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901 South National Avenue
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honorscollege@missouristate.edu

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LOGOS: A Journal of Undergraduate Research is dedicated to the publication of scholarship and artistry by undergraduate students (or undergraduate students coauthoring with faculty) of Missouri State University. It is open to submissions from all undergraduate students at the university and conforms to the highest standards of scholastic integrity in a blind, peer-review process conducted by distinguished undergraduate students and faculty.

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Dedication

The Missouri State Honors College dedicates this volume of *LOGOS* to Robin Amonker, Ph.D, Professor Emeritus of Sociology.

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(Cover Image)

Rachel Brown is a junior at Missouri State University studying art, creative writing, and Spanish. Her work is driven by reading, traveling, and spirituality. Her goal is to create something new, colorful, and full of symbols and meaning and to tell a story that only she can tell. She strives to breathe life into paint and to become fleetingly godlike in that harmonious moment of creation.

Unzipped

By Rachel Brown
Department of Art and Design

Abstract

"I created Unzipped" in response to the challenge of creating a self-portrait that was more than just representational in the literal sense. I wanted to create a drawing that expresses my heart, my soul and the essence of my being. I started out at the base with a realistic grey graphite drawing of my face being unzipped by my hand. A scene pours out and unfolds above, symbolizing my life and what makes me who I am. At the base of the scene the tangled roots of a tree represent my family history. Native American symbols, a German Black Eagle, and a Celtic cross are a few of the symbols woven into the roots in earthy browns. The tree, my family tree, springs out from the roots of my ancestors and is full of lively green leaves, with a trunk of golden DNA that stretches into the future and the past, touching all of the generations ahead and behind me. Whirling masses of color and liquid texture represent my experiences and the memories left behind by these experiences. Besides my heritage and upbringing, these memories have constructed me into who I am as a person, whether those memories are dark or light. Unfolding above the experiences and the foliage of the trees, a flock of doves mediates between physical reality and the spiritual realm. A vibrant golden mandala of light and pattern radiates the peace and truth inherent in creation and the birthright of love that is available to all of us, an aspect of life that is not unique to me but that is a part of every living being.

People by Courtesy: The Native Peoples of Tierra del Fuego

By Ellis Cole
Department of History

Abstract

The story of the natives of Tierra del Fuego is at the same time both indicative of colonial settlement in Latin America and wholly unique in other ways. The native peoples of Tierra del Fuego, the Selk'nam (Ona) and the Yahgan (Yamana), survived well into the twentieth century, albeit they did not necessarily thrive towards the end. Native Fuegians weathered the coming of the Europeans centuries after the great classical civilizations of Mesoamerica and the Andean Incan Empire succumbed to the foreign onslaught. Surviving initial European contacts with the Spanish, British, and Dutch, the natives of Tierra del Fuego enjoyed independence until the settlement of the island by British sheepherders and the subsequent gold rush that lured many Argentines and Chileans to this end of the earth,[1] the native populations showed a steadfast resilience to conquest and "civilization". For this reason, it is perhaps no surprise that almost no full-blooded natives survive to this day. As of 1995, no Selk'nam and only two Yahgan women, Cristina and Ursula, survive from a people that numbered 10,000–11,000 as late as 1848.[2] Through examining ethnographical accounts taken by European explorers, later ethnographies made by early anthropologists, and archaeological reports, this paper traces the development of the peopling and sustained habitation of Tierra del Fuego.

The Peopling of Tierra del Fuego

When the first human beings set foot on Tierra del Fuego nearly 10,500 years ago, they discovered an area that was much drier and colder than the present

1. Colin McEwan, Luis A. Borrero, and Alfredo Prieto, eds.,"The Meeting of Two Cultures: Indians and Colonists in the Magellan Region," *Patagonia: Natural History, Prehistory and Ethnography at the Uttermost End of the Earth* (Princeton, NJ: Princeton University Press, 1997) 121-124.

