations among the great powers," and "encouraging free and open societies on every continent" (Bush, 2002, 3). This responsibility given to humanity is an inevitable determinant of American action. It is narrative in style, in which the U.S. is the protagonist in a global, ongoing battle. It claims a bond with the great powers of the world based on their common interests, and promises to strengthen the "global trading community to build a world that trades in freedom" (Bush, 2002, 4-5). It incorporates the lesson learned from Afghanistan: that weak states pose a threat and should be strengthened. The document puts responsibility for the free world on American shoulders, and the paternalistic attitude mandates that the U.S. help the world's misguided states find security, stability, and democracy.

The entire document reiterates these ideological sentiments, and uses Afghanistan to justify American action, past and future. By declaring that "Afghanistan has been liberated," the situation is made into an example of success (Bush, 2002, 11). That the "coalition forces

continue to hunt down the Taliban and al-Qaida" means that America will not relent—a warning to countries that support terrorism or are terrorists themselves (Bush, 2002, 11). Action is further justified when posed as a fight for survival; it says the war on terrorism is a defense of democratic values and the way of life (Bush, 2002, 13). It never explicitly calls for democratization of Middle Eastern countries, but one cannot be surprised at the democratization path the U.S. pursued after having read it. It does not outline the action strategy, assessable goals, or actual policies in Afghanistan.

<center>U.S CIVIL ASSISTANCE POLICY</center>

U.S. policy for eliminating terrorism from Afghanistan came in a variety of forms. The major, ongoing effort was in the form of civil assistance to help the country stabilize. The Afghan interim government only wanted help where needed, so the U.S. continued the policy of "minimal footprint" to avoid being mistaken as an occupier force, as the Soviets were, and kept the number of troops in the country as low as possible. In November of 2002, the U.S. military, the UN, and nongovernmental organizations created provincial reconstruction teams (PRTs) to help the government in redevelopment (Bruno, 2011). They were joint civilian-military organizations that performed governmental duties in cities around the country. The U.S. was in control of a majority of the organizations while ISAF was in control of the rest (Perito, 2011). They were disorganized, though, and succeeded in little else than as security for aid organizations (Bruno, 2011). In 2003, Donald Rumsfeld declared an end to major combat and a shifting of focus to development. The U.S. had hoped the international community that did not send troops would support the development phase (Bruno, 2011). With NATO's assumption of control over ISAF and the ensuing expansion, each NATO country was assigned specific PRTs. Unlike in Iraq, the U.S. preferred to work with the international community in Afghanistan. With so many different leaders though, the PRT program became more uncoordinated, and aid workers claimed that the indistinction between combatants and humanitarian workers put them at risk (Perito, 2011).

Despite the bad reviews, PRTs continued to grow in number. A USAID program called the Quick Impact Project (QIP) was initiated in 2003, and was meant to "carry out short-term stabilization activities" by making it easier for USAID officers in the PRTs to implement small projects, like irrigation systems, schools or clinics (Liskey, 2010) (USAID 1. , 2011). The QIP program ended in 2007, having accomplished over 440 projects (USAID 1. , 2011).

The Middle East Partnership Initiative (MEPI) launched in December of 2002. It listed a priority in four goals: 1) "engage with public and private sector development"; 2) "partner with community leaders to close the freedom gap with projects to strengthen civil society, expand political participation, and lift the voices of women"; 3) "work with parents and educators to bridge the knowledge gap with better schools and more opportunities for higher education;" and 4) "create economic, political and educational systems where women enjoy full and equal opportunities" (Stewart D. J., 2005, 407). The administration advertised MEPI well in the United States, and less so in the Middle East. The program's expenditures for Fiscal Years 2002-2005 totaled $239 million—which is barely above what the U.S. spent on civil society programs when such a policy did not exist in the 1990's in the region, and which reportedly had very little effect (Stewart D. J., 2005, 407). The American public had become familiarized with the concept of government change as a legitimate policy.

By 2004, democratic reform in the entire Middle East "had become a central policy focus" (Stewart D. J., 2005, 409). The Greater Middle East Initiative (GMEI) was a grand plan that the administration had built up to the public that would bring about governmental change to Arab countries. It was written without any input from leaders of Middle Eastern countries. The GMEI was leaked and prematurely published, and faced a lot of criticism (Stewart D. J., 2005, 410). All of the Middle Eastern leaders rejected the initiative, which forced major changes to the document (Stewart D. J., 2005, 410-411). The intention could not be undone though, and the goal of democracy in Afghanistan was only solidified. A joint declaration from President Bush and President Karzai on May 23, 2005, reinforced the relationship between the two and the U.S. commitment to "help ensure Afghanistan's long-term security, democracy, and prosperity" (Karzai, 2005). It also allowed the U.S. military to use Afghan facilities, and announced that the U.S. would train and equip the Afghan military so that eventually they could provide security themselves.

A new USAID civil assistance program was initiated in 2006. Called the Local Governance and Community Development Program (LGCD), it began to replace the Quick Impact Projects that were phased out a year later (Liskey, 2010). The goals were to assist the Afghan government in unstable areas with "at-risk populations," encourage local communities to participate in their own development, and address the underlying causes of instability and support for the insurgency" (USAID 2. , 2011). However, the LGCD Program and the PRT

projects are not correlated with stability, have therefore not increased stability, and have not offered legitimacy to the Afghan government (Liskey, 2010). Only two studies were found to draw any positive correlation, which was ultimately undermined: "Germany's overseas development assistance program agency BMZ found that development assistance improved attitudes among Afghans toward foreign forces and state legitimacy;" which was "quickly undone by increased perceptions of insecurity" (Liskey, 2010). Under pressure to demonstrate success, the U.S. insisted that the PRTs were in fact making progress and continued to support them, but with very limited resources.

THE NATIONAL SECURITY STRATEGY OF 2006: DEMOCRACY AND COALITIONS

President Bush's second national security strategy was calmer and less powered by ideological language—but without losing its ideology. The very first paragraph of his preface letter clarifies that this strategy's "most solemn obligation" is "to protect the security of the American people" (Bush, 2006, 2). He takes ownership of values rather than declaring them universal. He says freedom, democracy, and human dignity are integral to American history and "inspire nations throughout the world" (Bush, 2002, 2). He says that free nations are more peaceful, so it is a vested interest of the U.S. that other countries are free, which is an erroneous assumption considering that the United States is the longest existing democracy in the world and was engaged in two wars (Bush, 2002, 2). The document states that the United States will promote these values through ending tyranny, promoting effective democracies, and strengthening global free and fair trade (Bush, 2002, 6). Free governments "are accountable to their people, govern their territory effectively, and pursue economic and political policies that benefit their citizens," all factors that are difficult to achieve in war-torn states, as exemplified in Afghanistan (Bush, 2002, 2). The determination to build democracies is impressive though. It makes the U.S. commitment to liberating the world one for generations to follow. It seems to have learned that democracy cannot be accomplished quickly in a country that has no experience with it—a dramatic change from the initial commentary at the onset of the war in Afghanistan. It does, however, claim to have achieved democracy there, though it differentiates what an effective democracy is (Bush, 2002, 7-8).

The document also puts a greater emphasis on working with the international community. Because the major problems that the United States faces are also problems that other countries

face, and are problems that cross international borders, the best solution will come when countries work together (Bush, 2002, 2). In Afghanistan, the U.S. has always preferred to work with other countries, and wanted NATO nations to play a major role. Similar to the 2002 national security strategy, it takes initial responsibility by the U.S. as the leader, but is far more open and ready to work with the international community, recognizing the impact of a newly globalized world. When NATO countries slacked on their commitments, which was a major problem, the U.S. was forced to step in and provide the assistance (Jones, 2008, 5). It also says that governmental change has to come from within the country needing the change, and that the U.S. will offer encouragement (Bush, 2002, 38). In Afghanistan, the encouragement is very involved. Overall, the document says little about Afghanistan, an interesting fact but reflective of the administrations preferred focus on the Iraq War.

THE DICHOTOMY ON THE GROUND: INSURGENTS AND HOPE ON THE RISE

Things were not as good in Afghanistan as the administration liked to think they were. By April, 2005, the number of casualties associated with Operation Enduring Freedom began to grow (O'Hanlon, 2011, 11). The insurgency was growing and becoming more violent (Rubin, 2006). A strategic plan called the Afghanistan Compact was issued in January of 2006, and assessed the situation as uncertain and called for strong U.S. support (Rubin, 2006). Challenges that the country faced included the growing insurgency, shelters in Pakistan, the corrupt and futile government, drug trafficking, and human development being bottom of the list. (Rubin, 2006) If Iraq had not diverted attention away from Afghanistan, the problems of Afghanistan would be more visible to the public and the administration would not have had to take more responsibility for the growing problems in the country. Managerial problems probably would have been assessed and reformed.

Other than these major issues, there were positive effects of U.S. foreign policy on the Afghan people. In 2008, a public opinion poll showed that Afghans were still optimistic about the future of their country, with 71 percent approving of the U.S. presence (Jones, 2008, 8). 76 percent thought the Taliban overthrow was "a good thing," which had been up at 88 percent the year before, but is still admirable (Jones, 2008, 8). The economy was growing at an average of 10 percent for the last three years, inflation averaged around 8.5 percent, and primary school enrollment went from 19 percent in 2001 to 87 percent in 2005 (Jones, 2008, 2). There was a lot to be fixed, but in 2008 it still seemed possible.

THE 2008 CAMPAIGN

President Obama called for a refocus to Afghanistan in his campaign in 2008. He recognized that the situation was deteriorating and said he would move troops from Iraq—a war he disapproved of—to Afghanistan (CFR.org, 2008). Critical of President Bush's limiting policies in the country, Obama believed that sending troops would demonstrate to NATO that the U.S. was serious and would encourage them to send more, too (CFR.org, 2008). He also said he would loosen restrictions on NATO, so they could actually do the jobs they originally agreed to do (CFR.org, 2008). A proposal of $1 billion allocated to non-military assistance and safeguarded against corruption and spent in rural areas would help stabilize the country (CFR.org, 2008). He also thought that the U.S. should promote democracy through leading by example, namely "banning torture, extraordinary rendition and by closing the detention facility at Guantanamo Bay;" hypocrisy feeds mistrust of American purposes and principles (CFR.org, 2008). He also planned to support nongovernmental organizations that provide civic assistance in authoritarian states, and proposed a "Rapid Response Fund" to "provide foreign aid, debt relief, technical assistance and investment packages that show the people of newly hopeful countries that democracy and peace deliver," and promised support from the U.S. (CFR.org, 2008). Overall, President Obama did support democracy promotion as a role for U.S. foreign policy, but it was not central to his policy on the Middle East.

PRESIDENT OBAMA IN OFFICE: A NEW STRATEGY

Upon inauguration, President Obama followed through on his campaign promises. He sent 17,000 more troops to Afghanistan, which was counterbalanced by the combat troop drawdown in Iraq (Bruno, 2011). The reinforcements were requested by the generals months prior, and approved by Secretary of Defense Robert Gates, whom the President had brought into his administration from the prior. The troops were to focus on countering the resurgent Taliban and securing the border with Pakistan, and the overall strategy goals were narrowed to aims "such as preventing and limiting terrorist safe havens (Bruno, 2011). In March, an interagency plan linked Afghanistan and Pakistan because of al Qaeda's bases there, and increased aid to Pakistan to dismantle them (Bruno, 2011). It also called for 4,000 more troops to train Afghan security forces, which Karzai supported (Bruno, 2011). The following month, the U.S. had secured promises of an additional 5,000 NATO troops to help in the training, and foreign security forces for the presidential election in November, which elected Karzai to another term in

a disputed outcome (Bruno, 2011). In December, another 30,000 American troops were promised, bringing the total to 98,000 (Bruno, 2011). The promise to refocus on Afghanistan was fulfilled.

COUNTER INSURGENCY OPERATIONS (COIN): LESSONS FROM IRAQ

A new military strategy coincided with the replacement of generals. U.S. commander General David D. McKiernan was replaced with the "fresh thinking" and "fresh eyes" of General Stanley A. McChrystal, an expert in counterinsurgency and Special Forces operations (Bruno, 2011). One of General McChrystal's first steps was to set up a Pakistan Afghanistan Coordination Cell of 400 officers who would be focused on Afghanistan only for the next several years (Boot, 2009). The traditional pattern was for troops to serve six to twelve months in a war zone before they are relocated, with the result that the territory is unfamiliar to each new group of soldiers and there is "a disproportionate share of casualties when they first arrive" (Boot, 2009). Culturally in tribal Afghanistan, personal relationships between military leaders and tribal leaders are incredibly important, and the roles are often intertwined. By bringing the same group of troops to the same location time and again after their breaks at home allowed for a similar type of relationship to develop with the tribal leaders in a region—an incredibly important change for the strategy (Boot, 2009). This plan also allows the soldiers to become experts in their deployments, and promises much greater success overall.

A Tactical Directive issued by McChrystal as the commander of ISAF was released on July 6, 2009. Some of the document has been classified, but the released portions offer the public a better concept of the change in the strategy towards Afghanistan. In it, the goal is to "defeat the insurgency threatening the stability of Afghanistan" by gaining support of the population (McChrystal, 2009, 1). He goes on, "we will not win based on the number of Taliban we kill, but instead on our ability to separate insurgents from the center of gravity—the people," and he demands respect and protection for the Afghan population. "This is different from conventional combat… We must avoid the trap of winning tactical victories—but suffering strategic defeats— by causing civilian casualties" (McChrystal, 2009, 1). This new form of fighting, Counterinsurgency Operations, was tried and proved successful in Iraq. Though his tactics were good and efforts to turn the situation in Afghanistan were real, General McChrystal resigned after a Rolling Stones article published his relentless, crude comments about his boss, the commander-in-chief Obama.

President Obama was careful to clarify that the resignation of General McChrystal did not mean a change in policy; it was just a change in personnel. General David Petraeus had commanded all forces in Iraq and the counterinsurgency strategy there before moving to commander of U.S. Central Command (USCENTCOM), and then being appointed the replacement of General McChrystal in Afghanistan (Lee, 2010). General Petraeus is a major proponent of COIN, and under his command, the strategy took root in Afghanistan (Lee, 2010).

Counterinsurgency operation is focused on winning the hearts and minds of the target population. It stresses multiple factors that the military needs to consider to succeed. It stresses the importance of human rights, because the security and well being of the population are necessary in order to gain legitimacy in their eyes (Sepp, 2005, 9). Law enforcement will discover and arrest insurgents, and a well trained, honest force is more capable of collecting intelligence; a ratio of twenty police to each 1,000 civilians is the general ratio required (Sepp, 2005, 9). Engaging in population control entails keeping tabs on the population through check points or ID checks in order to know who is where, and to prevent the movement of insurgents (Sepp, 2005, 10). Encouragement for the political process is central to the COIN strategy— civilians should engage in it by voting and demonstrating that insurgents would be better represented through a legitimate process (Sepp, 2005, 10). Counterinsurgent warfare involves allied foreign militaries to provide security and training until the indigenous forces are capable (Sepp, 2005, 10). Secure borders are necessary in order to prevent terrorists from crossing borders and infiltration (Sepp, 2005, 11). Finally, in order to quickly respond to emergencies in an organized manner, a strong executive authority needs to be in charge of the entire operation (Sepp, 2005, 11).

General Petraeus took the doctrine very seriously and applied it to all aspects of Afghanistan. New contracting guidelines were issued because contract spending and who benefits are integral to Afghanistan's economy (Petraeus, 2010). It stipulates that purchases for construction, goods, and services should be made from Afghan firms to "bolster economic growth, stability, and Afghan goodwill toward their government and ISAF," and that contracts should hire Afghans first, and sub-contract with trustworthy Afghan companies whenever possible (Petraeus, 2010). Commanders should be well aware of those that they make contracts with, to ensure that money supports those who build "relationships with local businesses and

community leaders," and is not funneled into insurgent hands (Petraeus, 2010). He basically forewarns that contracting needs to be done responsibly.

ISAF also posts a list of behavioral guidelines for soldiers, sailors, airmen, marines, and civilians that Petraeus wrote and updated with feedback. They include points about earning trust and confidence from the Afghan people, living among them and consulting local citizens in location of joint bases and combat outposts (Patraeus, 2010). Another is fight hard and fight with discipline: "Hunt the enemy aggressively, but use only the firepower needed to win a fight" in order to avoid killing civilians (Patraeus, 2010). Other points are identify corrupt officials, hold what we secure, be a good guest, and walk—stop by don't drive by. These guidelines change the way war is fought and bring the military to the civilian population. They infiltrate every aspect of Afghan life, and Petraeus is a known detail-oriented commander who could handle it.

NATIONAL SECURITY OF 2010: AMERICA AS THE CAPACITY BUILDER

President Obama's National Security Strategy is a very comprehensive, well thought out plan. In the preface, he calls to increase American strength, security and ability, adding that America should "appeal to the aspirations of peoples around the world" (Obama, 2010, i). He plans for several approaches to reach this aim. President Obama calls upon traditionally domestic issues, economy, education, innovation, and energy, as a major feature of the strategy. He plans to strengthen America's diplomatic capability to "compliment" the military (Obama, 2010, i). Like President Bush, President Obama calls for better integration and cooperation with the international community. He reiterates that it is a national security interest to strengthen and modernize allies to take care of themselves, adding a humanitarian element to President Bush's call for free governments (Obama, 2010, ii). Also like the 2006 strategy, this one believes in the universality of American values, and the justice and exportation of democracy.

The report clearly discusses Afghanistan. Declaring the war there as "only one element of our strategic environment," it stresses that defeat of al Qaeda is the main end point. It connects Pakistan to this battle, as these countries are the "frontline," shifting focus away from Iraq (Obama, 2010, 4). The strategy also outlines exactly what the different sectors involved with Afghanistan are meant to do in order to accomplish an Afghanistan that cannot be used as a safe haven for terrorists, and one strong enough to resist overthrow by the Taliban (Obama, 2010, 20). The military, working with ISAF, will target the insurgency, secure population centers, and increase efforts to train Afghan security forces (Obama, 2010, 21). The U.S. government will

work with the UN and the Afghan government "to improve accountable and effective governance," and combat corruption (Obama, 2010, 21). The U.S. will also "foster a relationship with Pakistan" so that together they can beat al Qaeda. On building stabilization in post-conflict zones, the strategy explains that those governments and the "political will of their leaders" sincerely affect US efforts, a restraint around which the U.S. will try to design policy (Obama, 2010, 26-27). Notably, it does not list building an Afghan state as a key security aim. The document reserves the right to use force, but stresses that force will be a last resort—a comment that describes the presidents character rather than U.S. action, considering involvement in two wars.

<div align="center">AS THE WAR WAS FOUGHT</div>

In 2009, President Obama had announced the plan for troop withdrawal along with the massive surge. He was determined to defeat al Qaeda and hand the reins over to the Afghan government. The withdrawal plans called for security operations to begin being handed over to Afghan security in the summer of 2011, conditions permitting. A report one year later would announce how conditions had changed. The White House review was released on December 16, 2010, intimated progress "in clearing the Taliban from Kandahar and Helmand provinces" where they had been very strongly based (Masters, 2010). Positive responses testified that the surge had only been completed in the fall and was "already having a considerable impact," and public opinion was slow to realize it (Masters, 2010). Afghans themselves were slow to recognize it, and public support for the insurgency waned with the arrival of 30,000 extra troops (Bajoria I., 2010). Though there were other challenges and progress was unstable, the report announced that the July drawdown was on track, clearly restating as long as conditions permitted.

The effort to prepare the Afghan government and to win hearts and minds was in process. A document called the Afghanistan National Development Strategy: Prioritization and Implementation Plan, 2010-2013, was published on July 20, 2010. It stated that in collaboration with the government of Afghanistan and the international community, an "action plan for improved governance, economic and social development, and security" was agreed upon for the Afghan government to follow (Ministry of Finance, 2010-2010, 12). It laid out the country's aspiration to be a strong, independent Islamic constitutional democracy by 2020, which has a robust capitalistic economy with respect for human rights and justice (Ministry of Finance, 2010-2010, 12). It addressed each issue the country faced, from good governance, accelerating

agriculture and rural development, to the transition to an Afghan-led security force and problems of narcotics. The plan outlined policy steps that would guide the government's actions.

Richard Holbrooke, President Obama's special representative to Afghanistan and Pakistan from 2009 until his death in December, 2010, had been instrumental in pushing for more civilian related issues (Masters, 2010). Holbrooke's accomplishments included tripling the number of U.S. civilian personnel to more than 1,000 people, ending the focus on poppy eradication as it was detrimental to Afghan farmers and therefore counterproductive, putting effort on President Karzai to improve the corruption issue, and voicing the need to negotiate with the Taliban (Bajoria I., 2010). In 2010, President Obama still would not speak with these opponents, even though nearly fifty US, Pakistani, and Afghani regional experts sent a letter explaining the importance of a settlement (Bajoria I., 2010).

A battle about the war was waging in the U.S. as well. Republicans and Democrats made very vocal arguments in favor and against the war, respectively, adding another element to the decisions that had to be made. Republicans are adamantly against a deadline for the troop drawdown (Bajoria II., 2010). President Obama announced it to please his Democratic base, who are adamantly against continuation of the war (Bajoria II., 2010). He has had to walk a fine line between convincing the Taliban and insurgents that the U.S. is serious about the war, and fulfilling his promise to the American public (Masters, 2010). Disagreement on an action plan in the White House was immense, as well (Masters, 2010). Further, the economic and debt crises were well underway, and Americans were concerned with the billions of dollars being spent on the war (Bajoria II., 2010). And finally, critics of counterinsurgency operations vocalized their unease with the conditionality component to COIN (Gentile, 2010). They claim that it takes control out of your hands when all you do is sit back and wait for the population's heart to prefer yours over the insurgents. They insist that a time table for troop drawdown means nothing when conditions are attached to it—another argument that the public has not picked up on. A leader is certainly needed to make decisions in with all this disagreement.

Improvement in the country continued into 2011. General David Petraeus reported to Congress in March, 2011 on the conditions in Afghanistan, which follow. Progress had been achieved, and the "security bubble" around Kabul had expanded (O'Hanlon S. B., 2011). Afghan security forces were improving so much that ISAF thought that only 30 percent of population center provinces were secure in 2010, and 50 percent were secure by the time of the report

(O'Hanlon S. B., 2011). Further, 45 percent of Afghans feel safe moving about, which is an improvement of 12 percent from the prior year (O'Hanlon S. B., 2011). However, gains are fragile and the amount of violence had gone up from the prior year.

On May 1, 2011, President Obama authorized a Special Operations Unit to go into Pakistan and kill Osama bin Laden. This success was praised the world over. With the leader of al Qaeda killed, the U.S. followed through on its first withdrawal of 30,000 troops in July, bringing the remainder to 70,000 (Hass, 2011). The decision brought much concern and relief. Those opposed to the drawdown think that security is on the horizon and has yet to be accomplished (Hass, 2011). They point to the incredible security gains in the last year, and say those gains need to be consolidated and expanded; "Regional Command East—the vast, mountainous region between Kabul and Pakistan where the Haqqani Network, the Taliban, the Hezb-e-Islami Gulbuddin, and al-Qaeda have their strongholds" has yet to be secured (Hass, 2011). Those in favor to the drawdown claim that the number of troops needed in Afghanistan are much lower—25,000 to do counterterrorist operations and continue training Afghan security would be enough (Hass, 2011). They continue, more troops will not be able to solve the problem of the Taliban strongholds in Pakistan or the internal Afghan divides that perpetuate problems, and with strong diplomacy with the Taliban, U.S. presence is no longer needed (Hass, 2011). The drawdown went on, however, and time will tell.

Just today, December 5, 2011, world leaders convened in Bonn, Germany to discuss the exit strategy for all foreign troops—exactly ten years after a meeting in the same place to plan Afghanistan's future. The results are not out yet, but they discussed ideas about making Afghanistan an economic trading hub, and tapping into their vast mineral sources to help the country sustain itself. Afghanistan truly seems to be on its path to liberation of foreigners. At least the U.S. is making it seem that way.

<div align="center">CONCLUSION</div>

President Bush's strategy in Afghanistan developed quickly in the beginning, and became static early on. The initial success of Operation Enduring Freedom in overthrowing the Taliban in three months and instituting a process for establishing democracy is an incredible accomplishment and testimony to a new age of warfare. When the question of what to do next arose, it followed that stability became a priority, and therefore democracy. Success at Bonn and the speed with which such a complicated matter was dealt with should have been a warning

though, necessitating caution. Instead, the administration called Afghanistan liberated, and the first two goals of destroying al Qaeda bases in the country and overthrowing the Taliban government were accomplished. Two elections held prompted the government to classify Afghanistan as a democracy in the National Security Strategy of 2006, and the third goal was accomplished. Yet Afghanistan was not stable, and so the U.S. government continued its unfocused work there, all the while the insurgency grew.

President Obama's strategy was clearly much more focused on Afghanistan. President Obama ensured that he followed through with his campaign promises to the American public, but also tried to listen to the concerns of the commanders. Applying the lessons learned from Iraq, the counterinsurgency operations model was implemented in Afghanistan. Finding a man that he could trust and work with in General Petraeus, President Obama moved forward with the effort to win the hearts and minds of Afghanis. Security was slowly and fragilely growing in the country, but the decisive victory in the killing of bin Laden changed the tide for good. On November 30, 2011, a total of 1,841 Americans and 969 foreigners had died in the war (O'Hanlon I. S., 2011). The President finalized the decision to bring the first round of troops home, and to have the rest home by 2014.

The strategy in Afghanistan has been dramatically changed. Going from a terribly run war with high public approval ratings in both Afghanistan and the U.S., the change in policy coincided with both a much better run war, well defined strategy, and a decrease in public support in both countries. It is known that counterinsurgency operations are painful in the beginning, resulting in higher numbers of casualties, but their success in the long term outweighs the initial problems.

Arguments in favor and against staying in the war are persuasive; however, pulling the troops out is the correct decision. This policy weans Afghanistan off dependence on foreign troops at an early stage, and forces them to fend for themselves. The chances that U.S. troops could affect the rugged mountainous region in the east, or secure the border well enough to seal the Pashtuns into Pakistan are minimal. If a civil war erupts, as so many are predicting, then those soldiers who are trained and equipped by foreign soldiers will come out on top. They are the ones working for the government. They are largely of the same ethnicity—Tajik—and might not break off into their tribes. And the U.S. will keep an eye on the country. A civil war will

probably not prompt American action after 2012, but a genocide would. Afghanistan is better off in Afghan hands. The United States will accomplish what it can by 2012, conditions permitting.

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Providing Aid to Fragile or Failed States:
A Short Argument for Moderation

Anthony Miller

Providing aid to fragile or failed states has become a topic of debate that has grown increasingly contentious as the total amount of aid given around the world has increased. What lies at the bottom of this debate is the question of whether or not aid should even be distributed to states that are in danger of collapsing or states without any real form of central government. It is apparent that fragile or failed states should be the recipients of aid. However, they should not be the recipient of monetary aid because of the potential for abuse with the lack of a structured central government. Thus, aid to fragile or failed states should be restricted to in-kind aid and technical assistance with the caveat being sustained security within the country. It is in this way that the citizens of defunct and ineffectively governed countries can be provided with the means of producing a stable society. Not providing aid to fragile or failing states is essentially dooming those sates to flounder in squalor.

First, a fragile or failed state is defined as such by a number of factors. These factors can be divided into three groups social, economic, and political military. A failed state is one that fails to uphold the social order, provide basic civil services to all citizens, and the presence of external military intervention or internal strife. (Fund for Peace, 2011) From these issues, problems arise with providing aid, specifically in monetary form, to these countries. Most of these fragile or failed states that are unable fulfill their obligations to their citizens are incapable of fully exploiting aid as it is intended. One of the first issues with providing aid to fragile or failed states is how exactly aid should be applied. Aid should be applied in such a way that it cannot be abused by those in a position of power. This is generally achieved by providing in-kind assistance or technical assistance with the assurances of general security. By removing the possibility of corruption present with a liquid asset such as money, the issue now becomes the

proper distribution of goods and the assurance that they are reaching those who need them which is much easier to guarantee.

This guarantee can be provided in the form of an external security force. The Economist published an article in 2005 detailing the effectiveness of providing aid in-kind and through technical assistance. (Economist, 2005) The article implicitly states that United Nations [U.N.] security forces are a necessary portion of recovery programs in failed and fragile states. (Economist, 2005) The case of Liberia from 1989 to 2003 provides an excellent example of this point. Between 1989 and 2003, a civil war of massive proportion rocked the country. There were no less than seven political fronts/militias operating in the country at any one time. (Dennis, 2006) During this period of civil war, the only internal security available was provided by militias that were controlled by one gang lord or another who consistently fought over available resources. In order for assistance to become effective, pacification through a visible display of force was a necessary step on the way towards establishing a secure state. (Economist, 2005) Once a secure state was established, the local population was able to act and create a stable government with the resources provided by international aid. This environment for the creation of a stable government can be created with the introduction of a well-financed and internationally supported external security force such as the 15,000 U.N. peacekeepers currently stationed in Liberia.

The Economist mentions, in the example of Liberia, that militia members were provided $300 for education or vocational training. (Economist, 2005) This money was provided at great risk as there are few guarantees that the money will be spent on education or vocational training. In addition to this, donors who provided monetary aid to governments considered fragile, many of which are located in sub-Saharan Africa, are considered some of the most corrupt countries at their income level in the world. (Sachs, 2006) In addition to this, another more specific example of misdirected monetary aid within a fragile country was found in Uganda. A mere 16 cents of every dollar provided to the country for the purpose of education actually reached its intended target. (Reinikka and Svensson, 2004) This illustrates clearly a primary problem with distributing monetary aid to a corrupt central government. This lost money can be later used to stifle citizen driven economic growth by the support it provides for corrupt governance. With this in mind it begs the question whether or not direct, small amounts of monetary aid are most effective way of providing aid once the situation in failing countries has deteriorated to violence?

This is not to mean that aid, specifically monetary aid should not be given to countries but rather it must be delivered intelligently and with purpose.

Another reason for providing aid to fragile or failed states is that the extension of aid provides the means for broad based economic growth. (Sachs, 2006) However, in many cases fragile states that have received monetary aid have continued to flounder and have failed to achieve any real milestones. (Reynal-Querol, 2009) Reynal-Querol states in a survey that aid distributed to fragile states, (as determined by the World Bank) is commonly abused and is ineffectual on the whole. This is attributed to the lack of security presence in many of these countries and it was determined that much of the donor resources may have been more effective in assisting sustained security in the country rather than applied towards projects or goals. (Reynal-Querol, 2009) However, while this survey found that aid provided to fragile states seemed to be largely ineffective it states that much of this aid was provided with the absence of proper security within the country. It is reasonable to use the cases of Liberia and as an example for the possible benefits of aid with the presence of sustained security. (Economist, 2005)

Providing aid to fragile or failed states is a complicated issue. This is in evidence by the distinction I have drawn between monetary aid, technical assistance, and in-kind aid. For any of these aid types to be effective in these states, though, there must be an established security presence within the country. In this way it is assured that aid provided is used according to the wills of both the donors and the people of the recipient nation. Liberia is a particularly good case for the benefits of providing aid to a failed state while it is still in governmental transition. Opponents to providing aid often cite the levels of corruption within recipient countries as reasons to not provide aid but that can be dealt with. The recipient country as a failed state has lost the ability to provide the basic social services for its citizens; thus the citizens themselves need to be addressed and taught with in-kind and technical assistance. It is in this way that aid, with proper security, can be effectively disbursed to the people of a failed state rather than to its ineffectual or non-present government.

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The Crisis of America's Soul:
How American Leaders Have Betrayed First Principles

Amy Kennedy

Unfortunately, America is in a state very similar to the Great Depression. Our economy is still struggling, and although unemployment is improving, there is still a high level of unemployment (about 8.5%), and the government approval rating is at an all-time low (81% of Americans are dissatisfied with the way government is running according to a Gallup poll completed in September).[1] However, what's more disturbing than the economy or the level of Americans who are dissatisfied with government is the level at which American leaders, such as members of Congress, who are out of touch with Americans and American principles.

We are in an age where Jersey Shore had around 4.3 million viewers for its final episode alone whereas voter participation from 2008 to 2010 dropped by 19 million.[2] Even though these statistics are not necessarily comparable to each other, they are an indication of Americans' interests in this decade. Viewers from five Jersey Shore final episodes exceed the loss of voters from 2008 to 2010. This is a great example that citizens are disillusioned with the government and probably more interested with what is going on in Snooki's life. Many Americans believe the Federal government has too much power, and members of Congress are doing a less than satisfactory job.[3] Yet, this should not be seen as a surprise. Just in the past year Americans witnessed an American President who authorized the killing of an American citizen overseas

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[1] http://articles.latimes.com/2011/sep/26/news/la-pn-gallup-poll-senate-disaster-vote-20110926

[2] MTV.com; thepragmaticprogressive.blogspot.com

[3] 69% say they have little or no confidence in the legislative branch of government, an all-time high and up from 63% in 2010; 57% have little or no confidence in the federal government to solve domestic problems, exceeding the previous high of 53% recorded in 2010 and well exceeding the 43% who have little or no confidence in the government to solve international problems; 53% have little or no confidence in the men and women who seek or hold elected office; Americans believe, on average, that the federal government wastes 51 cents of every tax dollar, similar to a year ago, but up significantly from 46 cents a decade ago and from an average 43 cents three decades ago; 49% of Americans believe the federal government has become so large and powerful that it poses an immediate threat to the rights and freedoms of ordinary citizens. In 2003, less than a third (30%) believed this. (http://www.gallup.com/poll/149678/Americans-Express-Historic-Negativity-Toward-Government.aspx)

without a trial.[4] Just as bad, or arguably worse, Congress passed the "America the Battlefield"
amendment in the National Defense Authorization Act Section 1031 which identifies American
soil as a "battlefield" and permits the President to indefinitely detain an American citizen
suspected of terrorist activities without a trial or court order. Republican Congressman Justin
Amash has called it "one of the most anti-liberty pieces of legislation of our lifetime." Is it any
wonder that Americans feel so detached and isolated from the government that is supposed to be
serving them?

American leaders should be concerned. We are a country founded upon principles
established by our forefathers and passed on with each generation. Overtime, however, these
principles have slowly weakened in the growth of the Federal government, with the expansion of
Executive power, and with the weakening of state and local government.[5] Therefore, this article
addresses first principles that policymakers should once again follow. Without a return to these
principles, our country will continue to head in the direction of an administrative state of which
Alexis de Tocqueville warned.[6] Additionally, this article is addressed to policy schools to
motivate administrators to establish programs that aid students in discovering what they believe
are first principles that should not be compromised. By establishing and re-enforcing those
principles, students, when they are policymakers, will not forget the foundations on which their
policies should be based nor the country which they serve. Finally, this article addresses the
traditional view of individualism and how that view should change. .

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[4] http://thenewamerican.com/usnews/politics/9840-judge-jury-a-executioner-should-presidents-have-a-license-to-kill; "Dennis
Blair told the House Intelligence Committee US forces can assassinate Americans believed to be involved in terrorist activity
against the United States. Blair said, quote, 'Being a US citizen will not spare an American from getting assassinated by military
or intelligence operatives overseas if the individual is working with terrorists and planning to attack fellow Americans.' He
added, 'We don't target people for free speech; we target them for taking action that threatens Americans.'"
http://www.democracynow.org/2010/2/9/obama_administration_us_forces_can_assassinate

[5] 50% of Americans think the Federal Government has too much influence over the states.
(http://www.usnews.com/opinion/blogs/peter-roff/2011/08/25/poll-most-americans-think-the-federal-government-has-too-much-
power)

[6] "'After having thus successively taken each member of the community in its powerful grasp and fashioned him at will, the
supreme power then extends its arm over the whole community. It covers the surface of society with a network of small,
complicated rules, minute and uniform, through which the most original minds and the most energetic characters cannot penetrate
to rise above the crowd. The will of man is not shattered, but softened, bent, and guided; men are seldom forced by it to act, but
they are constantly restrained from acting. Such as power does not destroy but it prevents existence; it does not tyrannize, but it
compresses, enervates, extinguishes, and stupefies a people, till each nation is reduced to nothing better than a flock of timid and
industrious animals of which the government is the shepherd."' Alexis De Tocqueville, *Democracy in America*, (Chicago: The
University of Chicago Press, 2002), 174.

PRINCIPLES OF THE AMERICAN FOREFATHERS

When the forefathers wrote the constitution, their perspective and goals were based upon their experience with England, which meant avoiding tyranny, maintaining decentralized power, and having a government based on the consent of the people for the public good. The four foundations that our forefathers based the constitution and the future development of America upon were 1) a government run by the consent of the people; 2) a balanced government; 3) a limited federal government; and 4) a government which encouraged democratic participation by American citizens.[7] When the constitution was written, the forefathers ensured that the new federal covenant "would rest upon the direct will of the people.[8] Additionally, citizens could propose amendments to the constitution, which state legislatures would ratify by three-fourths majority. This was proposed because the forefathers wanted to honor popular sovereignty, which was a staple in America at this time. Having the constitutional powers based on the consent of the people meant "the United States was now, not a confederation, not an alliance of state governments, but a true federation, one in which the powers of both the central government and the state governments rested upon a clear delegation by the people."[9] Americans required that the government be based on consent by the people, and government acted based on the authority of the people.

Even more important than consent was the requirement for a limited government: "A proper understanding of government involves not only what governments can do, and how they gain their authority to do it, but what governments, if they honor right and justice, cannot do."[10] After the Articles of the Constitution were written, amendments were drafted to limit the power of the Federal government (eventually the 14th amendment was passed which also limited state governments in order to protect the natural rights of all citizens). These limitations were inspired by Locke's theories to natural rights, which he claimed were inherent in all human beings. Overall, the amendments protected rights to life, liberty, property, free speech, free religion, fair

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[7] Paul Conkin, *The Four Foundations of Government*, (Wheeling, The Harlan Davidson, Inc, 1994).

[8] Id. at 27.

[9] Id. at 29.

[10] Id. at 32.

trial, due process, and so forth in order that Americans rights were not violated as they were under England. A limited government was the most guaranteed protection against tyranny.[11]

Another important principle was composing a balanced government. To the founders, this meant a government that had separate branches with overlapping powers in order to create a system of checks and balances.[12] The idea behind this was for each branch to have enough overlap with other branches to secure its own independence:

> If the legislature grabs for too much power, the executive can fight back with a frequent use of veto. If the executive abuses power, the House can impeach and the Senate try and remove from office. If the executive and Congress join in approving self-serving or unconstitutional legislation, the courts can disallow such laws. If judges abuse power, they face impeachment. This means an almost thermostatic balance.[13]

Once again, a balanced government was necessary to avoid an abuse of power by any of the governmental branches in order to protect the interests of the American people, and additionally, to ensure that the government was dependent upon the people. Federal powers were not intended to overcome the checks and balances system nor to exclude the consent of the people.

Another aspect of government limitation was through moral order. The founders believed that a theistic foundation existed in order to create a moral order, which enforced natural rights.[14] Through this moral order, limitations would be placed on government:

> [T]he unifying foundations of religion, the essential and universal content, provided the sources of authority for morality, and thus for natural law and natural rights that defined the proper end of, and set the limitations on government . . . . Here was where all Americans could unite.[15]

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[11] Note: The founding father not only saw the important in having the Bill of Rights, or constitutional amendments, but they also felt strongly about having a moral order in America. This is why the founders, regardless of actual beliefs, including Christian references in the majority of the founding documents such as the Declaration of Independence. Even Jefferson argued that without some sort of god or central moral authority individuals would become "rootless, cynical, and without respect for law and right." Id. at 70. He also argued that the freedoms of America could not be truly secure unless the citizens believed the freedoms came from God. Id.

[12] Id. at 83.

[13] Id.

[14] Id. at 68.

[15] Id.

Jefferson and Adams feared what atheism would do to the country because a loss of any conception of a god or central authority "would leave people ruthless, cynical, and without respect for law and right."[16] Even Jefferson argued that liberties could never be secure unless people believed that those liberties came from a higher power. Without a higher power, Americans would focus only on their own selfish ambitions that would lead to social disorder.

Finally, the founders desired democratic participation. They believed that the people were the "guardians of liberty" and therefore, they needed to be involved in government and making policy.[17] The protection of the vote, for example, was a very important part of the founder's objectives. There were four amendments made about voting in order to ensure participation in the governmental process.[18] The New England experience was based upon town meetings with a consensus being formed regarding town policies, elected delegates, and local matters. The founders desired to ensure that democratic participation would not dissipate, but would ensure citizens involvement in the process, freely choosing their leaders, and able to act against the majority when necessary. Included in this desire was to make citizens feel part of a community, having a vested interest, so that they responded to democratic participation as if their vote mattered (Hence the reason behind only landowners having the right to vote in the early years). Furthermore, the founders promoted maintaining traditional principles, such as protecting natural rights, in order to protect citizen's liberties and to provide Americans with a purpose beyond selfish ambition and for the public good. Being involved, having a vested interest in one's property and community, created an environment with purpose, direction, and standards.

Therefore, American founders wanted to ensure a government run by the consent of the people, a balanced government, a limited government supported by moral order, and a government where citizens were involved, had a voice, and served a greater purpose than themselves. These are the principles that America is founded upon. However, the rise of the assumptions of individualism changed American policies and altered the way in which these goals were met, thus, leading to a direction for America which American forefathers had not intended.

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[16] Id.

[17] Id. at 100.
[18] XV, XIX, XXIV, XXVI

ASSUMPTIONS OF INDIVIDUALISM

Before looking at first principles that policy makers need to follow, it is important that the reader clearly understand the assumptions which our country was founded upon in its pursuit of individualism and progress. The following are the assumptions behind individualism. Individualism, from which liberalism arises, is defined as freedom of the individual from all ties, associations, status, and customs.[19] Through this freedom, man will return to his natural state, and in that state, his full potential will be reached.[20] Progress is generally found in the "atomization of ancient securities" or ridding an individual of all societal ties.[21] As a result, individuals are freed by reason, their own reason, and not reason found in the "historical process of use and wont, of habit and prejudice."[22] Additionally, the State[23] frees men by creating all things equal and removing or weakening institutions which enslave men, keeping them away from natural freedom.[24] Only through the power of the State will men be able to free themselves from "the torments and insecurities and dissensions of ordinary society" through the creation of equality and fairness.[25] Through all this, freedom arises from an "impersonal, natural, economic order" which naturally follows.[26] Finally, with this change, "the People" are created and solely connected to the State in equality and freedom.[27]

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[19] "Competition, individuation, and dislocation of status and custom, impersonality, and moral anonymity were hailed by the rationalist because these were the forces that would be most instrumental in emancipating man from the dead hand of the past and because through them the naturally stable and rational individual would be given an environment in which he could develop illimitable his inherent potentialities." Robert Nisbet, *The Quest For Community*, (Wilmington: ISI Books, 2010), 2.

[20] "In man and his natural affinities lay the bases of order and freedom." Id. at 3.

[21] "[T]he uprooting of family ties, the disintegration of villages, the displacement of craftsmen, and the atomization of ancient securities . . .these were the inevitable costs of Progress." Id. at 2.

[22] "The innate resources of the individual [sic] prompted a glowing vision of society in which there would be forever abolished the parochialisms and animosities of a world founded upon kinship, village, and church. Reason, founded upon natural interest, would replace the wisdom Burke and his fellow conservatives had claimed to find in historical processes of use and wont, of habit and prejudice." Id. at 3.

[23] "State" meaning mostly the federal government, but also government in general.

[24] "By its inroads upon the authorities of church, class, and local community the popular State would liberate men-liberate them not only form the oppressions of traditional society but from its intolerable hierarchy. Much of that imagined natural equality which has been lost through the rise of property, the patriarchal family, and ecclesiastical institutions would be restored to man merely through the power of the State used to emancipate men from their historically given statuses." Id. at 156.

[25] "Not only through kinship, class, church, or association can man be freed, for these are the very chains upon his existence. Only by entering into the perfect State and subordinating himself completely to its collective will it be possible for man to escape the torments and insecurities and dissensions of ordinary society." Id. at 142.

[26] "The demands of freedom appeared to be in the direction of the release of large numbers of individuals from the statuses and identities that had been forged in them by the dead hand of the part. A free society would be one in which individuals were morally and socially as well as politically free, free from groups and classes. It would be composed, in short, of socially and

All these assumptions are based on flawed logic. The issue with these assumptions is that this "hypothetical being," which all ideas and predictions regarding individualism are based on, is composed of imaginary characteristics and unfounded results.[28] All humans have some level of ties to community, family, culture, and so forth. Never has there been a human who had no ties to anything. Even a baby raised in a jungle has ties to his own experiences and way of life. Thus, as a result of these assumptions American society has dramatically transformed away from the direction set by our forefathers. Instead of a democracy, America is becoming an administrative State filled with atomized and disconnected individuals who are neither happy nor free. Additionally, these assumptions which policy makers depend upon, are leading ever closer to the state which our forefathers had originally escaped from: a totalitarian state. Individuals depend upon the government for entitlement handouts instead of their family, community, or local church. Americans look to the government to solve the majority of problems today such as poverty, poor education, or gang violence instead of working together to solve these issues locally within the community. These are the signs of a totalitarian state, where the government is the major source of authority, and the people are subservient to the government. That is where America is heading.