2. Colin McEwan, et. al., *Patagonia: Natural History, Prehistory and Ethnography at the Uttermost End of the Earth* (Princeton, NJ: Princeton University Press, 1997) 114.

climate of the region.[3] More recently, the western section of the island receives no less than 1,000 and sometimes up to 5,000 millimeters of rain while the eastern, more leeward side may only receive 200 millimeters.[4] Temperatures range from 0°C to 10°C due to the chilling effect the Antarctic Current has on the island.[5] Although the earliest human settlement of Tierra del Fuego is thought to be located at a rockshelter named Tres Arroyos 1, the ancestors of the Selk'nam and the Yahgan were not among the first settlers to the area. A gap of nearly 5,500 years exists between those mysterious first settlers and the next wave of Holocene settlers we now know to be the groups that would later become the Selk'nam and the Yahgan. Two theories stand for the fate of this first group: One states that the group simply moved off of the island due to climactic pressures while another contends that the first wave of settlers faced extinction, also due to climactic factors.[6] Whatever the case for those first settlers' unsuccessful attempt at settlement, a mere 3,000 years after their disappearance, the group of Holocene migrants comprising what would the Yahgan and Selk'nam peoples arrived on the Fuegian coasts facing the Atlantic Ocean. Archaeologists have deduced that this event happened between 5,000 and 3,000 years before the present day. Artifacts left behind by the Holocene ancestors indicate a diet of shellfish and guanaco, an animal related to the llama. Archaeologists have also found several tools and shell-midden burials pointing to settlement at Laguna Arcíllosa and Cerro la Bandurias.[7]

Pre-European Interaction among Fuegian Groups

Since neither the Selk'nam nor the Yahgan developed written language, it becomes necessary to turn to archaeologists in order to find clues as to how these groups lived during the thousands of years up to the first European contact. Many studies have been done on subsistence strategies. From these studies, archaeologists have extrapolated other clues as to how these groups divided their labor. Two such archaeologists have formed hypotheses as to how and what these ancient groups did for a livelihood: Atilio Francisco

3. Flavia Morello, Luis Borrero, Mauricio Massone, et. al., "Hunter-gatherers, biogeographic barriers and the development of human settlement in Tierra del Fuego," *Antiquities*. 71-87.

4. William E. Rudolph, "Southern Patagonia: As Portrayed in Recent Literature," *American Geographical Society*, Vol. 24, No. 2, 1934. 251-271.

5. Charles Wellington Furlong, F.R.G.S., "Some Effects of the Environment on the Fuegian Tribes," *American Geographical Society*, Vol. 3, No. 1, 1917. 1-15

6. Flavia Morello, Luis Borrero, Mauricio Massone, et. al., "Hunter-gatherers, biogeographic barriers and the development of human settlement in Tierra del Fuego," *Antiquities*. 81.

7. Flavia Morello, Luis Borrero, Mauricio Massone, et. al., "Hunter-gatherers, biogeographic barriers and the development of human settlement in Tierra del Fuego," *Antiquities*. 74.

Zangrando and Dánae Fiore.

Zangrando studied the role fishing played in these groups' hunter-gathering strategies. Of particular concern to Zangrando was whether or not fishing intensification, the process of fishing more than the group had in the past, caused a change in the social structure of the group.[8] What Zangrando found was that fishing was more important in the summer earlier on but became more prominent in general, with deeper-water fish like the barracuda becoming more common at the end of the assemblage.[9] This implies that people would need not only the nets and harpoons one needed while fishing closer to the shore, but they would also need canoes in which to get to the deeper waters where the pelagic fish, those that lived farther away from the coast, could be caught. By extension, this means that fishing activities would take much longer than they did when mainly littoral fish, those living close to the coast, were caught. Zangrando points to a change in labor investment. As the fishing activities moved further from the coast and into the open sea, barracuda became nearly the only fish species utilized by the group, accounting for 90% of the catch at the Imiwaia I site. Competition with terrestrial hunter-gatherers elsewhere in Tierra del Fuego is cited as the reason for these coastal sites' increased dependency on pelagic fish.[10] Not only did the terrestrial peoples hunt land animals, they also became competition to the coastal groups by spearing and netting littoral fish. In order to provide subsistence for themselves, the coastal groups had to specialize in the one thing the terrestrial groups never did: using canoes. These people that started using canoes were the Yahgan and, to a lesser extent, the Haush. The terrestrial groups became the Selk'nam.