In order to avoid a totalitarian state, policy makers must act in contradiction to the common knowledge definition of traditional individualism and freedom. For example, the aspects of society which rationalists needed to remove in order to find "freedom" are actually necessary to the individual being free. Additionally, individualism cannot be separated from society, and society cannot be separated from the individual. Hence, policy makers, in order to return to first principles necessary for the survival of American society: 1) need to encourage and maintain traditional associations; 2) need to encourage civic involvement in the township or on the local level; 3) must maintain traditional principles and morals which are necessary to the survival of a society; 4) must only use the power given to it by the consent of the citizens, and as

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morally separated individuals. Order in society would be the product of a natural equilibrium of economic and political forces. Freedom would arise from the individual's release from all the inherited personal interdependences of traditional community, and from his existence in an impersonal, natural, economic order." Id. at 209

[27] "If right government was to be made a reality by the rationalists, the 'people' had to be separated from existing institutions and beliefs and brought into the single association of the people's State." Id. at 232

[28] "What is significant here is that when the philosophical individualists were dealing with the assumed nature of man, they were dealing in large part with a hypothetical being created by their political imaginations." Id. at 210

a result, must limit the current federal power; and finally 5) must change the definition and view of individualism/liberalism for future policies. These principles will return American society to the society our forefathers envisioned and will draw America away from the totalitarian state that it is gradually becoming.

RETURNING TO COMMUNITY

First and most importantly, policy makers need to encourage and maintain associations such as family, churches, and community centers. This will once again give Americans a vested interest in their communities, a strong moral order, and a reason to invest in local and national government. Nisbet's *Quest for Community* is a great example of the value of associations, and the detriment which results when they are taken away.[29] Associations are necessary bonds to human society without which the individual cannot thrive.[30] Individuals discover who they are in relation to the groups they are involved in or associate with. Morals are found through religion or at least through humanistic morals established in society. Identity is found through family, friends, education, experiences, and thus, those associations are necessary for the individual. The reason for this is that associations are the support system of society, which is evident in the fact that associations were sufficient for many years without any form of commonwealth.[31] Finally, individual beliefs are only found by comparing and contrasting other beliefs and experiences to form one's own. Therefore, associations did not need the commonwealth to direct them or meet the needs of individuals. With associations, the individual finds himself and freedom through gained reasoning and understanding of who he is and what he believes in, his ties and connections, and his morals. [32]

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[29] Robert Nisbet, *The Quest For Community*, (Wilmington: ISI Books, 2010).

[30] "The family, the civil associations, the corporations and fraternities are all . . . antecedent to the state . . . . The associations, for purposes of trade, religious worship, security, and fellowship, were the bonds of human society before any political ties were established, and they have continued to perform functions indispensable to social life." Id. at 118 -Bodin

[31] "Whereby it is plainly to be seen, the societies of men among themselves, to have been at first sought out for the leading of their lives in more safety and quite: and them first of all to have sprung from the love which was betwixt man and wife: from the two have flowed from the mutual love betwixt parents and their children: then the love of brothers and sisters one towards another: and after them the friendship between cousins and other kinsmen: and last of all the love and good will which is betwixt men joined in alliance: which had all at length grown cold, and been utterly extinguished, had it not been nourished, maintained and kept by societies, communities, corporations, and colleges: the union of whom hath for long time in safety maintained many people, without any form of a commonwealth, or sovereign power over them." Id. at 118 -Bodin

[32] "Whatever may lie neurologically embedded in the human being, the product of physical history, we know that a knowledge of man's actual behavior in society must from the outset take into consideration the whole stock of norms and cultural incentives which are the product of social history. The normative order in society is fundamental to all understanding of human nature . . . .We do not see, think, react, or become stimulated except in terms of the socially inherited norms of human culture." Id. at 212

Individuals also need societal associations in order to find stability. Without them individual chaos results because the individual has no limits and no answers.[33] Thus, by separating individuals from society, the individual is separated from individuality- there are no boundaries and therefore, the individual cannot decide who she is or what she believes in.[34] As a result, democracy can only be found in maintaining and encouraging associations in order to balance "organization of personal freedom that is the condition of a creative and enduring culture."[35]

Unfortunately, American society is facing an epidemic of loneliness and anxiety[36] as a result of the nation's pursuit of traditional individualism.[37] Disorganization was originally believed to be the road to progress; however, it instead resulted in a communal moral decay.[38] Society rid itself of "restraining" institutions, and yet, left nothing to replace them to meet the needs that were once met.[39] As a result:

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[33] "From innumerable observations and controlled studies we have learned that the discipline of values within a person has a close and continuing relationship with the discipline of values supported by human interrelationships. 'Only by anchoring his own conduct . . . In something as large, substantial, and super-individual as the culture of a group,' wrote the late Kurt Lewin, 'can the individual stabilize his new beliefs sufficiently to keep them immune from the day to day fluctuations of moods and influences of which he, as an individual, is subject." Id. at 213.

[34] "As we have learned from the recent literature of the concentration camp and from studies of uprooted, and displaced persons, moral conscience, the sense of civilized decency, will not long survive separation from the associative ties that normally reinforce and give means of expression to the imperatives of conscience. Separate man from the primary contexts of normative association, as the nineteenth-century individualist enjoined in effect, and you separate him not only from the basic values of a culture but from the sources of individuality itself." Id. at 214.

[35] "Only through its intermediate relationships and authorities has any State ever achieved the balance between organization and personal freedom that is the condition of a creative and enduring culture. These relationships begin with the family and with the small informal social groups which spring up around common interests and cultural needs. Their number extends to the larger associations of society, to the churches, business associations, labor unions, universities, and professions. They are the real sources of liberal democracy." Id. at 247.

[36] "Where the lone individual was once held to contain within himself all the propensities of order and progress, he is no quite generally regarded as the very symbol of society's anxiety and insecurity." Id. at 7.

[37] "The modern release of the individual from traditional ties of class, religion, and kinship has made him free; but, on the testimony of innumerable works in our age, this freedom is accompanied not by the sense of creative release but by the sense of disenchantment and alienation. The alienation of man from historic moral certitudes has been followed by the sense of man's alienation from fellow man." Id. at 7; A 1990 Gallup poll found that more than 36 percent of Americans are lonely. (http://www.boston.com/globe/search/stories/health/health_sense/042296.htm)

[38] "It is the sense of disorganization that takes root in the very conditions which to earlier generations of rationalists appeared as the necessary circumstances of progress." p. 6; "There is now a sense of disorganization that ranges all the way from the sociologist's concern with disintegration of the family and small community to the religious prophet's intuition that moral decay is enveloping the whole of Western society." Id. at 6.

[39] "Family, local community, church, and the whole network of informal interpersonal relationship have ceased to play a determining role in our institutional systems of mutual aid, welfare, education, recreation, and economic production and distribution. Yet despite the loss of these manifest institutional functions, and the failure of most of the groups to develop any new institutional functions, we continue to expect them to perform adequately the implicit psychological or symbolic functions in the life of the individual." Id. at 47.

Individualism has resulted in masses of normless, unattached, insecure individuals who lose even the capacity for independent, creative living. The highest rates of suicide and insanity, Durkheim discovered, are to be found in those areas of society in which moral and social individualism is greatest.[40]

Policy makers must not let society continue in this direction, but instead, must bring associations back as resources for the individual and for the benefit of society.

Another issue with the removal of associations is the strengthening relationship between the individual and the State. By removing associations from society or at least weakening them, the State has taken the place of associations. The goal of citizens in early America was to strengthen the relationship between the individual and the State because the State provided equality and fairness.[41] Tocqueville describes this when he speaks of Americans love for equality more than freedom: Americans were willing to give up freedom in order to secure equality.[42] However, the unintended result is that citizens turned to the State to provide security and to fulfill the needs that associations left behind.[43] Extreme centralization of government resulted which is not what American forefathers intended. Additionally, the involvement of the State created more problems than good:

When even the ideas of humanitarian liberalism are consigned by the intellectual to the same charnel house that holds the bones of capitalism and nationalism, his emancipation is complete. He is now free-in all his solitary misery.[44]

Due to the weakening of associations and strengthening of the relationship between the individual and the State, American society is now increasingly without values and direction.[45]

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[40] Id. at 11.

[41] "Quite apart from the innumerable agencies of private welfare, the whole tendency of modern political development has been to enhance the role of the political State as a direct relationship among individuals, and to bring both its power and its services ever more intimately into the lives of human beings." Id. at 42.

[42] Alexis De Tocqueville, *Democracy in America*, (Chicago: The University of Chicago Press, 2002), 479-82.

[43] "[T]he State is a complex of ideas, symbols, and relationships. Unlike either kinship or capitalism, the State has become, in the contemporary world, the supreme allegiance of men and, in most recent times, the greatest refuge from the insecurities and frustrations of other spheres of life." Robert Nisbet, *The Quest For Community* at 92.

[44] Id. at 196.

[45] "Our problem may be ultimately concerned with all of these values and their greater or lesser accessibility to man, but it is, I think, primarily social: social in the exact sense of pertaining to the small areas of membership and association in which these values are ordinarily made meaningful and directive to men." Id. at 42; Self-reported church or synagogue membership has drifted slowly downward over the past 70 years. The current 61% of Americans who report church or synagogue membership is

This is a result of the State not recognizing the value of the "small area" relationships and therefore, not supporting them.[46] Before the State became the dominant societal relation in an individual's life, the village or town brought members together and a consensus was formed.[47] The local assembly held members accountable and provided direction, both morally and socially, through customs and traditional principles.[48] However, with the assumptions behind individualism, the State traded associations for equality and freedom.[49] Thus, all that remains is the ever-stronger relationship between the individual and the State, and a sense of alienation and frustration by modern-day individuals.[50]

Unfortunately, alienation is not the only problem resulting from the changing societal relationships. With the strengthening of the relationship between the individual and the State, society is climbing ever closer to becoming the totalitarian state that Tocqueville warned would arise out of the pursuit of individualism and equality.[51] With the destruction of associations, a political community is formed which derives all-purpose and sense of meaning from the State.[52]

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tied with 2007 and 2008 as the lowest in Gallup's history and down significantly from a high of 76% in 1947. (http://www.gallup.com/poll/145409/Near-Record-High-Religion-Losing-Influence-America.aspx)

[46] "Behind the growing sense of isolation in society, behind the whole quest for community which infuses so many theoretical and practical areas of contemporary life and thought, lies the growing realization that the traditional primary relationships of men have become functionally irrelevant to our State and economy and meaningless to the moral aspirations of individuals." Id. at 43.

[47] "'A village formed what we called a community . . . Not only because the land of every villager lay in the form of strips intermingled with those of his neighbors, because every villager followed the same traditional rotation of crops and sent his cattle to run in a common herd. A village formed a community chiefly because all its members were brought up to consent and act together as a group." Id. at 76.

[48] "A town was more than a simple place of residence and occupation; it was itself a close association, and its members-citizens, in the medieval sense-were bound to live up to its articles and customs almost as rigorously as the peasants on a manor." Id. at 76.

[49] "[T]he development of the Western State, with all the qualities of power, freedom, rights, and citizenship . . . Has been part of the general process of subordination and destruction of such groups as village, guild, and feudal class. The individual and the State have been brought into ever close legal relationship." Id. at 101.

[50] "'After the association into which individuals have been placed as members of society have been dissolved and destroyed . . . the only connecting links that remain between the individual and society are ownership, contract, and the State." Id. at 104.

[51] "'I seek to trace the novel features under which despotism may appear in the world. The first thing that strikes the observation is the innumerable multitude of me, all equal and alike, incessantly endeavoring to procure petty and paltry pleasures with which they glut their lives. Each of them, living apart, is as a stranger to the fate of all the rest; his children and his private friends constitute to him the whole of mankind. As for the rest of his fellow citizens, he is close to them, but he does not see them; he touches them, but he does not feel them; he exists only in himself and for himself alone; and if his kindred still remain to him, he may be said at any rate to have lost his country." Id. at 173 -Tocqueville

[52] "This new order is the absolute, the total, political community. As a community it is made absolute by the removal of all forms of membership and identification which might, by their existence, compete with the new order . . . . [I]t is the absolute extension of the structure of the administrative State into the social and psychological realm previously occupied by a plurality of associations. Totalitarianism involves the demolishment of autonomous social ties in a population, but it involves, no less, their replacement by new ones, each deriving its meaning and sanction from the central structure of the State." Id. at 187.

Men are slowly drawn into the will of the State which regulates every aspect of life, stifling the creativity and independence of men.[53] As a result, society will eventually become a "soulless, tradition-less mass" in a "spiritual and cultural vacuum:"[54]

> This is the true horror of totalitarianism. The absolute political community, centralized and omnicompetent, founded upon the atomized masses, must ceaselessly destroy all those autonomies and immunities that are in normal society the indispensable sources of the capacity for freedom and organization. Total political centralization can lead only to social and cultural death. [55]

This is the tragedy, which results from individualism without associations, "social and cultural death." That is why policy makers must support associations and increase association influence when making new policies.[56] This will allow America to avoid this tragedy and in fact, to turn it around.

<div align="center">RETURNING TO THE "TOWNSHIP"</div>

Tocqueville warned of the result of equality and the power of the state in *Democracy in America*. Yet, he held that the township and township power, not associations per se, allowed Americans to have a democracy which did not result in a totalitarian state by distributing political power across many. He was right. Thus, another first principle policy makers must maintain and promote is to return power to local governments, and as a result, involve public members on a local level in government decisions.

When Tocqueville visited America, he saw the power and love of the township. The township was freedom for the American people because it allowed the people to exercise their

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[53] "'After having thus successively taken each member of the community in its powerful grasp and fashioned him at will, the supreme power then extends its arm over the whole community. It covers the surface of society with a network of small, complicated rules, minute and uniform, through which the most original minds and the most energetic characters cannot penetrate to rise above the crowd. The will of man is not shattered, but softened, bent, and guided; men are seldom forced by it to act, but they are constantly restrained from acting. Such as power does not destroy but it prevents existence; it does not tyrannize, but it compresses, enervates, extinguishes, and stupefies a people, till each nation is reduced to nothing better than a flock of timid and industrious animals of which the government is the shepherd."' Id. at 174 -Tocqueville

[54] "But what was essential was the atomization of the family and of every other type of grouping that intervened between the people as society and the people as a mindless, soulless, tradition-less mass. What the totalitarian must have for the realization of his design is a spiritual and cultural vacuum." Id. at 186.

[55] Id. at 192.

[56] 91% of Americans say relationships bring them happiness. (http://www.harrisinteractive.com/NewsRoom/HarrisPolls/tabid/447/ctl/ReadCustom%20Default/mid/1508/ArticleId/394/Default.aspx)

rights, voice, and influence. Also, it was in line with the will of the people because it developed through laws, mores, and customs of the town.[57] That is where freedom was found. Without it, the government no longer had the "spirit of freedom" because then the will of the people did not govern, and thus, the government was not really free.[58]

New Englanders loved the township because it provided ordered freedom through the participation in the township:

> [H]e habituates himself to the forms without which freedom proceeds only through revolutions, permeates himself with their spirit, gets a taste for order, understands the harmony of powers, and finally assembles clear and practical ideas on the nature of his duties as well as the extent of his rights. [59]

Through the township, citizens were assigned to public offices in order to involve them in the government and government decisions.[60] As a result, Americans loved their country and had a sense of purpose as well as freedom because the people were the sole source of power.[61] Also, the township provided a place for Americans to become involved in government because it was "worth his trouble to seek to direct."[62] All citizens had an opportunity to be a part of the township, and it existed for their purposes seemingly with endless power because it was so natural.[63] Township life benefited the citizens because individuals felt that their voice mattered, and that their participation was necessary to the success of the town. As a result, citizens loved

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[57] "Township freedom therefore eludes, so to speak, the effort of man. Thus, it rarely happens that it is created; it is in a way born of itself. It develops almost secretly in the bosom of a half-barbaric society. It is the continuous action of laws and mores, of circumstances and above all time that comes to consolidate it." Id. at 57.

[58] "It is nonetheless in the township that the force of free peoples resides. The institutions of a township are to freedom what primary schools are to science; they put it within the reach of the people; they make them tastes its peaceful employ and habituate them to making use of it. Without the institutions of a township a nation can give itself a free government, but it does not have the spirit of freedom." Id. at 57-58.

[59] Id. at 65.

[60] "Public offices are extremely numerous and very divided in the township . . . nevertheless, the greatest part of the administrative powers is concentrated in the hands of a small number of individuals elected each year whom they name selectman." Id. at 59.

[61] "In the township as everywhere, the people are the source of social powers, but nowhere do they exercise their power more immediately. The people in America are a master who has to be pleased up to the furthest limits of the possible." Id. at 59.

[62] "The inhabitant of New England is attached to his township not so much because he was born there as because he sees in that township a free and strong corporation that he is a part of and that is worth his trouble to seek to direct." Id. at 62.

[63] "The township is the sole association that is so much in nature that everywhere men are gathered, a township forms by itself. Township society therefore exists among all peoples, whatever their usages and their laws may be; it is man who makes kingdoms and creates republics; the township appears to issue directly from the hands of God." Id. at 57.

their towns and their country. Even Tocqueville was impressed with Americans involvement, and their love of the country. He commented that:

> In the United States the native country makes itself felt everywhere. It is an object of solicitude from the village to the entire Union. The inhabitant applies himself to each of the interests of his country as to his very own. He is glorified in the glory of the nation; in the success that it obtains he believes he recognizes his own work, and he is uplifted by it; he rejoices in the general prosperity from which he profits. He has for his native country a sentiment analogous to the one that he feels for his family, and it is still by a sort of selfishness that he takes an interest in the state.[64]

This picture of America is so beautiful and yet, so far from where we are now. So where have the township and the love of American government gone? The answer: power became centralized, and the power of the township was lost.

America is in an age where the federal government and government agencies are the sole power, and state government is secondary in importance and strength.[65] This is not how our forefathers intended America's government structure. Originally, the states were "little sovereign nations," and the federal government was "exceptional and circumscribed [which] applie[d] only to general interests."[66] That was the beauty of American government in the beginning: citizens loved their towns and their country, felt a part of a community and free, all as a result of the promotion of townships and township life in early America. As noted earlier, because of the pursuit of traditional liberalism through individualism (defined as free from all

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[64] Alexis De Tocqueville, *Democracy in America*, (Chicago: The University of Chicago Press, 2002), 90.

[65] 49% of Americans believe the federal government has become so large and powerful that it poses an immediate threat to the rights and freedoms of ordinary citizens. (http://www.gallup.com/poll/149678/Americans-Express-Historic-Negativity-Toward-Government.aspx)

[66] "[O]ne sees two governments completely separated and almost independent: one, habitual and undefined, that responds to the daily needs of society, the other, exceptional and circumscribed, that applies only to certain general interests. They are, in a word, twenty-four little sovereign nations, the sum of which forms the great body of the Union . . . . Moreover, the federal government, as I have just said, is only an exception; the government of the states is the common rule." Id. at 56.

associations) the relationship between the individual and the State strengthened while relationships with associations or townships grew ever weaker.[67]

Tocqueville warned of an administrative state arising from a democracy which would leave individuals "confused in a common mass":

> I am convinced, furthermore, that no nations are more at risk of falling under the yoke of administrative centralization than those whose social state is democratic . . . . The permanent tendency of these nations is to concentrate all governmental power in the hands of the sole power that directly represents the people, because beyond the people one perceives no more than equal individuals confused in a common mass. [68]

This results from the desire to have a concentrated representation of the people. Also, democracy often draws a people towards greater restrictions and power in the state in order to promote equality.[69] As a result, citizens in democratic societies seek central power in order to promote equality, while also seeking individualism free from associations.[70] Thus, all other associations and relationships are intended to be weakened or altogether removed so that the individual may find "true" equality and freedom.

Unfortunately, "true equality" and "freedom" led to the current problems with individuals in society today: feelings of no voice in government, lack of purpose, lessened community involvement, etc.. Therefore, the township or local government power needs to be returned to avoid Tocqueville's dreadful prediction: that Americans "the same men who from time to time overturn a throne and ride roughshod over kings, bend more and more without resistance to the slightest will of a clerk."[71] Policy makers need to bring back the form of government where the

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[67] 72% of Americans feel their voice is not heard in national decisions.
(http://www.harrisinteractive.com/NewsRoom/HarrisPolls/tabid/447/ctl/ReadCustom%20Default/mid/1508/ArticleId/394/Default.aspx)
[68] Id. at 91.

[69] "Thus, the democratic tendency that brings men constantly to multiply the privileges of the state and to restrict the rights of the particular persons is much more rapid and more continuous in democratic peoples subject by their position to great and frequent wars, and who existence can often be put in great peril, than in all others." Id. at 649.

[70] "Men who live in centuries of equality naturally love the central power and willingly extend its privileges; but if it happens that this same power faithfully represents their interests and exactly reproduces their instincts, the confidence they bring to it has almost no bounds, and they believe that all that they give they accord to themselves." Id. at 649.

[71] "On the one hand, the firmest dynasties are shaken or destroyed; in all parts peoples violently escape the empire of their laws; they destroy or limit the authority of their lords or of their princes; all nations that are not in revolution at least appear restive and trembling; one and the same spirit of revolt animates them. And on the other hand, in this same time of anarchy and among these same intractable peoples, the social power constantly increases its prerogatives; it becomes more centralized, more enterprising, more absolute, more extensive. At each instant citizens fall under the control of the public administration; they are brought insensibly and almost without their knowing it to sacrifice new parts of their individual independence to it every day, and the

people were involved, loved their country, had a political purpose, and through those aspects, found freedom. America was once the country where the people reigned. As Tocqueville said:

> The people participate in the drafting of laws by the choice of the legislators, in their application, by the election of the agents of the executive power; one can say that they govern themselves, so weak and restricted is the part left to the administration, so much does the latter feel its popular origin and obey the power from which it emanates. The people reign over the American political world as does God over the universe. They are the cause and the end of all things; everything comes out of them and everything is absorbed into them. [72]

This picture described by Tocqueville is the ideal that policy makers need to return to in order to give government back to the people, a government where the people are "the cause and end of all things." As a result, the freedom and government that our forefathers intended will reveal itself again.