While Zangrando focuses on the subsistence strategies of the Fuegians, Fiore looks at the material culture left behind by the group. In examining both tools and ornaments, Fiore demonstrates the changing culture and labor investment strategies used by the group. Fiore's premise is that the more intricately decorated an object is, the more time it took to make. Because it was deemed necessary to spend time and labor on the object, it was most likely expected there would be some sort of economic payoff. This would be especially true of an object like a harpoon, on which carved symbols may serve as totems for a good catch. From about the time of the second advent of human existence in Tierra del Fuego (6400 BP) to 4300 BP, harpoon points were intricately decorated. After this time, the decoration of harpoons became simpler with each passing archaeological assemblage. Fiore maintains that this could be because the group started to wonder whether or not it was futile to

8. Atilio Francisco Zangrando, "Is fishing intensification a direct route to hunter-gatherer complexity? A case study from the Beagle Channel region (Tierra del Fuego, southern South America)," *World Archaeology*, Vol. 41. 2009. 589-608.

9. Zangrando. 596-597.

10. Zangrando. 603.

spend so much time on decoration of an object that could be easily broken or lost at sea. Another reason Fiore advances for the decline of decoration is that the main source of prey for the harpoon, seals, were becoming less popular to hunt.[11] This is due to the fact that the Fuegians were diversifying their diet by going farther out to sea, as Zangrando has shown, as well as exploiting land game such as guanacos, either by hunting or by trade with inland hunter-gatherers. This harpoon example can be directly contrasted with the state of bead decoration. According to Fiore, bead decoration actually increased over time, presumably because the risk of losing a bead was lower than losing a harpoon. In addition, this development could be traced to means of producing food, yet again. Most beads were made of bird bone, as opposed to harpoons, which were made of stronger bone from guanaco or seal. The increase in bead decoration correlates directly with an increase in bird bones in the assemblages.[12] Therefore, another reason for the increase in bead decoration may simply have been because there was more material to work with when making beads. Both Fiore's and Zangrando's work shows a group of people who were sensitive to their environment and knew the value of adaptation for survival. Though the Fuegian natives knew how to adapt to the harsh reality of life in Tierra del Fuego, they would be left defenseless with the arrival of the Europeans.

Beginning of the End: Contact with European Explorers

Before the mass settlement of Europeans in Tierra del Fuego, the Fuegian groups came into contact with several explorers from Spain, England, France, and the Netherlands.[13] For more than 300 years, the Selk'nam and Yahgan peoples would see Europeans only intermittently—as it turns out, this was no small mercy. European colonization of Tierra del Fuego was kept at bay largely due to reports brought back by the explorers of "savages" that would butcher their fellow men and eat them. Add to this the extreme climate on the island and, most importantly, the lack of vast silver and gold reserves so prevalent in the Andean regions of the continent, and it is no surprise that the Europeans were content to leave the region to the explorers—for the time being.

The first of these explorers was Hernando de Magallanes, the man who named Tierra del Fuego. Magallanes, or Magellan as he is known to English speakers, started out his career by going on an expedition to the Indian subcontinent. He was injured by hostile natives and barely survived. After this, Magellan felt he was owed something and proposed to the king of Portugal

11. Dánae Fiore, "Art in time. Diachronic rates of change in the decoration of bone artefacts from the Beagle Channel region (Tierra del Fuego, Southern South America)," *Journal of Anthropological Archaeology*, Vol. 30. 2011. 484-501.