<div align="center">RETURNING TO A MORAL ORDER & TRADITIONAL PRINCIPLES</div>

The founders knew the value of a moral order established by traditional principles, such as natural rights, which is why they encouraged a belief in a higher moral authority. So, in addition to encouraging township freedom, policy makers need to once again support traditional principles and a moral order, which were formed over generations, in order to not only help American societies survive, but also to help them thrive. Burke was a great promoter of maintaining traditional values and principles.[73] More importantly, he was correct in his fear of the society that would develop if those principles were taken away in the new era of "individual reason." In his view, society could not thrive in the new ideals of "individual reason." He wrote to a gentleman in Paris during the French Revolution lamenting the new rage for "reason" free from all traditional principles and morals.[74] Although Burke recognizes the need for change in order to conserve society, he fears the "total contempt . . . of all ancient institutions."[75]

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same men who from time to time overturn a throne and ride roughshod over kings bend more and more without resistance to the slightest will of a clerk." Id. at 659.

[72] Id. at 55.

[73] Edward T. Burke, *Reflections on the Revolution in France In a Letter Intended to have been sent to a Gentleman in Paris*, (1790).

[74] "Those who cultivate the memory of our Revolution and those who are attached to the constitution of the kingdom will take good care how they are involved with persons, who, under the pretext of zeal toward the Revolution and constitution, too

In our aggressive pursuit for individualism, American society has attempted to remove traditional principles and institutions, calling them archaic, outdated, and un-relatable to modern times. However, by removing these foundations of society, America is left with "counterfeit wares" which do not meet the needs of individuals.[76] Burke points out that these principles are hereditary, built over generations with enough wisdom that one man could not form in a lifetime; hence, "in what we improve we are never wholly new; in what we retain, we are never wholly obsolete."[77] With principles, society has order, answers, and responses to old and new situations. Although these principles adjust with time, in order that the principles can stay relevant to modern society, the core principles that succeed in society remain.

By removing these principles in the pursuit of individualism and liberalism, individuals "have no compass to govern [them]; nor can [they] know distinctly to what port [they] steer."[78] However, as a result of principles, citizens love their country.[79] Values induce pride in the commonwealth and strengthen a society.[80] They establish mores to follow and "soften" the coarseness of life. Without the "super-added" ideas built over many generations, society is left

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frequently wander from their true principles and are ready on every occasion to depart from the firm but cautious and deliberate spirit which produced the one, and which presides the other." Id. at 2.

[75] Id. at 12 (Need change to conserve society); The dislike I feel to revolutions, the signals for which have so often been given from pulpits; the spirit of change that is gone abroad; the total contempt which prevails you, and may come to prevail with us, of all ancient institutions when set in opposition to a present sense of convenience or to the bent of a present inclination: all these considerations make it not unadvisable, in my opinion, to call back our attention to the true principles of our own domestic laws . . . . Id. at 14.

[76] We ought not, on either side of the water, to suffer ourselves to be imposed by counterfeit wares which some persons, by double fraud, export to you in illicit bottoms as raw commodities of British growth, though wholly alien to our soil, in order afterwards to smuggle them back again into this country, manufactured after the newest Paris fashion of improved liberty. Id. at 14.

[77] Our political system is placed in a just correspondence and symmetry with the order of the world and with the mode of existence decreed to a permanent body composed of transitory parts, wherein, by the disposition of a stupendous wisdom, molding together the great mysterious incorporation of the human race, the whole, at one time, is never old or middle-aged or young, but, in a condition of unchangeable constancy, moves on through the varied tenor of perpetual decay, fall, renovation, and progression. Thus, by preserving the method of nature in the conduct of the state, in what we improve we are never wholly new; in what we retain we are never wholly obsolete. Id. at 19.

[78] "When ancient opinions and rules of life are taken away, the loss cannot possibly be estimated. From that moment we have no compass to govern us; nor can we know distinctly to what port we steer." Id. at 25.

[79] There ought o be a system of manners in every nation which a well informed mind would be disposed to relish. To make us love our country, our country ought to be lovely. Id. at 25.

[80] To be attached to the subdivision, to love the little platoon we belong to in society, is the first principle . . . Of public affections. It is the first link in the series by which we proceed toward a love of our country and to mankind. The interest of that portion of social arrangement is a trust in the hands of all those who compose it; and as none but bad men would justify its abuse, none but traitors would barter it away for their own personal advantage. Id. at 20.

bare without direction and without love from her citizens.[81] What individual can love a country that has no value or tie to his existence? That is what individualism and/or liberalism without principles creates: an empty husk having no substance.[82]

Finally, these principles create an ordered freedom. Burke is correct that the best freedom is ordered freedom. Freedom without restraints leads to chaos because "[t]he effect of liberty to individuals is that they may do as they please . . . ."[83] Yet, with inherited principles Americans have a "tempered" freedom. This is explained by Burke's statement:

> Through the same plan of a conformity to nature in our artificial institutions, and by calling in the aid of her unerring and powerful instincts to fortify the fallible and feeble contrivances of our reason, we have derived several other, and those no small, benefits, from considering our liberties in the light of an inheritance. Always acting as if the presence of canonized forefathers, the spirit of freedom, leading in itself to misrule and excess, is tempered with awful gravity.[84]

America freedom is "tempered" with the principles carried from generation to generation since our forefathers created this nation. Principles provide wisdom gained over generations which survived because of their value to society. Thus, only through remembrance of traditional principles will America's society survive, will society be protected from the State, and will individuals once again have a sense of purpose, community, and freedom.

Policy makers must recognize traditional principles of society as a benefit to the individual and society overall. Principles do not destroy individualism, but instead strengthen it by providing a purpose for each individual. They also provide many frames of reference from which the individual can develop his own style of living and his own philosophies of life. It was

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[81] "All the pleasing illusions, which made power gentle, and obedience liberal, which harmonized the different shades of life, and which, by a bland the simulation, incorporated into politics the sentiments which beautify and soften private society, are to be dissolved by this new conquering empire of light and reason. All the *decent drapery of life is to be rudely torn off*. All the *super-added ideas*, furnished from the wardrobe of a moral imagination, which the heart owns, and the understanding ratifies, as necessary to cover the defects of her naked shivering nature, and to raise it to dignity in our own estimation, are to be exploded as ridiculous, absurd, and antiquated fashion." Id. at 23.

[82] "When ancient opinions and rules of life are taken away, the loss cannot possibly be estimated. From that moment we have no compass to govern us; nor can we know distinctly to what port we steer . . . . Already there appears a poverty of conception, a coarseness, and a vulgarity in all the proceedings of the Assembly and of all their instructors. Their liberty is not liberal. Their science is presumptuous ignorance. Their humanity is savage and brutal." Id. at 26.

[83] Id. at 19.

[84] Id. at 19.

a great mistake to think that individuals and society in general can survive without history, without morals, and without hereditary principles.

RETURNING TO CONSENT OF THE PEOPLE

Thus, there is another important first principle to guide policy makers: the concept of consent and gaining that consent through the local government. Locke was a supporter of the concept of popular consent for a ruling government, and a social contract needed to ensure that the government worked for the public good. Although he is not correct on all points,[85] Locke is correct with regard to personal freedom being the limit that a person can "give" to the government; that consent is necessary for government action; and that the relationship between the individual and government is a social contract. In general, Locke's theories reflect the issue with the power of the federal government today. The federal government is much more powerful than was intended, and now it is beginning to control many areas of life that should be left to the individual. Yet, the purpose of the government is to "preserve and enlarge freedom."[86] In order to preserve and enlarge freedom, the federal government needs a reduction in power and influence. Enlargement of freedom will only come when more power returns to the local level which is found in the township. Once this takes place, Americans have the freedom to choose where to live dependent upon the laws of the state government:

> [W]hereas, it being only a necessary condition annexed to the land which is under that government, reaches only those who will take it on that condition, and so is no natural tie or engagement, but a voluntary submission; for every man's ancestors ever were, may, whilst they are in that freedom, choose what society they will join themselves to, what commonwealth they will put themselves under. [87]

This is true freedom in America, because the township creates the laws, based on the mores and principles of the local peoples, and then citizens can choose which local society to be a part.

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[85] Locke thought that the majority was always the correct opinion to follow. I heartily disagree because there can always be truth in the dissent, and even though the dissent may be the minority, it consideration of it is still necessary.

[86] "So that however it may be mistaken, the end of law is not to abolish or restrain, but to preserve and enlarge freedom. For in all the states of created beings, capable of laws, where there is no law, there is no freedom. For liberty is to be free from restraint and violence from others, which cannot be where there is no law; and is not, as we are told, 'a liberty for every man to do what he lists.' But a liberty to dispose and order freely as he lists his person, actions possessions, and his whole property within the allowance of those laws under which he is, and therein not to be subject to the arbitrary will of another, but freely follow his own." Locke John, *The Second Treatise On Civil Government*, (Amherst: Prometheus Books, 1986), 33-34.

[87]Id. at 42.

Finally, the power of the local society is given by the citizens who live there and participate in government: this is the ideal that our forefathers intended and the original structure of American local government.

APPLICATION OF THE PEOPLE'S CONSENT

So how should policy makers address the concerns with the federal government? Although the federal government's complete abolishment is not a possibility,[88] it is possible to return it the level of power given via consent. The federal government was prohibited from performing societal acts without the consent of the people, and must return to that original structure. This will provide security for individual's interests and will create a community of citizens who support the local government because it was their consent that gave the government its power.[89] Through the consent given, society acts in a "voluntary union" through "mutual agreement" choosing the government they desire and the power bestowed upon it.[90]

Yet, what is the extent of consent? Locke felt that consent was given tacitly by simply being in a country, using its roads and visiting its businesses.[91] This is correct under modern day law of personal jurisdiction; however, the concern is that the federal government acts as if it has the consent of all citizens merely because they live within the United States. There is a fallacy here. Since the federal government has grown so powerful over the years, it is not possible for American citizens to move to another state with more agreeable laws because federal laws are numerous and apply to all states. Policy makers need to return to the intended structure of a small federal government, giving more power to the states, and as a result, the consent of the people will once again play a role in the government that directs and protects them. Consent ties

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[88] America still needs to government to perform functions such as FEMA, educational loans, etc.; larger functions that are not impeding upon the rights of Americans without their consent.

[89] "Men being, as has been said, by nature all free, equal and independent, no one can be put out of this estate and subjected to the political power of another without his own consent, which is done by agreeing with other men, to join and unite into a community for their comfortable, safe, and peaceable living, one amongst another, in a secure enjoyment of their properties, and a greater security against any that are not of it." Id. at 54.

[90] "So that their politic societies all began from a voluntary union, and the mutual agreement of men freely acting in the choice of their governors and forms of government." Id. at 58

[91] "And to this I say, that every man that hath possession or enjoyment of any part of the dominions of any government doth hereby give his tacit consent, and is as far forth obliged to obedience to the laws of that government, during such enjoyment, as anyone under it, whether this his possession be of land to him and his heirs forever, or a lodging only for a week; or whether it be barely traveling freely on the highway; and, in effect, it reaches as far as the very being of any one within the territories of that government." Id. at 67.

in with the idea of a social contract: the people give consent to the government, and the government works for the good of the people within the constraint of the consent given.

The social contract is another theory of Locke's, and it still applies today, but Americans are unable to act upon it. Whenever the government violates the social contract, then citizens are free to leave according to Locke:

> For all power given with trust for attaining an end being limited by that end, whenever that end is manifestly neglected or opposed, the trust must necessarily be forfeited, and the power devolve into the hands of those that have it, who may place it anew where they shall think best for their safety and security. [92]

Yet, at this time Americans cannot leave the reach of the federal government because it has grown enormously in power over past years. The federal government was never meant to have the power it possesses today. America is in a time where the government can control the food Americans eat or take away property without compensation which Americans purchased. This is arguably not for the benefit of society because it takes away the rights of Americans without all Americans giving consent[93] for the government to do so. Arguably, the federal government is "impoverishing" Americans versus working for the public good.[94] In that case, the social contract is violated.

If policy makers choose not to work for the public good by fulfilling the social contract with society, then America is gravitating toward a season where the government is in a "state of war" with the people. As Locke says:

> [U]sing force upon the people, without authority, and contrary to the trust put in him that does so, is a state of war with the people, who have a right to reinstate their legislature in the exercise of their power.[95]

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[92] Id. at 82.

[93] Some may argue that by electing representatives to the House and Senate, Americans have given their consent to the government to act according to what it thinks best. This is true, however, the federal government often does not have to go through the House of Senate because of its own vested powers. This is where the consent of Americans has not been given to many of the federal government actions. Americans did not consent to having their personal property taken away or every minute aspect of their lives regulated. Americans did consent to the preservation of freedom and democratic rule yet, this is not the framework that the modern-day federal government is following.

[94] "Their power in the utmost bounds of it is limited to the public good of society. It is a power that hath no other end but preservation, and therefore can never have a right to destroy, enslave, or designedly to impoverish that subjects; the obligations of the law of Nature cease not in society, but only in many cases are drawn closer, and have, their observation." Id. at 75.

[95] Id. at 85.

Thus, policy makers must return to the social contract supported by consent between the people and the State, working for the benefit of the people and decreasing the power of the federal government so that once again consent may be given on a local level. Through consent, American's rights are protected, and the people are given a voice in the government which is intended to be run by the people.

These are the principles America needs to return to, promoting associations, maintaining a moral order and traditional principles, encouraging participation in the township, and ensuring governmental action based on the consent of the people. One of the major steps to bring about these changes is to transform the assumptions behind individualism and for policy makers to apply the transformed assumptions for future policy making.

RETURNING TO A VIEW OF ASSOCIATED MAN

We've already examined the assumptions behind individualism, but what about the history? In contrast to Burke are the theories of Locke and Rousseau which claim that man is free when he has no societal restraints. He is then is his natural state, and he can reach his fullest potential. However, Locke and Rousseau were mistaken. There can be no "natural man" without ties to associations or with complete freedom from all restraints. Rousseau is a classic example of adhering to the wrong definition of individualism. He attempts to show that modernity and society were the worst things for a human because with these ties and influences that human was no longer free (understanding freedom as limitless or having no restraints). He describes the soul as being "modified" by society:

> [T]he human soul modified in a society by a thousand ever-recurring causes, by the acquisition of a mass of knowledge and errors, by mutations taking place in the constitution of the body, and by the constant impact of the passions, has changed in appearance to the point of becoming almost unrecognizable, and is no longer to be found . . . we discover only the false clash of passion believing itself to be reasoning and understanding inflamed to delirium.[96]

Rousseau's argument is that modernity, through its formation of the concept of property and reason, corrupted man's "natural freedom." He felt that by stripping individuals of all

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[96] Rousseau Jean-Jacques, *A Discourse on Inequality*, (London: Penguin Books Ltd., 1984), 67.

"supernatural gifts" and "artificial faculties" gained over time, man will live simply: "I see him satisfying his hunger under an oak, quenching his thirst at the first stream, finding his bed under the same tree which provided his meal; and, behold, his needs are furnished."[97] However, as noted in *Quest for Community*, removing all associations, all societal reason, morals, and principles, has not brought individuals to a satisfied free state. Instead, it led to "atomization" of the individual, increased loneliness, anxiety, and lack of purpose. That is not the natural state of man. Rousseau was wrong because his theory assumes that the individual can be separated from society. But as can be seen by present day levels of anxiety and sense of alienation, this cannot be true. Nisbet's theory is correct; associations support the hereditary principles which are needed to stabilize and direct individuals as described by Burke, and provide the road to individualism. Natural man could never really exist because man cannot survive without associations, societal relationships, and hereditary principles. If he did exist, he will not be happy but alienated and alone in his "solitary misery." This is a lesson for policy makers who are so keen to bring citizens closer to the traditional definition of individualism; they are slowly eviscerating American society.

NEW ASSUMPTIONS BEHIND INDIVIDUALISM

To return to the founders' original intentions for American government, an important step is for policy makers to re-define liberalism from the traditional view to a holistic view incorporating all the first principles that have been forgotten. As evident from the consequences noted above, policy makers must change their view of individualism, and the "liberalism" it creates.[98] It was thought that order and freedom would result through a "natural equilibrium and of economic and political forces" by removing "all the inherited personal interdependences of traditional community."[99] However, the old view of man free from all associations, customs, and

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[97] "If I strip the being thus constituted of all the *supernatural gifts* that he may have received, and of all the *artificial faculties* that he can have acquired only through a long process of time, if I consider him, in a word, as he must have emerged from the hand of nature, I see animal less strong than some, less agile than others, but taken as a whole the most advantageously organized of all. I see him satisfying his hunger under an oak, quenching his thirst at the first stream, finding his bed under the same tree which provided his meal; and, behold, his needs are furnished." Id. at 81.

[98] "The demands of freedom appeared to be in the direction of the release of large numbers of individuals from the statuses and identities that had been forged in them by the dead hand of the past. A free society would be one in which individuals were morally and socially as well as politically free, free from groups and classes. It would be composed, in short, of socially and morally separated individuals. Order in society would be the product of a natural equilibrium and of economic and political forces. Freedom would arise from the individual's release from all the inherited person interdependences of traditional community, and from his existence in an impersonal, natural, economic order." Id. at 209.

[99] Id. at 209.

traditional principles have left Americans as "disunited, despairing masses."[100] Nisbet best describes this effect:

> Whereas modern liberalism began in the eighteenth century with an image of man as inherently self-sufficing and secure beyond the effect of all social change, the contemporary image of man is, as we have seen, the image of the people that glowed in the minds of such men as Jefferson was composed of elements supplied, actually, by a surrounding society strong in it social institutions and memberships, the image of a society that now haunts man is one composed of the disunited, despairing masses.[101]

Again, the reason for this unpredicted result is that all the "self-sufficient" attributes that society regarded as the "timeless, natural, qualities of the individual" failed to recognize that these attributes were founded in societal organizations, relationships, and the township.[102] Societal organizations such as religious institutions, small town communities, local public offices, and so forth are necessary for individuals to not only be free: but to have a purpose and to find a satisfaction in existence. Policy makers need to fundamentally change the view of individualism in its relation to associations and also, to once again involve the townships in government decisions. The individual and/or human nature can never be understood without understanding the surrounding relationships:

> Whatever may lie neurologically embedded in the human being, the product of physical history, we know that a knowledge of man's actual behavior in society must from the outset take into consideration the whole stock of norms and cultural incentives which are the product of social history. The normative order in society is fundamental to all understanding of human nature.[103]

In the continued pursuance of the old view of individualism to strengthen democracy, government in fact, is weakening human autonomy and cultural freedom by constantly increasing the strength and extent of public administration:

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[100] Robert Nisbet, *The Quest For Community* at 205.

[101] Id. at 205.

[102] "what we can see now with the advantage of hindsight is that, unconsciously, the founders of liberalism abstracted certain moral and psychological attributes from a social organization and considered these the timeless, natural, qualities of the individual, who was regarded as independent of the influences of any historically developed social organization." Id. at 208.

[103] Id. at 12.

> Democracy, far from heightening human autonomy and cultural freedom, seems rather to have aided in the process of mechanization that has weakened them. It must be repeated again, however, that this is not the inevitable consequence of the democratic ideal of power vested residually in the people. It is the consequence of the systems of public administration which we have grafted onto the democratic ideal.[104]

By continuing this path, America will experience a severe loss in cultural richness and individual happiness and sense of belonging. As a result, individuals will continually seek the State as the provider of the needs that associations and small government once filled, and the State will become an over-bloated administrative power that in effect is killing the society it runs:

> When the small areas of association become sterile psychologically, as the result of loss of institutional significant, we find ourselves resorting to ever-increasing dosages of indoctrination from above, an indoctrination that often becomes totalitarian in significance. We find ourselves with a society that suffers increasingly from . . . apoplexy at the center and anemia at the extremities.[105]

CONCLUSION

In conclusion, policy makers must return to these first principles and change the assumptions behind individualism in order to avoid a totalitarian state and the disappearance of American society through the weakening of associations, local government, moral order, and purpose for individuals. Only when policy makers apply these principles as a priority in all of their policies will America return to the state that our forefathers intended, one that will continue to thrive for many centuries.

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Stephen Colbert's Super PAC:
A Better Tomorrow?

THE COMEDIAN SHEDS LIGHT ON HOW CITIZENS UNITED HAS LED TO MURKIER WAYS FOR CORPORATE MONEY TO INFLUENCE OUR POLITICAL SYSTEM

Shannon K. Anderson

Stephen Colbert proclaimed to throngs of assembled reporters and onlookers: "Moments ago the Federal Election Committee made their ruling. And ladies and gentlemen I'm sorry to say, we won!" On June 30, 2011, the Federal Election Commission (FEC) gave its formal approval for Stephen Colbert to form a political action committee (PAC) that could raise unlimited sums of money to be used on independent political expenditures . Colbert's committee, known alternately as Americans for a Better Tomorrow, Tomorrow and the Colbert Super PAC, thus became the 114th Super PAC—a new and powerful supped-up version of an old campaign financing vehicle—formed in the country since two Supreme Court rulings significantly reshaped the boundaries of what free speech is and who holds the right to it.[1] The implications for the upcoming November 2012 election are still not fully known, but so far these changes have enabled a few wealthy donors to exercise great influence in the Republican presidential primary.

Colbert has used Americans for a Better Tomorrow, Tomorrow to draw attention to these changes in American campaign finance law. As Colbert remarked to the New York Times, his Super PAC "is 100 percent legal and at least 10 percent ethical."[2] Foundational to our political economic system is the right to use our property as we choose, as is the right to say what we want – yet most Americans are squeamish about the idea of a system that combines both these rights without restrictions. Colbert, by highlighting the tension between the right to free speech and the manifestation of wealth as speech, seems to be asking us if we are creating the kind of society that accurately reflects our values as a nation. From this, the reader should question which specific changes is Colbert trying to highlight with his Super PAC. And, given his satiric humor meant to critique our political economic system, what aspects of these changes does

Colbert believe Americans should find troubling, and why? But first, a little background on how the Super PAC came to be.

HISTORY OF PACs

As influence of Washington grew following the post-Civil War consolidation of power at the national level, the financial stakes for shaping the outcome of federal elections also grew. With so much power concentrated in the hands of Congress and the President, gaining their favor could mean the difference in legislation that could significantly impact business' and labor unions' bottom lines. Trying to win over politicians with campaign contributions was strategically smart, but as businesses and labor unions sought to do so, the public grew concerned about the potential for corruption and undue influence. According to the FEC website, PACs arose in response to early-20th century legislation that banned corporations and labor unions from making direct contributions from their treasuries to influence Federal elections.[3] To circumvent these prohibitions, in 1944 the Congress of Industrial Organizations (a.k.a. CIO, which would later become part of the AFL-CIO), a labor union, created the first PAC to sponsor the reelection of President Franklin Roosevelt by encouraging their members to directly contribute to the Roosevelt campaign. In this clever adherence to the letter—if not the spirit—of the law by not making contributions directly from the union treasury, the CIO set the precedent for PACs.[4] Twenty-seven years later, in response to a growing public distrust in a government seemingly open to corrupting influences, PACs and restrictions governing them became codified into law via the Federal Election Campaign Act (FECA) of 1971 and three years after that, the FEC formed to enforce this legislation. Ultimately, as this paper will show, these policies only stemmed the tide of money that sought to influence Federal elections. Court cases in the early 21st century would later open the floodgates as the First Amendment was used to equate free spending with free speech—the particular folly of our political system that this author believes Colbert is trying to highlight with his Super PAC.