12. Fiore. 497-498.

13. McEwan, et. al. 11.

at the time, King Manuel, that he wanted to be a cavaleiro fidalgo, a knight. King Manuel spurned him in front of the Portuguese royal court. After this, Magellan offered his services to King Charles of Spain. After his humiliation as meted out by Manuel, Magellan spent a period of time in seclusion studying maps of the world. He thought he had found a passage through the New World to the coveted Asian markets of India, China, Japan, and the Spice Islands. The King of Spain heard Magellan's appeal and agreed to invest money from the royal treasury in the expedition. It was on this expedition that Magellan would discover the Strait of Magellan and, by extension, the island known as Tierra del Fuego. Although Magellan originally named the island Tierra de las Fumas, the Land of Smokes, Spanish cartographers decided to toughen the name by changing smoke to fire. While it is thought that Magellan named the island for the fires he could see burning on the beach—presumably belonging to the Yahgan—it is not known for sure, and Antonio Pigafetta, the ship's diarist, does not directly acknowledge the story. At any rate, Magellan's crew had minimal contact with the canoe peoples, and no contact was recorded in detail, for the ultimate goal of the expedition was finding the eastern passage to the lucrative eastern lands.[14]

While Magellan did not take the time to acquaint himself with the natives, another explorer, Sir Francis Drake, an English privateer, did note the natives while discovering Drake's Passage. This time, the only notice taken of the natives was that they were naked, or nearly so. At any rate, Drake felt they were far too underdressed in an area where 10°C was considered balmy. Drake, as well as many other explorers, noted the harsh conditions in which they lived while charting his own passage to the Pacific Ocean. This passage is really just the ocean directly south of Tierra del Fuego, where the Pacific and Atlantic Oceans meet. Drake was tasked with finding a passage to the Pacific Ocean and commandeering Spanish plunder from ships laden heavily with gold and silver from Peru.

Economics was not the only reason for Drake's willingness to take a cut of the Spanish riches from the New World; there was a religious element as well: Francis Drake was a vicious anti-Catholic. This hatred for another confession blossomed when Drake was a boy, during the reign of Queen Mary of England. The Queen was fixated on turning newly Protestant England back to Catholicism—by any means necessary. She frequently had heretics (Protestants) burnt at the stake. To add insult to injury, she married the King of Spain, Phillip II. Even though the kingdoms were joined by matrimonial union, Philip II refused to let the English trade New World items with the Spanish. When Queen Mary died in 1558, her sister, an Anglican Protestant, took the

14. Dallas Murphy, *Rounding the Horn: Being the Story of Williwaws and Windjammers, Drake, Darwin, Murdered Missionaries and Naked Natives – A Deck's-Eye View of Cape Horn* (New York City: Basic Books, 2004) 61-68.

throne and declared religious tolerance—though this was more theoretical than practiced. It is Queen Elizabeth who was Drake's greatest supporter in his endeavors.[15]

One of the last explorers to visit Tierra del Fuego was the naturalist Charles Darwin. Darwin, a naturalist by training, took better notes than either Magellan or Drake. He accompanied the HMS Beagle on its circumnavigation of the globe from 1831–1833. The captain of the Beagle was Robert Fitz Roy, who had recruited Darwin to be the Beagle's naturalist and to provide intelligent companionship for the ship's tedious two-year journey.[16] Although Darwin may have been a trained naturalist, his writing shows he was far from objective. Upon mooring in Tierra del Fuego, Darwin had this to say of the natives:

> It was without exception the most curious and interesting spectacle I ever beheld: I could not have believed how wide was the difference between savage and civilised man: it is greater than between wild and domesticated animals, inasmuch as in man there is a greater power of improvement.[17]