RECENT COURT CASES AFFECTING PACs

Though many court cases have shaped the boundaries of campaign finance law, this paper will focus on three specific cases—Buckley vs. Valeo, Citizens United vs. FEC, and Speechnow.org vs. FEC—because they are the most important cases for explaining how the definition of free speech has expanded to include the spending of money in advocacy of political issues. This expanded definition is ultimately the basis for the current campaign financing legal

framework from which Super PACs have risen. In the 1976 Buckley vs. Valeo ruling, the Supreme Court found that while an individual or group's contributions to political campaigns could be limited in the interest of preventing any person or group from having undue influence over a candidate, individual or group expenditures made in favor of the causes championed by those campaigns could not be limited because of First Amendment rights:

> It is clear that a primary effect of these expenditure limitations is to restrict the quantity of campaign speech by individuals, groups and candidates. The restrictions . . . limit political expression at the core of our electoral process and of First Amendment freedoms . . ." however, "To the extent that large contributions are given to secure a political quid pro quo from current and potential officeholders, the integrity of our system of representative democracy is undermined.[5]

Under the Buckley rationale, a candidate could now contribute unlimited sums to his or her own campaign. However, while unfettering candidates' personal campaign expenditures, Buckley vs. Valeo upheld limits on how much money a PAC could contribute to a political party in a given year, to another PAC in a given year, and to a specific candidate in a given election on the basis that unrestricted campaign donations could lead to corruption. Based on the same reasoning, the court upheld the ban on unions and corporations from using treasury funds to make contributions directly to candidates or to make independent expenditures that called for the election or defeat of a candidate for fear of corrupting influence. What corporations and unions could do was continue to spend money on elections via the rules set in place in the 1971 FECA—to create PACs to make such expenditures— provided the money collected for these funds came from stockholders or employees or union members of the entity sponsoring the PAC, and that the money was spent in accordance with Congressionally-set expenditure limits. These rules remained largely unchanged for nearly three and a half decades.[6]

Then, in a 2010 watershed ruling, the Supreme Court ruled in Citizens United vs. Federal Election Commission that corporations and labor unions should also have the ability to make unlimited independent expenditures directly from their treasuries, rather than exclusively through money collected from shareholders and employees and then funneled through PACs with their corollary limits and disclosure requirements.[7] On the heels of Citizens United vs. FEC came the March 2010 District of Columbia Appellate Court decision in Speechnow.org vs. FEC, the last of the three important decisions discussed in this paper. The matter at hand was whether or not a

nonprofit group could collect unlimited funds from individuals for the purpose of making unlimited independent expenditures and whether or not that group could be exempt from disclosure and reporting requirements.[8] Basing their opinion on the precedent set in Citizens United, the appellate court ruled that Speechnow.org could collect unlimited funds from individuals for unlimited independent expenditures, but that it must still abide by disclosure and reporting requirements.

FIRST CAME THE COURT CASES, THEN CAME THE SUPER PACS

The combined impact of Citizens United vs. FEC and Speechnow.org vs. FEC laid the groundwork for the FEC to greatly loosen the fetters on the political spending of corporations, unions, and individuals, which it turn led to the rise of Super PACs, also known as independent expenditure-only committees. Super PACs, according to the FEC website, can accept unlimited contributions from corporations, unions, political committees, groups, or individuals, provided that the funds are reported and disclosed and only used for independent expenditures.[9] Super PACs must disclose all donors and donation amounts and are prohibited from accepting contributions from "foreign nationals, Federal contractors, national banks, or corporations organized by authority of any law of Congress."[10] The changes authorized by these recent court cases have allowed an easy, direct way for those seeking to influence the outcome of elections by spending money to do so; thus it comes as no surprise that as of the writing of this paper, 349 Super PACs were registered with the FEC. That works out to an average of over three new Super PACs formed each week since the Citizens United decision. As the 2012 election approaches, the pace has accelerated; in the period spanning November 2011 to March 2012, new Super PACs have been added at a rate of nearly 9 per week.

COLBERT'S SUPER PAC

If the reader's eyes began to glaze over during the last two sections of this paper, he has the author's preemptive pardon. After all, campaign finance is an extraordinarily tedious, esoteric area of law that most members of the media understandably avoid due to its obscurity and its failure to lend itself to exciting or even understandable new stories. Yet this area of law plays a critical role in ensuring the integrity of our democracy by preventing corruption. How can the media engage the public in grappling with the significant issues that arise in this central part of our republic?

Enter Stephen Colbert. Through his eponymous character portrayed on Comedy Central's Colbert Report, Stephen Colbert satirizes conservative political commentators and uses his arsenal of humor to attack flaws and follies of the American political-economic system. Following the Citizens United and Speechnow.org decisions, Colbert turned his comedic guns on the newly unfettered campaign finance environment created by these two legal decisions. With much fanfare, he hired a Washington law firm to help him establish his own Super PAC and his own 501 (c)(4) corporation, a "nonprofit" organization that allows the Super PAC to evade donor disclosure requirements (more on that later). The law firm petitioned the FEC for a ruling on the following three questions:

> May Mr. Colbert form an independent expenditure-only committee [a.k.a. Super PAC] that accepts unlimited contributions from individuals, political committees, corporations, and labor organizations? If the [Super PAC] is discussed on the [Colbert Report], must airtime and related costs incurred by Viacom be reported as in-kind contributions, or will these costs be exempt from reporting requirements under the press exemption? If the [Super PAC] receives in-kind contributions from Viacom, may it also solicit and accept contributions from the general public?[11]

The FEC responded affirmatively to the majority of Colbert's above requests; however, any administrative costs incurred by Viacom necessary to operate the Super PAC, as well as any expenses incurred by Viacom in producing footage to be used outside the Colbert Report, must be reported as in-kind contributions, the FEC ruled. Thus, in June of 2011, Stephen Colbert secured corporate sponsorship for his Super PAC with significant permissiveness in the type of undisclosed corporate expenditure that could take place. That decision enabled, in the words of Colbert—an "attempt to influence the [presidential] election by a shadowy organization armed with unlimited money—Colbert Super PAC."[12]

Colbert's 501 (c)(4) corporation, initially named Anonymous Shell Corporation, later became Super PAC S.H.H.[13] Such corporations, according to a lawyer who has visited the Colbert Report several times to explain the legal process behind establishing the Colbert Super PAC and the 501 (c)(4) corporation, do not have to reveal their donors but must spend their money primarily on issue-driven campaigns.[14] This information is corroborated on the IRS website.[15] Thus, Colbert can use anonymous donations from his 501 (c)(4) to fund this Super PAC, thereby hiding the identity of donors.

In keeping with Colbert's style of satire with verisimilitude, Colbert's Super PAC takes its cues from the actions of current political campaigns. For example, the logo for A Better Tomorrow, Tomorrow is virtually identical to that of Freedom First, Tim Pawlenty's PAC. Colbert's Super PAC also responded to headlines when it ran ads in the run up to the Ames straw poll in Iowa. The mock-serious ads, which were run on two separate Iowa television stations, portrayed an Iowa inundated with a barrage of political ads, the product of unfettered spending. The ads went on to urge voters to write-in their vote for Rick Perry, who was not on the ballot, as he had not yet joined the primary race. The humor lay in that the ads supported Rick Parry— misspelled with an "A"—thereby attempting to gauge the impact of the Super PAC ads by later tallying up how many ballots contained the misspelled name. The Iowa Republican Party, however, refused to release the ballots.

SUPER PACS AND LOBBYING

What is so troubling about these new Super PACs? In a word: lobbying. Lobbying, by definition, seeks to influence decision makers to create legislation, rules, and regulations more favorable to the entity on whose behalf the lobbying is being done. Lobbying can take on a host of different manifestations, all of which fall under the broad classifications of direct lobbying, indirect lobbying, litigation or electioneering. Electioneering in particular contributes to the unsavory reputation of lobbying because it seeks to spend money for the purpose of exerting influence over the outcome of elections on which legislators depend to continue in their positions, creating conditions ripe for undue influence, manipulation and corruption. Other examples of electioneering include endorsements, scorecards, issue ads, and 527 contributions.

Prior to the Citizens United and Speechnow.org decisions, the financial influence that any one person, corporation, or union could bring to bear on an election was checked by Federal limits, but now, as David Kirkpatrick forewarned in a New York Times editorial following the Citizens United decision: "A lobbyist can now tell any elected official: if you vote wrong, my company, labor union or interest group will spend unlimited sums explicitly advertising against your re-election."[16] Yet the spending is not limited to such explicit "mud-slinging" type ads; in a recent segment on the Colbert Report, Stephen Colbert used Super PAC money to hire the services of conservative messaging guru Frank Luntz to use a focus group to design a more palatable version of the A Better Tomorrow, Tomorrow slogan that "corporations are people."[17] This effort at "reframing the issue" – or using marketing techniques to recast a political issue in a

favorable way, as Lundtz helped Colbert do by re-engineering the Super PAC slogan into the more benign "corporations are human," can help achieve a desired outcome by influencing the publics' and policymakers' very conceptualization of a policy matter. This, in turn, makes it easier to convince them of the merits of your side of the matter. Thus, as Colbert demonstrates by spending money on reframing an issue, lobbyists now have a powerful new tool in their arsenal, with unexplored uses and unexamined implications. Not sure why you bought that infomercial product? How would you like those same forces that drove you to an unwise purchase to now be trying to influence your decision in the voting booth?

We return to where we began by asking what, exactly, is Stephen Colbert trying to say by creating a Super PAC? University of Maryland Professor of Journalism Mark Feldstein perhaps said it best when he remarked: "[Colbert] is taking advantage of loopholes to set up an organization that is not a legitimate political action committee, if there is such a thing, to make the point that the current system is a form of legalized bribery."[18] Colbert is indeed saying that, but he is also saying something more. He is pointing out that in light of recent court decisions discussed in this paper, there is much uncharted territory ahead. Those seeking to influence elections through spending have taken advantage of Super PACs and 501 (c)(4) corporations to push their agendas and it seems there is little legal framework to prevent them wielding an incredible amount of influence.

As of the writing of this paper, the USA reports that 25% of all donations to Super PACs have come from five wealthy donors, a stunning illustration of how Super PACs allow the financially powerful to use their wealth for political influence. In such a system, one must ask, is the idea of one person, one vote effectively a quaint anachronism?[19] Now that money is free speech and corporations are given the right to free speech, such an idea is simply a false portrayal of political equality in a system where the wealthiest have co-opted an unhealthy share of power in our republic. This is an absurd truth. That is why Colbert is so clever to use humor to reveal this truth—using absurdity to expose the absurd. Hopefully, between their bursts of laughter, people will pay attention to what Colbert is trying to say.

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"It's all Political, but Public Policy is Irrational"

Jacquelyn King

California's prison system has long been known as one that is very overcrowded and costly to taxpayers. As of 2009, the prison population has been about 169,000, with 24.2% of male new admissions being drug offenders, and 30% of female new admissions being classified as drug offenders (Year at a Glance 2010). Each prisoner costs taxpayers around $46,000 annually (Proposition 5 2008). The California Department of Corrections and Rehabilitation (CDCR) admits that substance abuse programs are needed in order to reduce recidivism for drug offenders, but the 2009-2010 Corrections budget alone reduced rehabilitation programs by a total of $250 million (Year at a Glance 2010). According to the CDCR 2010 report, "The return to custody rate after two years for offenders completing both in-prison and community-based treatment in fiscal year 2005-2006 was 35.3% compared to 54.2% for all offenders" (Year at a Glance 2010). If the CDCR knows that substance abuse programs can help keep drug offenders out of prison, why are drug offenders in prison instead of these programs? Simply put, the answer is that "it's all political, but public policy is irrational" (Zimmerman 2011). This paper will discuss the politics behind drug policy and incarceration by first providing an overview of the policy issue, a look at possible reforms, problems in attaining reform, and conclude with policy implications.

POLICY ISSUE: INCARCERATION AND DRUG POLICY

Historically, one of the main changes in drug policy, leading to high incarceration rates for drug offenders, has been the War on Drugs movement of the 1970s and 1980s. In 1986, Congress passed legislation that gave "harsh mandatory sentences for possession of even small amounts of crack cocaine" (Rudolf 2011). Under this law, possession of five grams of crack cocaine, led to an immediate five-year prison term (Rudolf 2011). This drug policy spurred a racially charged debate for decades over the fairness of sentencing drug offenders in possession of drugs that are common to poor, inter-city neighborhoods (Rudolf 2011). Since the implementation of these federal sentencing guidelines, the Sentencing Project reports that

"African American drug offenders have a 20% greater chance of being sentenced to prison than white drug offenders, and Hispanics a 40% greater chance" (The Federal Prison Population: A Statistical Analysis n.d.). Additionally, sentences for drug offenders increased from an average of thirty-three months in 1992 to forty-three months in 2002. (The Federal Prison Population: A Statistical Analysis n.d.) This approach of heavily criminalizing drug behaviors would have major implications for future policies.

Moving forward to the present in California, the most recent prison reform with implications for non-violent drug offenders, is the prison realignment legislation. Assembly Bill 109 is the legislation that shifts the responsibility for low-level offenders from the state to counties (Smith 2011). This bill "realigns" the prison population by taking these offenders and simply moving them from state prisons to county jails. As previously mentioned, California has a total prison population upwards of 160,000. Out of these prisoners, about 28,000 are drug offenders, with 9,000 of them in prison for simple drug offenses (Smith 2011). These offenders alone are estimated at costing the state about $450 million per year, which does not include offenders who are returned to prison for various violations (Smith 2011). The realignment legislation has huge implications for this population, as non-violent drug offenders would be targeted to move out of prisons to jails. The concern surrounding this reform is one often voiced by the Drug Policy Alliance organization. Margaret Dooley-Sammuli, deputy state director in Southern California for the Drug Policy Alliance, claims that "the plan doesn't include a dime for drug treatment or mental health care. In fact, the governor has proposed reducing funds for those services" (Smith 2011).

Studies consistently show that "states that increased the incarceration of drug offenders did not necessarily experience a corresponding decline in drug use" (Przybylski 2009). For example, New Jersey's prison population showed that drug offenders accounted for the largest proportion (Przybylski 2009). However, when drug offender admissions increased by 29% in the 1990s, drug use also increased (Przybylski 2009). As a reform in New Jersey, lawmakers got rid of an old drug policy that required three-year minimum prison sentences for offenders selling drugs within 1,000 feet of a school (Rudolf 2011). Even though this move was somewhat controversial, New Jersey has still been able to reduce prison populations by 20% over the last decade, due in large part to cutting sentences for drug offenders (Rudolf 2011). While cutting

sentences for drug offenders is one way to reduce prison populations, it does little to rehabilitate these individuals.

<div align="center">CHANCE FOR REFORM: PROP 36</div>

A major reform in California that dealt with incarceration for drug offenders was the Substance Abuse and Crime Prevention Act, Proposition 36, that was passed in 2000 (California Proposition 36 n.d.). This proposition changed California law, allowing first and second time, nonviolent, simple drug possession offenders to receive treatment over incarceration (California Proposition 36 n.d.). When Prop. 36 was passed, it was fueled by $120 million in funding for treatment over the course of five years (California Proposition 36 n.d.). This funding dropped to $100 million by 2006 (Zimmerman 2011). During this time, about 36,000 people per year entered treatment programs through provisions of Prop. 36 (California Proposition 36 n.d.). In a cost-benefit analysis performed by the University of California, Los Angeles, it was concluded that a total of $1.5 billion was saved due to this legislation (California Proposition 36 n.d.). Legislation that involves treatment over incarceration is also favored by the public, as one survey shows that 63% of Americans support counseling and treatment as means of addressing drug abuse, rather than incarceration (California Proposition 36 n.d.). Funding for this proposition ended in 2007 with a vote by California Senate Republicans who blocked additional funding even though the bill saved $2.50 for every dollar invested (California Proposition 36 n.d.). Because of this, Proposition 36 has no funding today, even though it was seen as a major success in rehabilitating drug offenders.

<div align="center">AN EXPERT PERSPECTIVE</div>

In an interview with drug policy expert, Bill Zimmerman, I was able to gain some insight into the complexities surrounding sentencing laws for drug offenders. The interview started off with looking at cost estimates and overall success from the proposition. According to Zimmerman, drug treatment costs averaged at about $3,000-$4,000 per person per year, depending on the level of treatment that was needed (Zimmerman 2011). This represents only a fraction of the cost involved for one year in a state prison. After the passage of Prop. 36, about one-third of eligible offenders entered and completed treatment programs; one-third entered and never completed the programs; and, one-third did not enter the programs.

Much of the debate surrounding overcrowded prisons (due to sentencing) and the amount of drug offenders that add to the overcrowding, is centered around the three-strikes law in

California. This law stipulates life sentences for third strikers of felony crimes, which may or may not include drug offenders. For Bill Zimmerman, the three-strikes is only a partial part of the problem for overcrowding by drug offenses that are counted as felonies (Zimmerman 2011). The real problem of prison overcrowding is due to the drug laws enacted in the 1970s and 1980s which criminalized drug behavior. (Zimmerman 2011)

In 2008, Proposition 5, similar to Prop. 36, was put before the voters to approve expanding drug offenders' treatment program. This proposition would have provided much higher funding than Prop. 36, as it was set to allocated $460 million per year "to improve and expand treatment programs for persons convicted of drug and other offenses" (Proposition 5 2008). In addition, this legislation would "limit court authority to incarcerate offenders who commit certain drug crimes, break drug treatment rules or violate parole," and would have "increased state costs potentially exceeding $1 billion annually primarily for expansion of offender treatment programs" (Proposition 5 2008). However, though the legislation would have been costly, savings to the state would have exceeded the costs, according to the Legislative Analyst (Proposition 5 2008).

Bill Zimmerman was also a major proponent of Prop. 5, and unfortunately, since this bill was defeated, has not been focusing efforts towards drug policies that deal with incarceration (Zimmerman 2011). He said that there are no immediate plans to put this initiative back on the ballot because initiatives cost around $2 million just to get on the ballot (Zimmerman 2011). Originally, Prop. 5 was backed financially by several philanthropists, but after the bill failed, this source of funding was lost (Zimmerman 2011). Now, with the prison realignment legislation in place, Zimmerman also claims that this law would affect sentencing for new drug offenders, where these offenders would likely be sent to jails over prisons because jails are less costly (Zimmerman 2011). Then, offenders who committed non-violent drug felonies are likely to be released early, without receiving treatment (Zimmerman 2011). After asking Zimmerman, what kind of reform would be most beneficial to California to address drug offenders in the prison system, if funding were not a detriment, Zimmerman responded that California would need an expansion of the Prop. 36 program (Zimmerman 2011). Under Prop. 58,000 per year would have entered treatment programs, up from the 35,000 per year served under Prop. 36 (Zimmerman 2011). Such a plan would likely cost between $500-$700million annually (Zimmerman 2011).

Unfortunately, even though Prop. 36 had several successes, there is no more funding for this legislation today (Zimmerman 2011). However, the change in the criminal law is still on the books: first and second time offender cannot be incarcerated but there is no funding to send these individuals to treatment either (Zimmerman 2011). As a result, these offenders are encouraged to elect going to programs such as Alcoholics Anonymous (Zimmerman 2011). Treatment programs that were needed under Prop. 5, were defeated primarily due to the prison guard union backing all of the money that opposed Prop. 5 (Zimmerman 2011). In order to win this fight, the only way is to obtain financial backing that exceeds this union's efforts (Zimmerman 2011).

POLICY IMPLICATIONS/CONCLUSIONS

As the title claims, "public policy is irrational," especially when it comes to the relationship between drug policies and incarceration. The focus in California right now is not to establish more treatment programs for drug offenders, but is instead to reduce prison populations by simply moving these offenders into jails through prison realignment. As mentioned, there is also the problem with first and second-time simple offenders who are not to be sent to jail, but are also not sent to treatment programs, thus remaining in a "limbo," stuck in the system. Overall, reform that is moving forward is weak at best as "Governor Brown and the legislature have attempted to craft a fix, but the fix will leave the system just as broken as ever" (Smith 2011). The realignment is an example of a policy that readjusts, but does not deal with drug problems in this state (Zimmerman 2011).

Knowing that an effective reform is needed, what are the policy implications for the future? As Bill Zimmerman argues, it is difficult for any successful reform to take place when drug policies have been so irrational, criminalizing behavior instead of treating them. A passage of Proposition 5 would be the most successful reform for California, as it expands upon Proposition 36, that already had successes. Even the federal government is moving towards reform, as new guidelines were approved that would reduce sentencing disparities between powder and crack cocaine, and "eliminate mandatory sentences for possession of small amounts of crack" (Rudolf 2011). Such a move would save the federal government $200 million over five years (Rudolf 2011). As previously stated, states such as New Jersey have been issuing drug reforms as well. Until attitudes in California change, to allow initiatives such as Proposition 5 to pass, there may not be plausible changes for incarcerating drug offenders. However, if the

federal government, as well as other states, can move towards reform, California should have no problem in acquiring reform once again in the way drug offenders are sentenced.

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Citizens' Jury 2011: Combating Homelessness within the Greater Los Angeles County

Lara Arsinian

There are approximately 43,000 homeless people within the greater Los Angeles County. Of those, 10,245 are persons that are chronically homeless, 10,387 are persons with mental illness, 17,419 are persons with substance abuse problems, and 4,885 are persons belonging to families. Within these subpopulations, approximately 14,050, amounting to 33 percent, are sheltered but an overwhelming 29,000 people, amounting to 67 percent, are unsheltered in Los Angeles County as a whole. These statistics are provided by the Los Angeles Homeless Service Authority (LAHSA) within the Los Angeles Continuum of Care (CoC), an administrative geographic local unit apart from states, cities, counties, and communities that coordinate funding and services for homeless people. All Continuum of Care systems funded by the Department of Housing and Urban Development (HUD) are required to perform a homeless count every two years for their respective regions. The 43,000 persons counted in 2009 represent a 38 percent decrease in the number of homeless people from the count conducted in 2007. That number is expected to stay within five percentage points for the count conducted earlier this year. Although this decrease is very encouraging, it is important to expand and create new programs implemented by the Los Angeles CoC and the Los Angeles Homeless Service Authority to combat this problem.

Currently, there are various types of programs that are funded by the County and City of Los Angeles under the umbrella of the Los Angeles CoC including the County's $100 million Homeless Prevention Initiative, the City Permanent Supportive Housing Program, and the expanded Super 8 voucher. All these programs vastly range from housing assistance to basic medical needs targeting only a specific form of homelessness or a specific, immediate need. Although these programs demonstrate an unprecedented collaborative effort among the city, the county, and various private and public non-profit organizations resulting in a 38 percent decline

of homelessness, a form of expansion is needed; the people of greater Los Angeles, the group that is directly and severly impacted by this problem, need to be involved in the policy making process. In order to have a long term, effective impact on homelessness, a public engagement effort in the form of a Citizen's Jury is needed between the citizens, public officials and various stakeholders that would allow for a reevaluation of goals and priorities, creating and targeting specific solutions to address an ever growing problem in Los Angeles. In order to understand why this proposal will be effective in the complex task to be undertaken, the background of the problem will be addressed, the form and methodology of this deliberative practice will be evaluated, the project will be specifically defined within the parameters of the "prism" model, and will be concluded with possible objections leading to the consensus that this proposed method is the best way.

HOMELESSNESS: A GROWING POLICY CHALLENGE FOR GREATER LOS ANGELES COUNTY

The U.S. Department of Housing and Urban Development (HUD), for the purpose of the yearly targeted homeless counts across America, have defined the term homeless and a homeless individual or person as "1) an individual who lacks a fixed, regular, and adequate nighttime residence; and 2) an individual who has a primary nighttime residence that is—a supervised publicly or privately operated shelter designed to provide temporary living accommodations, an institution that provides a temporary residence for individuals intended to be institutionalized; or a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings." Per this definition, on any given night, there are almost 700,000 people experiencing homelessness in the United States. In Los Angeles alone, as stated above, 43,000 people are experiencing homelessness per day, making it one of the only cities in the U.S. that has the highest homeless population.

With the hundreds of programs implemented in Los Angeles, drastically decreasing the homeless population seems likely. But what is often neglected in the policy making process is the allocation of appropriate amounts of attention and action toward the many different subpopulations of homeless people. It is imperative to differentiate among the 6 subpopulations to create an effective solution for each of the parts in order to impact the problem as a whole. One of the 6 subpopulations is chronic homelessness. Chronically homeless people are individuals that have disabling conditions and have been continuously homeless for over a year or more. In order to be categorized as an individual with a disabling condition, there needs to be

evidence of substance abuse, serious mental illness, a developmental disability, or chronic physical illness. This form of homelessness is known among a majority of people to be the most common form but this is a misperception due to the permanency of the situation. It is also furthered by the generally accepted notion that chronically homeless individuals require more assistance to alleviate their condition. In Los Angeles, according to the Homeless Count of 2009, only 24 percent of the homeless population falls under this category per HUD's definition. Compared to the whole, it is just a portion.

Another subpopulation, known as family homelessness, is associated with families that are stricken with poverty. Families usually become homeless due to some unforeseen financial crisis such as an unexpected medical bill or a death in the family creating a situation where the members can no longer afford housing. Of the 43,000 homeless people in Los Angeles, almost 5,000 belong to this subpopulation which amounts to 11 percent of the total homeless population. A majority of families that become homeless are able to quickly exit this state with very little assistance and never return. Veteran homelessness is the third subpopulation; it includes veterans of different conflicts from World War II, late Vietnam and post Vietnam era, and the recent Afghanistan and Iraq wars. Most veterans that are homeless experience severe disabilities resulting from the conflicts that they were a part of, whether it is physical or psychological. Of the homeless population, 15 percent, including men and women, were in some branch of the military service, including National Guard and reserves; 23 percent of men in the homeless population in its entirety have stated to being a part of the military.

The smallest subpopulation is comprised of homeless youths under the age of 18 typically discharged from state penitentiaries. Most of the homeless youths are locked up at an early age for minor offenses and lack of proper supervision. Without the necessary support of families or other resources, youths are released out in the streets to their own discretion. Furthermore, most youths are byproducts of the foster care system, having aged out at 18, and lacking any support systems or opportunities for work and housing. The current assistance systems for homeless individuals, largely designed for adults, rarely take into account the youth homeless population, the extent of which is relatively unknown. Within the greater Los Angeles County, it is reported that only 2 percent of the homeless population are that of the youth subpopulation. Relatively speaking, that number is quite insignificant. Because of this, programs

that allow for early prevention and assistance are rare; also lacking are the necessary resources to allow for interventions needed to alleviate homeless conditions.

Domestic violence is the direct cause of the fifth subpopulation of homeless individuals, specifically women who are isolated from familial support and financial resources by abusers. Survivors of domestic violence suffer physical and psychological damage, such as anxiety and panic disorders, as well as all the necessary resources needed to afford basic needs. They lack steady income or even employment history which limits the chances of being able to acquire and maintain simple housing needs away from the abuser. Compared to the total homeless population, victims of domestic violence that are homeless are less than 10 percent, amounting to almost 4,000 people. Of the adult women in the homeless population, 19 percent stated that they have been a victim of domestic violence. The very last subpopulation, which happens to be the largest, is that of single individual homeless person. The people in this category have either been single, divorced, separated or widowed. It is important to note that a majority of these individuals fall into the other subpopulations as well but are categorized as single because they only need care and assistance for themselves. Of the 43,000 homeless people in Los Angeles, almost 38,000 are categorized as being single individuals. That is 89 percent of the total homeless population.

Knowing the different homeless subpopulations allows for specific target policy solutions that will be more effective in solving the problem of homelessness in Los Angeles. It is also important to familiarize people with the major stakeholders that have the ability to make policy changes. In a city as vast and diverse as Los Angeles, there are hundreds of private and public sponsored non-profit organizations and city-led initiatives for the fight against homelessness, but the most important in Los Angeles, which connects all other city, county, and non-profit organizations is the Los Angeles Homeless Service Authority (LAHSA). LAHSA, a Joint Powers Authority, is an independent agency created by the County and City of Los Angeles in 1993. It is the lead agency in the Los Angeles Continuum of Care that "coordinates and manages over $70 million dollars annually in Federal, State, County and City funds for programs providing shelter, housing and services to homeless persons." LAHSA governing body is a ten-member Commission including five members selected by the County Board of Supervisors and five members chose by the Mayor and the City Council. The Commission has the authority to

make policies and decisions regarding many facets of homelessness including funding, planning, and management.

Under the umbrella of Los Angeles Continuum of Care, sponsored by HUD, LAHSA essentially has a function of three primary committees: Finance, Contracts, and Grants Committee, Programs and Evaluation Committee, and Policy and Planning Committee. Working alongside the LAHSA Commission and Committees are the various local governments, state governments, hospitals, law enforcement agencies, non-profit organizations, school districts, businesses and faith based organizations that are considered major stakeholders in the problems associated with homelessness. It is obvious that there are numerous vested groups involved. Consolidating them under one authoritative power is helpful for a successful collaborative initiative as seen over the years. Nevertheless, despite the involvement of these groups and implementation of various programs in Los Angeles under LAHSA, homelessness persists because these programs do not target the specific subpopulations or assume that one form of redress will impact all forms of homelessness. For example, Project 50 Initiative, proposed by the Mayor of Los Angeles in conjunction with LAHSA, moved 50 of the most vulnerable chronically homeless individuals out of Skid Row, a heavily populated homeless community, into permanent supportive housing. Only 43 stayed for a full year. Considering there are over a 1000 people on Skid Row, allowing only 50 to have that privilege, is quite an underachievement. Furthermore, with most of these initiatives like Project 50, the public is rarely consulted.

To say that there has been a standard political process in determining solutions for homelessness is not entirely accurate. Most of the initiatives undertaken have been created, formulated and implemented by the LAHSA under the Continuum of Care without approval of the public. They are allocated a budget of $70 million dollars annually by the Federal, State, County and City to spend at the discretion of the ten people on the Commission. Additionally, there is rarely any citywide discussion or deliberation. There is hardly any effort to involve the taxpayers enduring the largest costs. It is without a doubt that working through the LAHSA and their resources will offer the quickest short term solution to this problem. What is needed is not short term quick alleviation thought up by ten people but a better long term effective outcome that can only be achieved through a collaborative effort through a series of discussions with the greater people of Los Angeles, who live amongst the thousands of homeless people, the LAHSA,

and public officials of this city. In the end, it is the City and the public that endure the costs of homelessness in Los Angeles, not the city alone.

<div align="center">DELIBERATIVE DEMOCRACY AT A GLANCE</div>

The multifaceted problem of homelessness is quite complex because of the economic, political and social implications in the Los Angeles society. There are a few models of deliberative civic engagement that will be mindful of the intricacies of this issue but only one type of model would be able to work. In order to understand why the chosen model is fitting for this problem, it is important to first address the reasons as to why other models of public engagement would not be able to work.

One such model is a 21st Century Town Hall Meeting through AmericaSpeaks. AmericaSpeaks is a non-profit organization whose mission is "to reinvigorate American Democracy by engaging citizens in the public decision-making process that most impacts their lives." AmericaSpeaks created this updated form of a New England Town Hall Meeting fitting for the technological and democratic advancements of the 21st Century. These meetings are engaging events that "articulate the group's priorities on critical organization, local, state, or national policies." The process for this public engagement effort involves thousands of participants convened simultaneously in one location or across multiple locations. It is usually a one day event that is open to the public as well as recruited public members as representatives of a specific demographic. Participants sit at a table of eight to ten people with a trained facilitator to discuss a series of questions that help build a set of collective priorities. This form of dialogue encourages discussion among the small group of participants about key policy issues, prioritizing the most important to the least. A form of participatory technology is used during the small table discussions that allows for all participants voices to be heard. The technology is in the form of a keypad computer that records general table agreements, identifying the strongest themes which are quickly presented to all participants. Furthermore, "using technology to gather, distill, and project themes allows a 21st Century Town Meeting to move back and forth between intimate small group dialogue and the collective work of thousands of people. This back and forth between the small scale and large scale dialogues can occur as many times as needed to develop recommendations on which decision makers can take action."

This form of public engagement is ideal if there was a diverse menu of options that policy makers are considering in order to address the specific problem of homelessness. The problem of

homelessness can be addressed through open dialogue, not a prioritization of a list of objectives or solutions. There is not one perfect solution that can be chosen. The only way that effective long term solutions will be created if there would be a discussion and interaction with major stakeholders; the 21st Century Town Hall would not be able to offer that. Although it is a great process for events such as the redevelopment of the World Trade Center in New York, it would not work for a problem that needs constant modification and innovation to meet the needs and demands of the growing problem. If there ever could be a prioritization for homelessness in a 21st Century Town Meeting, it can only involve which form of homeless subpopulation can be deemed the most important to alleviate first. Furthermore, 21st Century Town Hall would be most effective if people from a community were to prioritize a list of policy problems that policy makers need to address as soon as possible.

Another form of public engagement effort that can be used to solve the problem of homelessness is a Deliberative Polling, created by James Fishkin. A Deliberative Poll is "a poll of citizens before and after they have had a chance to arrive at considered judgments based on information and exposure to views of their fellow citizens." This is a distinctive process that combines two key values: "political equality and deliberation." In order to maintain these two key values, which are apparent in every action of the dialogue process, a survey is sent out to a random representative sample of individuals about the topic at hand. Among the people that participated in the survey, invitations are sent out once again to a randomly selected group of individuals to participate in the face to face dialogue. The participants are given a packet of information regarding the policy problems. The way this dialogue works is quite similar to the small group discussions of the 21st Century Town Hall minus the technological advancements used. Discussions are facilitated and it usually lasts a few days. After the end of the dialogue, another poll is taken to see whether the results have changed, or whether people have kept the same opinion as before. In terms of the problem of homelessness in Los Angeles County, a deliberative polling might not work as effectively as other models. People in Los Angeles are quite aware of the problem and the costs associated with maintaining and creating programs that offer assistance to the needy. Whether to help the homeless out at all might be a good topic for a deliberative poll but for the purpose of this project, a form of discussion needs to be facilitated that would allow for new and creative ideas to flourish, without the use of surveys, that provide direction for policy makers.

UNLEASHING THE "PRISM" MODEL ON HOMELESSNESS THROUGH A CITIZENS JURY

Although these forms of public engagement efforts can be used to address homelessness in the Los Angeles County and City, the best form that needs to be undertaken is a Citizen's Jury. Through a Citizen's Jury, a reasonable discussion between 12-36 people per group should be promoted creating empathy among the participants in a span of 2 to 5 days. There are "seven elements that go into the design of any successful Citizen's Jury:" First, a microcosm of the community must be selected to participate. A randomly selected representative sample from the City and County of Los Angeles that falls under the Los Angeles Continuum of Care should be selected as the microcosm of the community. This group of people from Los Angeles needs to represent the community through age, gender, education, geographic location and race. Furthermore, to encourage participation, a form of payment can be offered to the participants that were randomly selected. Second, in order to have a good form of deliberation, each group should accommodate as large a group as possible that falls within the concept of a good deliberation. Although small groups are not very impressive for policy makers, unnecessarily large groups, impressive in numbers, might not hold true to good deliberation. Therefore, for the purposes of this process, a group size of eight twelve person juries will be selected to be a part of this deliberative process. That is a total of 96 participants involved.

Third, high quality information is needed. Although the process that has been used in the past involved expert witness presentations that allowed jurors to question at free will, the process that will be enacted for the Citizen's Jury 2011 will also include written handbooks provided by the United States Department of Housing and Urban Development, the 2011 Greater Los Angeles Homeless Count provided by the Los Angeles Homeless Service Authority, as well as a pamphlet of all the current initiatives in place that combat homelessness in Los Angeles. This information would need to be studied and thoroughly read through in order to question the expert witnesses. These experts will be recruited with the help of the Mayor of Los Angeles and the City Council, and will include members from LAHSA and various non-profit organizations in affiliation with the LASHA and the Los Angeles Continuum of Care. Fourth, high quality deliberation must be ensured through effective facilitators and witnesses. Each facilitator, witness, and participant would be forced to adhere to strict deliberative etiquette. There needs to be a balance enforced that still encourages open discussion by allowing the jurors to freely expressing ones opinion without the domination of a single juror. Furthermore, witnesses need to

provide a good amount of time for the jurors to ask questions, providing answers that are quick and straight to the point. The facilitators would be trained to keep these tactics in mind to ensure that the quality of deliberation will be maintained.

Fifth, there needs to be a minimization of staff bias including facilitators. Facilitators and other staff need to go through an extensive training process to ensure that even the slightest movements of the body won't discourage or taint the process. Similar to previous Citizen Juries, it is essential to have the participating jurors evaluate the staff at the end of the project. Furthermore, the jurors need to give their final recommendations in their own words. This relates to the sixth component which is to have a fair agenda and hearing. All this will be ensured through extensive training of the facilitators, the jurors and the witnesses of the appropriate etiquette in the deliberative process. The seventh component is that there needs to be sufficient amount of time to study the material. With the various handbooks and pamphlets being given to the jurors that expressed purely the facts, statistics, costs and benefits of homelessness in Los Angeles County and City, there needs to be a sufficient allocation of time to ensure that each juror is prepared for discussion. Also, the deliberative process will not be a short process but will not last over a week to ensure that the participant jurors would be able to commit to a reasonable timeframe for discussion.

The strategy of the Citizen's Jury 2011 revolves around these seven elements but it is important to structure the process in a way that has the maximum impact on public policy while allowing this microcosm of the community to do their absolute best at evaluating the situation and producing a strong and logical policy recommendation. Considering the scope of the event is limited to greater Los Angeles County, having a maximum impact on public policy will be not as difficult as it seems. With various media outlets and social networking sites available for the mass promotion for anything in the 21st Century, it is not very difficult to gain awareness and the attention of the appropriate people. Although it might be difficult to get the attention of the media for an event that is considered quite small compared to the thousands of people, daylong events, if marketed in the proper way, this event will take hold. Five days is a long but ample amount of time to encourage high quality discussions. Social networking sites such as Facebook and Twitter are free and effective ways to gain awareness, promote, and market a deliberative process. However, there needs to be a balance that constantly needs to be maintained. The method of marketing is important to gain awareness but a level of integrity needs to be upheld.

The extent of an online component will end with the social networking sites strictly for marketing purposes. Online polls with the public after the final report and policy recommendations have been released can either further the results that were agreed upon or hinder it greatly. Giving the public the ability to comment and vote based on popularity of the recommendations is an uncertain risk. It would be much better off to completely eradicate an online dialogue of some sort. Releasing the information to the public is a different avenue. The final report can be released online for purposes of availability and information.

There is no doubt that the issue of homelessness is complex but that complexity does not stem from political polarization; it stems from the issue itself. In Los Angeles County and Los Angeles Continuum of Care, the main organization involved in the construction of policy regarding the homeless population is the LAHSA in coordination with the Mayor and the City Council. It is a Joint Power Authority that is an independent agency. Considering that homelessness is a form of cost for the local government of Los Angeles, the public officials and the taxpaying people, it is more likely to produce a rare collaborative front to eradicate this problem completely. Not relying completely on the taxpayers' dime and the City funds also helps with eliminating any form of politics because funding is a controversial issue right now in the State of California.

Funding for the proposed Citizen's Jury 2011 will need to come from private and public resources either through non-profit organizations or even the state government. The cost estimation of this program will be approximately $40,000. The breakdown of the cost includes: 96 jurors each getting paid a stipend of $150 dollars for participation will result in $14,400, 20 staff members and facilitators working for five days, eight hours a day for minimum wage will be close to $8000, the venue housing the actual deliberative process will cost upwards of $10,000 to rent out for the week, and $8000 more for additional appearance costs of witnesses and other expenses. These costs can be covered through the Los Angeles Homeless Service Authority and the various governmental, non-governmental institutions apart of it. Within the $70 million dollars received annually, the LAHSA has extra funding aside for efforts to create new policy initiatives. Considering that they are going to be the governing body, the convener, of Citizen's Jury 2011, it would be a fundamental role for them to fund and get funding through its resources. The reason that LAHSA, a Joint Power Authority within the County and City of Los Angeles, will be the convener of this public engagement effort is due its power as the main tool

of all policy making processes in regards to the problems of homelessness. The ten people apart of the Commission under the LAHSA will also be a part of the advisory board as overseers; the actual acting advisory board will include the Mayor of Los Angeles, a representative from the U.S Department of Housing and Urban Development, and a member from the National Alliance to End Homelessness. With these 13 to 15 members apart of the advisory board, each educated and knowledgeable in all factors of homelessness, a high quality and effective deliberation will take place with certainty that public policy will be impacted solving the problems of homelessness for tomorrow.

This proposed public engagement effort sounds ideal. With the main institution in charge of the actual public policy program leading the whole deliberative process, the results are sure to be acknowledged. It is a naïve to assume that challenges will not arise. One challenge that can be a problem is the funding issue. Although there are vast amount of funding resources available through the Los Angeles Homeless Service Authority, it is not a guarantee that this independent agency will be the convener and primary source of funding for the deliberative process. Other methods of financial assistance will be needed to provide an opportunity for this engagement to take flight. Furthermore, although the LAHSA will act as convener, there is a possibility that they may reject the opinions of the jurors on the various ways to solve the problems of homelessness in Los Angeles. They may continue on with the work they have accomplished with the success of the 38 percent decline experienced in 2009. There may even be resentment on behalf of the ten Commissioners in LAHSA because this public engagement effort may seem to highlight the flaws in their attempts to address homelessness. But this is a problem that can be addressed quickly. The only difference between the LAHSA and the deliberative democratic process constructed here is the addition of the 96 people that are representative of the people in Los Angeles. In essence, the public will have a chance to participate in a problem that affects them daily. In the end, any resentment harbored by officials will cease.

Considering that combating homelessness in Los Angeles is a major collaborative effort among the LAHSA and the various organizations, institutions and agencies apart of it and within the Los Angeles Continuum of Care, it will be an easy transition to expand and include the public in the policy making process. It will add legitimacy to the programs implemented and will foster a sense of community in helping others that are less fortunate. In the future, with the

engagement of the public, the number of homeless persons in Los Angeles will decrease more and more.

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Are All R&D Dollars Created Equal?

A LOOK AT THE EFFECT OF FEDERAL INVESTMENT ON PATENT SUCCESS

Casey O'Neil

Many have researched how Research and Development (R&D) spending affects innovation, but few have discussed the difference between federal and private investment. Does a dollar invested by the government have a greater or weaker effect than a private dollar on the percentage of successful U.S. patent bids?

This is an important question to answer. Solow's and Romer's growth models can be used to show innovation is responsible for over 40% of an economy's growth, and Arrow's work proves the level of U.S. innovation is still below the social optimum.[106,107,108] Thus, it is important to find the most efficient way to increase innovation. A definitive answer would determine whether the government should be directly funding R&D or if it can rely more on private funding. After all, the purpose of government funding is to step in where the market does not provide an incentive for private funding. If the more than $25 billion spent every year by the federal government is not effective, it can be cut from the budget.

While there are no studies addressing these exact questions, several studies do brush the topic. A 2003 study by Paroma Sanyal concludes that federal and private funds both have a positive influence on the number of patents granted. In particular, the study showed a greater effect by federal investment but still positive effect from private funding.[109] It should be noted, however, that, the work does not address the success of those patents. It is quite possible that federal investment only increased the quantity, not quality, of applications.

In 2008, David Nevy and Nestor Terleckyj found that federal funding has a positive effect on private funding. Specifically, one dollar of federal funding stimulates $0.27 of private

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[106] Solow, Robert M, "A Contribution to the Theory of Economic Growth".
[107] Romer, Paul M. "The Origins of Endogenous Growth.*"*
[108] Arrow, Kenneth. "Economic Welfare and the Allocation of Resources for Invention".
[109] Sanyal, Paroma. "Understanding Patents: The Role of R&D Funding Sources and the Patent Office".

investment. [110] While Sanval did not explore this dimension of federal-private investment relationship, Nevy and Terleckyj's study suggests the coefficient on federal funding is higher than that on private funding.

DESCRIPTION OF THE DATA

I constructed a time series dataset using information from the National Science Foundation (NSF), Bureau of Labor Statistics (BLS), United States Patent and Trademark Office (USPTO), and U.S. Census Bureau. The data span 45 years (1963-2007) and specifically provide data on U.S. federal investment, U.S. private investment, U.S. real Gross Domestic Product (GDP), annual U.S. unemployment rates, the quantity of utility patent applications submitted by domestic entities, the number of those applications approved, and the previous stock of approved U.S. utility patents regardless of the application origin. These are all national level data, not state or industry level; thus, policy recommendations that draw from the analysis must also be nationally focused. The reasons for including these variables will be explained in the next section.