Unflattering statements like the one above appear in Darwin's writings quite frequently. This pattern has not gone unnoticed by modern historians and was the topic of an essay written by a visiting scholar at Harvard University named Theodore Macdonald. Macdonald wrote that "The view of a natural hierarchy among the human species was widespread at the time."[18] Although Darwin's documentation of the natives comes off as judgmental, Macdonald urges the reader not to discount what he wrote and to take into account that Darwin himself comes from a larger cultural tradition in which this sort of ethnocentric judgment is permissible, even in academic works such as ethnographies. Indeed, there are other accounts which support Macdonald's assessment that Europeans at the time saw Fuegian cultural in a European context and not on its own terms. Captain King, another observer of the culture, had this to say about native women: "About four feet and some inches is the stature of these she-Fuegians, by courtesy called women…They may be fit mates for such uncouth men; but to civilized people their appearance

15. Murphy. 73-78.

16. David Amigoni, "Preface," *The Voyage of the Beagle* (London: Wordsworth Editions Limited, 1997) VII.

17. Charles Darwin, *The Voyage of the Beagle* (London: Wordsworth Editions Limited, 1997) 196.

18. Theodore Macdonald, "In Dire Straits: Charles Darwin and the Fuegians," *ReVista: Harvard Review of Latin America*. 2009. 28-33.

is disgusting."[19] Even though Darwin seemed largely dismissive of Fuegian cultural achievements, he was impressed with their ability to "mimic" the language of foreigners. "They could repeat with perfect correctness each word in any sentence we addressed them, and they remembered such words for some time."[20]

Through a succession of years and European explorers, the Fuegian people maintained their identities and avoided the fates that befell their American compatriots from both continents largely due to their good fortune of not having what Europeans thought all "successful" peoples should have: rich resources and a strong material culture. Though Charles Darwin was one of the last explorers to see the Fuegian groups before wholesale European settlement and ensuing disappearance of the Selk'nam and Yahgan peoples, he left a chilling passage that foreshadowed events to come. Toward the end of his writings on Tierra del Fuego, he lamented the fact the Fuegians had no political unity and that "until some chief shall arise with power sufficient to secure any acquired advantage…it seems scarcely possible that the political state of the country can be improved."[21] Unfortunately for the Fuegians, no political savior arose to save the people from the onslaught of European prospectors, shepherds, and missionaries.

Colonization and Conversion

The first attempt at colonization came with the Chilean establishment of Fuerte Bulnes in 1843, just across the strait on the Brunswick Peninsula. Friendly trade agreements were established between native groups and the Chilean colonizers, but a mutiny in 1851 drew both colonists and natives into a bloody fight that ravaged the city of Punta Arenas. Contact was again established with the natives in 1852, but the colonists soon realized they were receiving the cold shoulder from embittered natives, and they were ordered to henceforth have nothing to do with the natives.[22] Contact between the Chileans and the natives would resume again later, but a new player had arrived on the scene: the British settler.

This new wave of settlers came to raise sheep in the cool and wet climate of the island. In 1875, Britons accounted for only 2.7% of the immigrant community in the Chilean territory of Magallanes. In just ten years, the British had increased their presence nearly fivefold to 14% of the immigrant population. What is more, the British settlers controlled over 70% of the total

19. John George Wood, *The Natural History of Man: Being an Account of the Manners and Customs of the Uncivilized Races of Me*n (London: G. Routledge and Sons, 1870) 515.

20. Darwin. 197

21. Darwin. 219.

22. McEwan, et. al. 113-115

holdings dedicated to the activity, including land, processing, and selling facilities.[23] The effects of the British incursion in the territories of the Selk'nam were largely negative at first, with the wholesale slaughter of the guanaco that the natives depended on for food and clothing. As a result, the Selk'nam started "rustling" sheep. They viewed the sheep as a new food source, as sort of replacement for the guanaco which had once been so prevalent. As a result, the sheep farmers put a price on the Selk'nam head: "Some sheep farmers offered a bounty of £1 per head for Indians, and a certain MacLennan, resident of Bahia Inutil, is said to have paid out £412 in a single year."[24] In 1880, a gold rush occurred, and many Selk'nam were killed by the marauding prospectors. By 1900, only 700 Selk'nam remained. The count for the Yahgan was as low as 200 in 1903.[25] Though the Fuegians had come out of the nineteenth century decimated by European settlers, it would be the European missionaries who nearly finished them off.