One strength of this dataset is that it provides information on precisely what we seek to observe: utility patents granted to U.S. inventors. It also provides information on potential influencers of patent success - thus allowing us to more accurately isolate the coefficient on the variables of interest – federal investment and private investment. The last strength of the dataset is that it provides hard numbers. This will produce a more unbiased analysis than survey data would.

There are also several weaknesses inherent in the dataset. Firstly, while it is possible the effect of funding depends on its structure, the data do not differentiate among different types of federal and private funding. Does non-profit R&D spending produce different results than other private funds? What about federal funds released through government contracts, or through university research? The dataset also does not provide educational data before 1992. I had hoped to include the number of bachelor degrees in the labor force as a regressor, but the Bureau of Labor Statistics only began tracking that information in 1992, thus including what is available would not suffice for a serious analysis. The data also fall short in that they do not address other

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[110] Levy, David M., and Nestor E. Terleckyj. "Effects of Government R&D on Private R&D Investment and Productivity: A Macroeconomic Analysis."

patent types or applications of foreign origin. Any recommendations will only be applicable to the United States.

Ideally, I would like to have application level data. With details to that extent it would be possible to estimate the effects using a logit model – thus predicting an individual patent application's probability of success. It would also be helpful to differentiate among different funding scenarios. Identifying the best way to distribute funding would ensure effective R&D spending – regardless of whether it originates from a federal or private source. I would also have liked to have data covering a longer time frame. Because the USPTO did not differentiate between U.S. and foreign applicants prior to 1963, the data simply are not available.

ECONOMETRIC MODEL

I ran a robust ordinary least squares (OLS) multiple regression on the data. The equation for the model is specified below:

$$y = \alpha + \beta x_1 + \ldots + \beta x_n + \varepsilon$$

In this model, y represents the Portion of successful U.S. utility patents, represents the constant, through represent the regressors (Logged Federal RD, Logged Private RD, Logged GDP, Logged Unemployment, Logged Quantity of U.S. Utility Patent Applications, Logged Number of Past Utility Patents, and Lagged Portion of successful U.S. utility patents), and is the error term.

For those unfamiliar with econometrics, the y variable is the dependent variable - its value is dependent on the x variables. To put it another way, the x variables are the factors theorized to affect y. Because the model is an estimate of best fit, epsilon then represents the difference between an estimated and observed value.

This model was used because the data meet all the OLS assumptions. They are normally distributed, independently and identically distributed, and the expected value of the error term is zero. The dataset did not provide enough information to perform other types of analyses. Panel data would be needed to perform fixed or random effects and a logit model would be appropriate if application-level data were available.

Before performing the regression, I produced Kernel Density (kdensity) plots to observe the skewness of the variables. The dependent variable, Portion of successful U.S. utility patents, is normally distributed and was thus left as-is. Most of the regressors (specifically Federal RD, Private RD, GDP, Unemployment, Quantity of U.S. Utility Patent Applications, and Number of

Past Utility Patents) however, were skewed to the right. I logged them so as to bring their distributions closer to normal, and thus increase the accuracy of the model.

I then performed a cross-sectional time-series feasible generalized least squares (FGLS) regression to test heteroskedasticity (non-uniform variance) and autocorrelation (correlation of observations within a variable). The results did show heteroskedasticity, but the robust option on the OLS regression can control the effects of that. The same analysis tests for autocorrelation, but none was found. Lastly, I tested for stationarity (statistical properties are consistent over time) of the dependent variable, Portion of successful U.S. utility patents. The Dickey-Fuller test showed we cannot reject non-stationarity. To account for this "walk" around the trend, a one-year lag of the dependent variable was added as a regressor.

I then regressed Portion of successful U.S. utility patents on the variables: Logged Federal RD, Logged Private RD, Logged GDP, Logged Unemployment, Logged Quantity of U.S. Utility Patent Applications, Logged Number of Past Utility Patents, and Lagged Portion of successful U.S. utility patents. The results of this are shown in TABLE 1.

A brief description of these variables and reasons for their inclusion in the regression is provided below:

Portion of successful U.S. utility patents: Continuous variable between 0 and 1. It provides the percentage of submitted utility patent applications that were ultimately approved. This is the regression's dependent variable.

Logged Federal RD: Logged values of federal R&D spending – by source of funds. Federal investment is a theorized positive influence, and is one of the primary variables of interest.

Logged Private RD: Logged values of private R&D spending – by source of funds. It is a theorized positive influence, and is the other primary variable of interest.

Logged GDP: Logged values of the United States' annual real GDP. It is a theorized positive influence, and thus, is used as a control variable.

Logged Unemployment: Logged values of the annual U.S. unemployment rates. It is a theorized positive influence, and thus, used as another control variable.

Logged Quantity of U.S. Utility Patent Applications: Logged values of the quantity of patent applications submitted each year. A greater number of submissions could be due to an increase in low quality applications and would thus decrease the percentage of successful applications. For this reason, it is included as a control variable.

Logged Number of Past Utility Patents: Logged values of the annual stock of existing patents. It is included in order to control for theorized positive impact a larger stock of knowledge and for the expected negative impact from having opportunities for a valid patent (the comparatively low-hanging fruit has been picked). It is thus included as another control variable.

Lagged Portion of successful U.S. utility patents: As discussed before, the dependent variable is non-stationary, and exhibits a "walk" around a trend. Including this one-year lag as a regressor makes the estimation more accurate.

EMPIRICAL RESULTS

Regressing Portion of successful U.S. utility patents on the variables described above yields the values shown in TABLE 1.

TABLE 1

Regression of *Portion of successful U.S. utility patents* on Federal R&D and Private R&D

RESULTS				
	OLS (no lag)		OLS (with lag)	
logFederal	-0.073	(0.19)	-0.136	(0.19)
logPrivate	-0.230*	(0.11)	-0.097	(0.13)
logGDP	1.542**	(0.54)	1.099*	(0.60)
logUnemployment	0.024	(0.09)	0.035	(0.09)
logPatApps	-0.054	(0.12)	-0.028	(0.12)
logPatStock	-1.746*	(0.90)	-1.360	(0.92)
Lagged Portion of Successful U.S. utility patents			0.187	(0.16)
Constant	17.628**	(8.46)	14.277	(8.65)
Observations	45		44	
Adj. R-squared	0.749		0.763	
Standard errors in parentheses				
** $p<0.05$, * $p<0.10$				

From TABLE 1, we see the coefficients on the variables interest, Logged Federal RD and Logged Private RD, are not statistically significant. This suggests that neither federal nor private investment, at least at a general level, increase the percentage of successful U.S. utility patents.

The results do not contradict Sanyal's claim that both federal and private funds increase the quantity of patent applications. Assuming the quality mix remains constant, an increase in applications would have no effect on the percentage of successful applications and would, in

turn, mean that the coefficients on Logged Federal RD and Logged Private RD would be insignificant. Indeed, Logged Quantity of U.S. Utility Patent Applications is not significant, and neither is Logged Federal RD or Logged Private RD.

Since federal spending is not observed to have a greater association than private spending, the results appear to contradict the Levy and Terleckyj's study. If, as Levy and Terleckyj found, federal funding stimulated a fraction of private funding, and as Sanyal states, both increase patent applications, the coefficient on Logged Federal RD would be greater than that on Logged Private RD. This is not the case. It is possible, though, that this is due to the placement of the stimulated investment. If it is distributed equally across a constant quality mix (stimulated investment is not spent any more or less wisely than previous investment), the coefficients in our regression would be as observed.

IMPLICATIONS AND CONCLUSIONS

The regression results suggest that neither policies increasing federal funding nor those encouraging private investment will increase (or decrease) the percentage of successful U.S. utility patent bids. As mentioned before, however, this study looks only at general investment. It does not address targeted funding strategies.

It is logical, then, to look towards policies encouraging targeted investment. Further studies should also be focused in this area. We need more and better data – specifically application-level data, information on different funding scenarios, and data for more years. By obtaining these data and identifying other potential determinants of patent success, one could better recommend policies to increase the efficacy of federal R&D funding.

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Estimating the Impact of Cell Phone Laws on Car Accident Fatalities

Odinakachi J. Anyanwu

Abstract --- Distracted driving has increasingly become a national issue of concern. One of the believed major contributors to distracted driving is cell phone use. Some states have enacted laws to restrict cell phone usage while driving in an attempt to reduce the number of car accidents that result from cell phone use, and, ultimately, the number of car accident fatalities. This paper is an econometric study that seeks to determine whether cell phone laws are effective in reducing car accidents. This paper finds a statistically significant negative relationship between hands free laws and car accident fatalities.

INTRODUCTION

National awareness regarding distracted driving continues to increase. On March 23, 2010 the U.S. House of Representatives approved a bill that establishes the month of April as "Distracted Driving Month." (Hands-Free Info)[111] "Distracted Driving Month" commenced on April 1, 2011. The U.S. Department of Transportation (DOT), law enforcement, and safety advocates also came together in April 2011 to bring further awareness to the dangers of distracted driving, including cell phone use related distractions (Hands-Free Info). Law enforcement collectively declared, particularly in the month of April 2011, a more vigorous crackdown on cell phone use while driving. In addition, there are consistent reports of citizens losing family members, friends, and loved ones in car accidents that resulted from cell phone use while driving.

This burgeoning awareness has been further fueled by campaigns from celebrities like media-mogul Oprah Winfrey. Oprah Winfrey campaigned against phone use while driving with

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[111] HandsFreeInfo.com is a reliable website that tracks all cell phone legislation in the United States of America and aggregates statistics surrounding distracted driving.

a "No Phone Zone" pledge in 2009, in which pledgees promise to keep their car a "No Phone Zone." To date there have been 423,330 individual pledges made under the "No Phone Zone" campaign to restrict cell phone use while driving (Oprah's No Phone Zone Pledge).

In an attempt to reduce the number of car accidents that result from cell phone use, and their incidental fatalities, state legislatures have implemented driving laws that prohibit the use of cell phones while driving, or at least restrict some manner of cell phone use. Many states have instituted a cell phone law as recent as 2010 and 2011, while others are still considering legislation. Some states still do not have a cell phone restriction; as of 2009 only 15 states have at least a texting ban. The cell phone laws that have been enacted vary in their nature and level of enforcement from state to state.

The various types of laws that restrict cell phone use include hands free usage while driving, texting bans, and the prohibition of teens, novice drivers, school bus drivers, and commercial vehicle drivers from using their cell phone while driving. In some states the laws are either categorized as a primary law or a secondary law. If the cell phone law is a primary law, being caught using a cell phone while driving is enough to be stopped by law enforcement and fined. Under the secondary law you must be found violating another law, or be found driving carelessly, and if it is discovered by law enforcement that you are using your cell phone only then will you be fined for using your cell phone.

If cell phones are actually *effective*, lives will continue to be saved as more states implement the law. In 2009, 5,474 people were killed in U.S. roadways and an estimated additional 448,000 were injured in car crashes that involved distracted driving, according to police reports (Hands-Free Info). If it is concluded empirically that cell phone laws are effective in reducing car accidents, and coincidentally the fatalities that result from them, then cell phone laws should be strengthened by increasing the consequences or prohibiting all cell phone use while driving for all citizens. Additionally, states that have not instituted a cell phone law should enact cell phone legislation swiftly. Congress is looking at several proposals that would effectively ban text messaging while driving nationwide (Hands-Free Info). If this study concludes that cell phone laws are indeed saving lives, U.S. Congress may be motivated to pass the bill enacting the texting ban as a federal law. If cell phone laws are deemed ineffective, it would be important to determine what about the law is ineffective, and possibly implement more effective ways of reducing car accidents that result from cell phone use.

Many econometric studies on this topic have suggested that cell-phone use impairs driver performance by delaying driver reaction time and decreasing awareness. The studies have used simulations, tests, and surveys to evaluate the impact of cell phone use on driving ability. Such studies have influenced much of the legislation regarding cell phone laws. One of the earliest studies done on cell phone use while driving is by Donald A. Redelmeier and Robert J. Tibshirani (1997) and titled *Association Between Cellular-Telephone Calls And Motor Vehicle Collisions*. Redelmeier and Tibshirani's study "indicates an association but not necessarily a causal relation between the use of cellular telephones while driving and a subsequent motor vehicle collision" (Redeilmeir and Tibshirani 1997). Other studies have followed suit in showing an association between cell phone use and car accidents.

Some studies highlight that the association between cell phone use and a reduction in car accidents is not necessarily causal, acknowledging that there may be other factors that are correlated with cell phone use that may simultaneously cause car accidents. Another study by Robert W. Hahn and James E. Prieger (2006) titled *The Impact of Driver Cell Phone Use on Accidents* confirmed that there may be other factors in conjunction with cell phone use that result in car accidents. This was a comprehensive study based on a survey of over 7,000 individuals. Hahn and Prieger's study differed from previous studies in their approach by using a larger sample of individual-level data and testing for selection effects, "such as whether drivers use cell phones are inherently less safe drivers, even when not on the phone" (Hahn and Prieger 2006). Hahn and Prieger conclude that the impact of cell phone use on car accidents vary across the population, individuals who use hands-free are more careful drivers, and furthermore there is no statistically significant reduction in accidents from bans.

Not many comprehensive studies have been done to determine the impact of cell phone laws on the reduction of car accidents across all 50 U.S. states and the District of Columbia. Alexander G. Nikolaev, Matthew J. Robbins, Sheldon H. Jacobson (2010) did a study *Evaluating The Impact Of Legislation Prohibiting Hand-Held Cell Phone Use While Driving*. The econometric study was performed on counties in New York over 10 years, and they concluded their results suggested reduction in some counties, but acknowledged there may be confounding factors due to the limitations of their data. These limitations include the external validity of their results outside of New York and the difficulty in isolating car accidents that result solely from cell phone use.

The econometric study described in this paper specifically seeks to determine whether the cell phone laws enacted in states have resulted in reducing car accidents by using panel data that includes all 50 states in the U.S. and the District of Columbia over a 10-year period from 2000-2009. This study is one of the first attempts of its kind looking at the impact of cell phone laws on all states, over a ten-year period.

DATA DESCRIPTION

The variables of interest for this study include the following by state and year: car accident fatalities by states and year, cell phone laws, hands free only law, texting bans, teen bans, and intermediate license holder restrictions, the number of licensed drivers, the number of licensed teen drivers, sex ratio for all licensed drivers, and the sex ratio of teen drivers, and income. Car accident fatalities, licensed population, and income are logged because the distribution of the data for each of those variables was right-skewed. Logging the variables allowed for a normal distribution. All of the variables used in this econometric study and their sources are listed in *table 1*.

The data used in this study regarding cell phone laws and car accidents span from 2000-2009. While more states have very recently in 2010 and 2011 enacted cell phone laws they are not included in this study because the most recent car accident data from the National Highway Safety Administration (NHSTA) is from the year 2009. For the years included in this study the progression of cell phone laws in states across the U.S. is presented in *table 2*.

Table 1: Variable Description and Source

Variable	Description	Data Source
Car Accident Fatalities	Total Number of Fatalities Resulting from Car Accidents	National Highway Safety Administration (NHSTA) (2000-2009)
Hands Free	Cell Phone Use Without a Hands Free Device is Prohibited	HandFreeInfo.com & DrivingLaws.org (2011)
Text	Texting While Driving Is Prohibited	HandFreeInfo.com & DrivingLaws.org (2011)
Teen	Drivers Under the Age of 20 Are Prohibited From Using Their Cell Phone While Driving	HandFreeInfo.com & DrivingLaws.org (2011)
Intermediate License	Novice Drivers Holding an Intermediate License are Restricted From Using Their Cell Phones While Driving	HandFreeInfo.com & DrivingLaws.org (2011)

Licensed Driver Population	Total Number of Licensed Drivers	U.S. Department of Transportation - Federal High Way Administration (FHWA)(2000-2009)
Licensed Teens	Total Number of Licensed Drivers 19 and Under	U.S. Department of Transportation - Federal High Way Administration (FHWA) (2000-2009)
Licensed Sex Ratio	Computed Male-Female Ratio of All Licensed Driver 19 and Over (Total Male/Total Female)*100	U.S. Department of Transportation - Federal High Way Administration (FHWA) (2000-2009)
Teen Sex Ratio	Computed Male-Female Ratio of All Licensed Drivers 19 and Under (Total Male/Total Female)*100	U.S. Department of Transportation - Federal High Way Administration (FHWA) (2000-2009)
Income	Personal Income	Bureau of Economic Analysis (BEA) (2000-2009)

Notes: Complete references for all sources used, data and otherwise, are included in the works cited section at the end of this paper.

In the years 2001-2003 only New York had a cell phone law, and more specifically only a hands free law. Three more states had enacted a cell phone law by 2004, including the District of Columbia, New Jersey, and Connecticut, states that with New York are pioneers in enacting cell phone laws. There are varying combinations of laws; some states pair cell phone laws with a simultaneous hands free law, a texting ban, and intermediate license restrictions in some cases. In 2009 only six states had a hands free law. On the other hand, 15 states had implemented texting laws in 2009, and at a rapid pace. Texting laws still continued to gain momentum in legislation in 2010 and 2011; this may be because texting while driving requires more attention and detracts from vision of and focus on the road.

Table 2: Number of States With Cell Phone Laws (2001-2009)

Year	Hands Free	Text	Teen	Intermediate License
2000	0	0	0	0
2001	1	0	0	0
2002	1	0	0	0
2003	1	0	0	1
2004	3	0	0	2
2005	4	0	1	3
2006	4	0	3	4
2007	4	0	6	5
2008	6	5	10	5
2009	6	15	14	7

Descriptive statistics for all of the variables used in this econometric study are listed in *table 3,* describing the nature of the data for each variable used in this study. Additionally, the correlations between all of the variables used are included in *table 4*, showing the associations between the variables used in this study. While the data for car accident fatalities by state and year were used, it would have been preferable to have data on the number of distracted driving car accidents for each state specifically in order to gauge whether cell phone laws are reducing the number of car accidents that are caused by distracted driving alone. Using the total number of fatalities that result from car accidents makes it difficult to isolate whether a potential increase or reduction is merely the result of cell phone laws or other confounding factors such as drunk driving laws, or other laws that may be directly affecting the number of car accidents.

Table 3: Descriptive Statistics of Variables Used

	Mean	Std. Dev.	Min	Max
Accident Fatalities	807.10	821.35	29	4333
Accident Fatalities (log)	6.23	1.03	3.37	8.37
Hands Free Law	0.06	0.24	0	1
Text	0.04	0.19	0	1
Teen	0.07	0.25	0	1
Intermediate License	0.05	0.22	0	1
Licensed Population	3918218	4156611	303357	2.37e+07
Licensed Population (log)	14.71	1.01	12.62	16.98
Licensed Sex Ratio	99.75	4.96	84.10	115.20
Licensed Teen Population	188098.20	181600	2866	945539
Licensed Teen Population (log)	11.70	1.02	7.96	13.76
Licensed Teen Sex Ratio	104.51	4.27	88.700	121.100
Income (log)	18.57	1.06	16.42	21.20

Notes: The cell phone laws are all binary variables; if a state has a law, the law =1, and if not, the law =0. This is why the min and the max for hands free, text, teen, and intermediate license are all 1 or 0. All of the logged variables were right skewed, and therefore logged for normal distribution. The total number of observations N is 510 over n 50 states and t 10 years.

Table 4: Correlation Between Variables

Variables	A.F. (log)	H.F.L	Text	Teen	I.L.	LP (log)	Lic. Sex Ratio	LT (log)	LT Sex Ratio	Income (log)
Accident Fatalities (log)	1.00									
Hands Free Law	-0.03	1.00								
Text	-0.01	0.21	1.00							
Teen	0.04	0.17	0.35	1.00						
Intermediate License	-0.14	0.28	0.18	0.22	1.00					
Licensed Population (log)	0.93	0.12	0.06	0.16	-0.08	1.00				
Licensed Sex Ratio	-0.22	0.11	0.04	-0.09	-0.11	-0.14	1.00			
Licensed Teens (log)	0.93	0.00	0.05	0.08	-0.15	0.96	-0.17	1.00		
Licensed Teen Sex Ratio	0.11	0.16	0.00	-0.09	-0.15	0.15	0.55	0.10	1.00	
Income (log)	0.85	0.21	0.11	0.17	-0.02	0.96	-0.13	0.89	0.15	1.000

Notes: The variables in the horizontal labels are abbreviated and are in the same order as the variables in the vertical labels.

It would also be important to isolate the impact that county level enacted laws within some states that have enacted cell phone laws may have on car accidents. The fixed effects econometric model absorbs and accounts for such unobserved differences across states, and it is the primary econometric model used in this study for empirical analysis. The next section will delve deeper into the econometric model used in this study and the reasoning behind its use.

ECONOMETRIC MODEL AND ALTERATIVE ESTIMATES

In order determine the impact of cell phone laws on car accidents we make use of panel data that spans the 50 states and the District of Columbia over the 10-year period from 2000-2009. The best econometric model for this data is the fixed effects model. In this study, we specifically use a two-way fixed effects model accounting for time and state effects. We are interested in analyzing the impact of the laws over time and across states, which makes this model optimal for our analysis. The two-way fixed effects model controls for the differences across states and years. As mentioned above, the fixed effects model also accounts for omitted variable bias for the unobserved variables. The standard errors in this model will be clustered in order to resolve bias that may arise if the error terms for the state and time effects are correlated with each other. The equation for the model is specified below:

$$Y_{it} = \beta_1 X_{1,it} \ldots + \beta_k X_{k,it} + \alpha_i + \lambda_t + u_{it}$$

$$i = 1, \ldots, N; \ t = 1, \ldots, T; k = 1, \ldots, K, (1)$$

where Y_{it} is the number of accident fatalities, $X_{k,it}$ represents all of the independent variables, the cell phone law variables (hands free, text, teen, intermediate license) and other variables we are controlling for that may have an impact on accident fatalities and are correlated with cell phone use (licensed population, licensed teens, respective sex ratios, and income); α_i is the unknown intercept for each state; and λ_t represent the time effects. With this model we restricted to assessing the impact of the law in the time period t included in the sample.

Random effects allows for out of sample prediction. The equation for the random effects model is specified below:

$$Y_{it} = \alpha + \beta_1 X_{1,it} \dots + \beta_k X_{k,it} + (u_i + \varepsilon_{it})$$
$$i = 1, \dots, N; \ t = 1, \dots, T; k = 1, \dots, K, (2)$$

The random effects model gives us an intercept and regression equation that can be used to predict outside of the sample used in the regression. However, the unobserved variables are not captured by the model, which may result in omitted variable bias. The random effects estimates will also be used in the study to assess the strength of the results. In order to determine whether or not we are capable of using random effects, a Hausman[112] test must be run. After a Hausman test was run using both the fixed effects specification and the random effects specification, we have concluded that we cannot use random effects because u_{it} is correlated with the regressors. The following section discusses the empirical results and findings in depth.

<div align="center">EMPIRICAL RESULTS</div>

Table 5 presents all of the results for all of the estimates used to assess the impact of cell phone laws on car accident fatalities. *Column 1* uses OLS to examine the impact of cell phone laws on car accident fatalities. The hands free law coefficient is statistically significant at the 1% level, indicating that if you have a hands free law in your state car accident fatalities decrease by 23%[113], exemplified in the coefficient -22.91, controlling for all of the other variables on the regression.[114] Texting and teen restriction on cell phone use are both statistically significant under the OLS model at the 10% level, and they are both shown to have a negative impact on car accident fatalities. The licensed population (log) variable is also statistically significant at the 1%

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[112] The Hausman test is a test where the null hypothesis is that the preferred model is random effects against the alternative, the fixed effects. It tests whether are correlated with the regressors, while the null hypothesis is that they are not correlated.

[113] The results reported in the body of the text are rounded.

[114] All of the coefficient results are reported controlling for the other variables in the regression.

level, estimating that a 1% increase in the number of licensed drivers will result in a 93% increase in car accidents controlling for the other variables in the regression, which is a staggering result. The simple OLS is not a sufficient model for determining the impact of cell phone laws on all states over time. Fixed effects is the most appropriate model to analyze the panel data being used, as aforementioned.

Column 2 is the fixed effects estimation without time effects. Under this specification the hands free law coefficient is significant at the 10% level and estimated to reduce car accident fatalities by 5%. The texting restriction coefficient under the state fixed effects is significant at the 1% level, estimating an 11% decrease in car accident fatalities. Teen cell phone use restrictions also have a negative impact on car accident fatalities, estimated to reduce them by 7%, and are statistically significant at the 5% level. The intermediate license law coefficient is not statistically significant under this specification, but also is estimated to have a negative effect on car accident fatalities. This model does not account for the differences over time.

Column 3 is the two-way fixed effects, accounting for the state and time effects. Under this specification the hands free law coefficient is significant at the 5% level, in comparison to the 10% level with time effects. The negative impact of the law is also estimated to be higher in the two-way fixed effects model. The hands free law is estimated to decrease car accident fatalities by 7%. Texting went from being statistically significant and negative in the state fixed effects model to being statistically insignificant at all of the standard significance levels and positive. The intermediate license law is significant at the 10% level and is estimated to decrease car accident fatalities by 7%. As aforementioned, the two-way fixed effects model though effective does not allow us to make out of sample predictions with our estimates.

Column 4 presents the results for the random effects specification. A Hausman test determined that we cannot use random effects; the χ^2 probability was less than .05 therefore fixed effects is the preferred model. The results of the Hausman test are presented below:

$$\chi^2(18) = (b - B)'[(V b - V B)\string^(-1)](b - B)$$
$$= 40.85$$
$$Prob > \chi^2 = 0.0016$$

(3)

The two-way fixed effects specification is the most effective model to evaluate the impact of cell phone laws on car accident fatalities in this study.

Table 5: Car Accident Fatalities: Estimation Comparisons

Note: Coefficients & Standard Errors (x100)

Dependent Variable: Car Accidents Fatalities (log) Regressor	OLS (1) Estimates	Fixed Effects (2) Estimates	Two Way- FE (3) Estimates	Random Effects (4) Estimates
Cell Phone Law				
Hands Free	-22.91***	-4.67*	-6.78**	-8.43***
	(6.34)	(2.67)	(3.08)	(3.66)
Texting	-13.01*	-11.39***	0.19	0.54
	(7.06)	(2.76)	(3.08)	(3.22)
Teen	-10.12*	-7.06**	-0.74	-0.19
	(5.39)	(3.17)	(2.57)	(2.56)
Intermediate License	0.48	-8.20	-6.91*	-6.61*
	(4.84)	(3.11)	(3.46)	(3.69)
Licensed Population				
Licensed Population (log)	93.45***	-75.04***	-8.84	72.05***
	(21.55)	(10.23)	(17.42)	(6.65)
Female Ratio	-1.92***	0.10	-0.33*	-0.70***
	(0.34)	(0.22)	(0.19)	(0.22)
Licensed Population (19 and Under)				
Teens Licensed (log)	33.11***	4.84	4.88	11.42**
	(6.59)	(6.53)	(5.26)	(5.44)
Teen Sex Ratio	0.89	-0.55*	-0.32	-0.24
	(0.36)	(0.30)	(0.23)	(0.26)
Income (log)	-31.97*	0.29	3.11*	3.04
	(16.51)	(2.82)	(1.59)	(2.28)
Intercept	-443.77***	1714.03***	706.93***	-525.77***
	(56.59)	(141.94)	(241.46)	(73.54)
State Effects	No	Yes	Yes	Yes
Year Effects	No	No	Yes	Yes
N	510	510	510	510
		F 28.85	F 28.31	χ^2 1126.02
R^2	0.91	0.84	0.00	0.89

* significant at the 10% level; ** significant at the 5% level; *** significant at the 1% level

Notes: These regressions were estimated using panel data from U.S. from 2000 to 2009 (509 observations). The coefficients and standard errors are multiplied by (x100). R^2 is the "overall" R^2 of the regression for each specification, fixed effects and random effects. *N* is the total number of observations; the total number of groups is 51 equivalent with the number of states including the District of Columbia. The number of years (t) is 10 from the year 2000 to 2009. Cell Phone Laws are all binary variable 1=yes; 0=no. The standard errors are in parenthesis and are clustered at the state level. FE refers to Fixed Effects, and RE refers to Random Effects.

Table 6 presents the two-fixed effects estimation of the impact of cell phone laws on car accidents solely. The hands free law, intermediate license law, and teen law all have a negative impact on car accident fatalities, causing fatalities to decrease by 7%, 7%, and .7% respectively. However, only the hands free law and intermediate license laws are statistically significant at the 5% and 10% level respectively. The texting law is estimated to increase car accident fatalities by .19%; it is not statistically significant however. This econometric model and its results suggest that there is a negative relationship between hands free laws, intermediate laws and car accident fatalities in the sample used for the estimation. These results indicate that there is a causal relationship between the laws and the reduction in car accidents.

Table 6: Car Accident Fatalities: Two-Way Fixed Effects

	Note: Coefficients & Standard Errors (x100)	
Dependent Variable: Car Accidents Fatalities (log)	**Two Way- Fixed Effects**	
	(1)	
Regressor	Estimates	Standard Errors
Cell Phone Law		
Hands Free	-6.78**	(3.08)
Texting	0.19	(3.08)
Teen	-0.74	(2.57)
Intermediate License	-6.91*	(3.46)
Licensed Population		
Licensed Population (log)	-8.84	(17.42)
Sex Ratio	-0.33*	(0.19)
Licensed Population (19 and Younger)		
Teen Licensed Population (log)	4.88	(5.26)
Teen Sex Ratio	-0.32	(0.23)
Income (log)	3.11*	(1.59)
Intercept	706.93***	(241.46)
State Effects	Yes	
Year Effects	Yes	
N	510	
	F	28.31

R^2	0.00

* significant at the 10% level;   ** significant at the 5% level;   *** significant at the 1% level
Notes: These regressions were estimated using panel data from U.S. from 2000 to 2009 (509 observations). The coefficients and standard errors are multiplied by (x100). R^2 is the "overall" R^2 of the regression for each specification, fixed effects and random effects. *N* is the total number of observations; the total number of groups is 51 equivalent with the number of states including the District of Columbia. The number of years (t) is 10 from the year 2000 to 2009. Cell Phone Laws are all binary variable 1=yes; 0=no. The standard errors are clustered at the state level.

These findings are similar to those in Alexander G. Nikolaev, Matthew J. Robbins, and Sheldon H. Jacobson's (2010) paper *Evaluating The Impact Of Legislation Prohibiting Hand-Held Cell Phone Use While Driving*. Though their paper focused primarily on New York and its counties they had very similar limitations in their data that also hinder us from reporting that there is an actual causal relationship between the reduction in car accidents and the implementation of a cell phone law.

CONCLUSION

The results suggest that cell phone laws are indeed reducing car accident fatalities. The fixed effects model does indeed account for the unobserved variables making it a prime model to determine causality, but the limitations in the data hinder us from making such absolute conclusions. As stated, there may be many other confounding factors that account for the decrease in car accident fatalities. Furthermore, data for car accidents that resulted from distracted driving in order to determine whether the cell phone laws are reducing car accidents that result from cell phone use based on its impact on distracted driving. Additionally, many states have implemented the law very recently, and it may be difficult to gauge the impact of the law without allowing the laws to take effective and leave enough time to assess impact of the law. With richer data in 5-10 years this will be a worthwhile study to research further.

Legislators have at their disposal studies that indeed show that cell phone use impairs driving, and we have many examples of lives that have been lost due to cell phone use while driving. State legislation of cell phone laws should continue to be passed at its recent high rate. However, it is also important that sound research illustrating the impact of the law be performed in order to determine its effectiveness so that changes can be made in the enforcement of the law or alternative measures be employed in order to reduce car accident fatalities that result from cell phone use.

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A Memo on Social Security

Michele Ogawa

Social Security remains an overwhelmingly divisive issue in the ideological spectrum, the virtue of which is constantly questioned by one side and simultaneously praised by the other, with varying levels and degrees of opposing views and opinions in between. It carries with it elements of conflict among classes and age groups, to say nothing of politically affiliated interests. However, dubbed the "black hole" of American politics, the topic remains also one that is largely untouched as far as any conversation on actual reform to the system. This is arguably, at least in part, on account of the nature of the conversations that have taken place.

Nearly all attacks on Social Security discuss the unfeasible, unsustainable qualities of the system, but few have given an analysis of the various factors at work that have presented substantial hindrances to the base concept behind its existence. As such, the purpose of this memorandum is to explore, in this fashion, from population growth and demographics to labor force growth patterns, why the system itself is flawed. It is important to note that it is not the intent of this evaluation to provide alternatives and/or a logical policy recommendation, but rather to fill in the apparent missing step that has worked against the efforts toward any substantial improvement to the current policy. In other words, it represents that which is often omitted from the argument, as well as that part of the argument that is essentially irrefutable. There is naturally no simple solution, and obviously no present or potential situation providing an ideal course of action. However, it is important in any argument on policy, for or against, to begin with the evidence in numbers, as well as the historical context dating back to the signing of the law, to set up an argument to be made for the next step.

From the system's inception in 1935, not only has the United States population experienced significant grown, but the subset of individuals ages sixty-five and over has vastly increased as well. The U.S. Census Bureau released in 2010 that individuals ages twenty to sixty-four, ages sixty-five and over, and ages eighty-five and over experienced, respectively, 60 percent, 13 percent and 1.92 percent increases from the prior Census year (2000), projecting that

these subsets will experience 55 percent, 19 percent, and 2.3 percent growth by 2030. Further, the general population is expected to increase by 42 percent by 2050. To emphasize this growth in another way more in relation to the Social Security system, in 1940, five years after the Act was signed, average life expectancy of a sixty-five-year-old was around fourteen years; today, it is closer to twenty. To put this in perspective, in 2011, Social Security payouts equaled about $727 billion. So, this increase in life expectancy, to give a rough estimate, would amount to nearly $4.4 trillion over the six years. This dramatically understates the true amount, as this figure accounts for the fifty-five million beneficiaries from 2011, not accounting for the increases in beneficiaries that would take place during that period. With these trends, certain problems within the Social Security system have emerged and worsened, namely its impact on individual accountability and financial responsibility, the sustainability of the program, and the mechanics and stability of the system in general.

When the Social Security Act of 1935 was implemented, it was intended to offer supplementary assistance to the elderly and disabled. However, currently, it provides 90 percent of the elderly population (ages sixty-five and over) with just over 40 percent of their income. Furthermore, 22 percent of married couple beneficiaries and 43 percent of unmarried beneficiaries depend on Social Security payments for 90 percent or more of their income. It has become evident that, largely on account of the prospect (and "guarantee") of such aid, "50 percent of the workforce has no private pension coverage, [and] 31 percent of the workforce has no savings set aside specifically for retirement." The reach of the program has grown exponentially in the population of individuals collecting Social Security benefits as well as in the amount of aid they are ultimately receiving. This has contributed to a greater dependence on this form of income, thus leading to a tendency toward poor, or lack of, planning during individuals' pre-retirement years.

Along with the personal accountability issue, possibly the most controversial aspect of the Social Security system is, as mentioned above, that of its unsustainable nature, especially considering certain areas of concern that have arisen and presented circumstances that were unforeseen in 1935. Worry of the program's sustainability dates back to the mid-1970s, when the Act underwent its first revision for fear of exhaustion of the trust fund. This revision included an increase in both payroll taxes and the wage base, along with a slight reduction in benefits. As the stated population growth persists, such revisions are periodically made to Social Security,

placing greater financial burden on the employed, compensation for which is no longer guaranteed, as, in its current state, "if nothing is done by 2040 Social Security will exhaust its trust fund assets." Furthermore, in 2008, the first Baby Boomer collected her first payment. From here, nearly eighty million Baby Boomers will follow suit. This paired with troubling economic times, much of which affect individuals' pension plans, and the pursuant rise in unemployment, also unplanned for in 1935, will lead to quicker exhaustion of the program's trust fund assets, prompting needed reform, which thus far has generally been manifested in increased taxes.

Finally, also linked to the abovementioned issues (population growth along with the growing elderly population), the workings of the system in general have proven problematic. The worker/beneficiary ratio is currently 2.9 to 1 (meaning there are 2.9 workers paying into the system for every 1 individual collecting benefits). This figure is projected to decrease to 2.1 by 2036, and to continue to decrease thereafter. Furthermore, again referring to future projections, the labor force growth rate is expected to remain below one percent from 2010-2050, dropping from roughly six percent in the 2010s to four percent in the 2020s, and then increasing only slightly to (and remaining at) six percent through the 2050s. This system that Roosevelt intended to be "entirely self-sustaining," has undergone, and will continue to undergo, constant stress from the increasing beneficiaries and decreasing contributors.

On account of the above stated issues, regarding the trends in population growth and life expectancy that would not have been easily grasped in the 1930s, as well as the volatility of the system, especially when it comes to troubling economic times, the Social Security system has become increasingly problematic, particularly considering the extent and sheer volume of dependence on its payouts. Furthermore, being that nearly all working individuals pay into Social Security, the vastly encompassing reach of such a problematic, unfeasible, and unstable system is indeed of increasing concern to those making and collecting payments, current and prospective participants in the faulty and failing system.

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Memoirs of a Paleo

Túlio S. Borges de Oliveira

Encounters: My Life with Nixon, Marcuse, and Other Friends and Teachers
By Paul Gottfried
Intercollegiate Studies Institute, 2009, 275 pp.
$22.68 (Hardcover)

Paul Gottfried (1941-), an Europeanist who has specialized in the study of ideological movements, has recently retired from his job as a professor at Elizabethtown College, Pennsylvania, where he taught Classical Greek, among other exalted, if increasingly unpopular subjects. Although he has written important books (most notably a trilogy on the rise of the administrative state), Gottfried is mostly known, to those who have heard of him, as a battle-scarred veteran of the Right Wars that have plagued the conservative movement in America since the 1980s. He was even responsible for coining the term "paleoconservative," as if describing a condemned species or a remnant of an irretrievable past, to characterize himself and other traditionally-minded, historically-conscious and anti-ideological thinkers who lost power and influence to neoconservative upstarts as the 20th century drew to a close.

This conflict, not always obvious to foreigners, be they sympathetic outsiders or rabid anti-Americans, is central to *Encounters: My Life with Nixon, Marcuse, and Other Friends and Teachers*, Gottfried's autobiography, released in 2009 by the Intercollegiate Studies Institute. A bit like Albert Jay Nock's, Gottfried's life has not been characterized by singular achievements. Unlike Nock, however, Gottfried has counted quite a few notables among his friends, including former president Richard Nixon. As the title makes clear, *Encounters* is less about its author than about the fascinating people whose company he has cultivated for the better part of seven decades.

Like Nock's classic autobiography, Memoirs of a Superfluous Man (1943), *Encounters* reflects a profound discomfort with the modern world. It is by confronting the

modern malaise that Gottfried comes to realize the nature of virtue – the same virtue which is embodied to different degrees by the subjects of his book, some of them notable examples of moral fiber and intellectual probity.

Despite its meager sales, *Encounters* is an important book: a book about courage and integrity; a book about the travails faced by modern scholars; a book about friendship – which, according to the author, seldom lives "up to Aristotle's ideal" (p. 159). It will certainly appeal to those of an aristocratic cast of mind and it must be read and kept by every serious student of American conservatism.

Though not a particularly gifted prose stylist, as he readily admits when discussing the late Russell Kirk, Gottfried writes in a clear, elegant manner. On almost every page, we encounter evidence of his first-rate mind, one capable of brilliant theoretical insights. And if he still seems to be too kind to his friends while too severe when judging his rivals, here he manages to rise above the shallow polemics which sometimes mar the articles he writes for websites like Alternative Right and Taki's Magazine. This may have something to do with the fact that Gottfried focuses less upon today's vulgar winners than upon the "beautiful losers," noble figures out of sync with the Zeitgeist and largely forgotten by a crass culture that has no use for their talents. One could almost say that Gottfried is an old-fashioned conservative much like the late British historian Tony Judt was an old-fashioned socialist. (Is it a coincidence that both use a train ride as a metaphor for their lives?)

In a celebration of conservative eccentricity, we are treated to affectionate portraits of men such as the best-selling historian John Lukacs, the Southern traditionalist Mel Bradford, the neo-Marxist Herbert Marcuse, and many other eminences, including the author's father, Andrew Gottfried, a sturdy German-speaking Hungarian immigrant.

A natural contrarian, Gottfried does not always agree with his friends on the dissident Right. Unlike most Darwinian conservatives, he does not subscribe to IQ determinism, writing with unconcealed distaste about the elites who may "have mastered the technique of taking standardized exams", but are also the "last human beings I could imagine trying to preserve what was once understood as high culture" (xi-xii); unlike Pat Buchanan or the Greek magnate and notorious womanizer Taki Theodoracopulos, he is refreshingly pro-Israel; and unlike Sam Francis and Christopher Lasch, he is unapologetically elitist. Though the comparisons tell us much about Gottfried's opinions, many questions remain unanswered. Some

people have called Gottfried a "right-wing Marxist." One might wonder, however, whether he is not, in the phrase of Straussian Harry Jaffa, a nihilist of the Right.

It does not seem so and in any case one of the main virtues of *Encounters* is that it reminds the reader of how foolish it is to try pigeonholing a serious thinker. Gottfried rightly chastises those who view the religious sociologist Will Herberg as "a 'premature neoconservative', (…) a trailblazer for the rise of [that] movement in the 1970s" (p. 67). At this point, it seems legitimate to ask: Has Gottfried not done exactly the same thing to Leo Strauss and his disciples throughout the years, however much he may be justified in his suspicions of their ahistorical mode of thinking?

The biggest problem lies elsewhere, however. Though his tributes are honest and fitting, they could have been more moving, more soulful, and maybe less sad. What is lacking, or not sufficiently present, is an adequate sense of the romance of conservatism, of the sheer joy of being alive – and the one inherent in the pursuit of truth.

Since Gottfried writes for the most part as a political theorist and a historian of political thought, the book lacks the literary imagination which makes John Lucaks' Confessions of an Original Sinner, for instance, such a fascinating read. Where are, for instance, the pleasures and consolations of high art? Though the book will not fail to arouse the reader's curiosity about the luminaries it describes, he will yearn for a more vivid idea of what it meant to be around them. Yes, the book is anecdotal, but only to some extent. There are witty remarks, worthy of their colorful speakers, but only a few of them. There are also some interesting incidents, but they are too brief and never described in great detail. Gottfried seems to find the right balance in his single-subject chapters, about his father (chapter 1), Herbert Marcuse (ch. 3), Will Herberg (ch. 4), and the communitarian Marxist Paul Piccone (ch. 5). In the chapter about Marcuse, who "on a visit to Venice told the mayor that there were too many tasteless visitors there" and that one needs a tourism of quality (p.52), Gottfried mentions the Stefan George circle of aesthetes and claims that if he had been living in turn-of-the-century Vienna at the time, he would probably have taken part in it. But he has been a member of other almost equally interesting circles and would do well to present a more vivid insider's perspective. He does so very rarely, as when discussing the intriguing battle for the chairmanship of the National Endowment for the Humanities, a presidential appointment.

All in all, there is too much political theory and not enough literature; too much departmental/editorial politics, too much conservative infighting, and not enough music or poetry. I am sure Peter Stanlis, the Burke specialist who died last year and was a lifelong friend of Robert Frost, had some interesting comments on the subject. One wishes there was more about the charming Robert Nisbet, though his aesthetic outlook on life has been given a fair treatment. Then what about Ernest von Kuehnelt Leddihn, an aristocrat in every sense of the word? He must have been a fascinating dinner companion. And even if we exclude the arts, the social arts among them, where are the lively philosophical debates? I am sure Gottfried and company were engaged in the most fascinating discussions, which would owe next to nothing to the ones that took place in Plato's Academy or Renaissance Ferrara.

There are other, more mundane, defects. The jacket design is in poor taste, and so is the subtitle. Whatever their relative fame, Marcuse and Nixon are not the most important characters in the narrative. A great part of the personal correspondence which is interspersed among the chapters is of little value, as well. There are exceptions, of course, like the letter in which Robert Nisbet excoriates Leo Strauss, the one in which Nixon discusses Disraeli, and – by far the most interesting of the batch – one from 1998, written by von Kuehnelt-Leddhin in German that goes far in showing how reactionaries despised the Nazis. Finally, it seems the editor overlooked a few mistakes. Were there two Nixon parties in October 1992 or just one? Sam Francis' lifespan is incorrectly dated as beginning in 1923 and ending in 1994. He was born in 1948 and died in 2004.

On the whole, nevertheless, *Encounters* is a very fine book which will probably become a reference of sorts. Its sense of loss, its pessimism, its despair and sadness are far from unwarranted. After all, its pages are filled with much suffering and injustice. Yet I do wish there was more beauty, more hope, more joy. Somehow it is as though the great Josef Suk had stopped his Asrael Symphony at the end of the second movement. Maybe a second installment of the book can remedy that and even include the moving tribute written by Gottfried to the late Joseph Sobran.