In 1889, the Mission of San Rafael was opened on the Isla Dawson by the Catholic order of Salesians. The purpose of the mission was to serve as a refuge to Indians who had been pushed off their lands by the sheep industry and other colonial activities. In the mission, natives were taught European standards of work ethic and religion. Cultural differences between native groups were rarely realized and never given precedence over the Christianizing influences of the Salesians. Many of the natives would perish by contracting respiratory diseases due to being in constant contact with Europeans. At the Protestant Mission in Ushuaia, half of the natives died from pneumonia in the winter of 1884. By the time San Rafael closed in 1911, only twenty-five of the nearly 1,000 admitted natives were left.[26]

Cultural Transmission via Ethnography

In what became the twilight on the Fuegian cultures, the actual evidence of the lives the natives lived became committed to paper. Most of the early work done on the native groups of Tierra del Fuego was done unwittingly by geographers. These men included M.W. Holdgate and Charles Wellington Furlong. Most of these writings are primarily about the physical geography of Tierra del Fuego but include substantial portions on the cultural life of the natives. W. Barbrooke Grubb wrote one of the only true ethnographies of the Yahgan before they fully assimilated into modern society. He describes one of their beliefs that he asserts

23. Mateo Martinic Beros, "LA PARTICIPACIÓN DE CAPITALES BRITÁNICOS EN EL DESARROLLO ECONÓMICO DEL TERRITORIO DE MAGALLANES (1880-1920)." *Historia*. 35. (2002): 299-321. http://www.scielo.cl/scielo.php?script=sci_arttext&pid=s0717-71942002003500011 (accessed October 6, 2012).

24. M. W. Holdgate, "Man and the Environment in the South Chilean Islands." *The Geographical Journal*. CXXVII. (1961) 409.

25. M.W. Holdgate. 409-410.

26. McEwan, et. al. 122-126.

they hold in common with the Selk'nam: At a point in history, women were the oppressive overlords of men and the men decided to overthrow the women. To do this, they killed all women over the age of twelve, for after that age, they had mastered the domination of men. Commemoration of this historical event was done periodically by the Yahgan in a shelter built in the forest. In the shelter, boys were initiated into the secrets of the men. Death was prescribed for any woman who tried to enter the shelter.[27]

Two German speakers, Wolfgang Abel and Martin Gusinde, are notable for their work with the Selk'nam. Abel was a bioanthropologist and focused more on physical features of the Selk'nam, particularly their teeth. He believed that by examining the number and condition of the teeth of the natives, one could draw conclusions about the physical features of prehistoric man.[28] While the premise of his work raises eyebrows today, it was not unusual to study different physical features in order to establish a hierarchy of race in the 1930s and 1940s. Though his work may be slightly suggestive of eugenics, it is not primarily concerned with the culture of the natives. For ethnographical purposes, Gusinde is by far the leader in his field. Martin Gusinde was not only an ethnographer but also one of the Silesian missionaries in the area. Unlike other missionaries, Gusinde realized the value in recording native traditions and ceremonies.

One such ceremony was the Selk'nam Chiaxouse. The Chiaxouse was a coming-of-age ceremony held every two or three years, depending on when there were deemed enough initiates to hold the ceremony. The elders allowed Gusinde to sit in on a Chiaxouse ceremony as long as he consented to go through the ritual as an initiate does. He agreed, and thus his ordeal began. Initiates were bound by leather cords and walked to the Chiaxouse, the structure in which the rites were held. Upon entering the lodge, initiates' heads were bagged, and they were shaken vigorously by the hips. After this, initiates were lead to elder couples assigned to them. The couples were responsible for taking care of the initiates for the ensuing weeks that it would take to perform the Chiaxouse. The initiates would then resume a position in which they could not move. Food was strictly limited and often withheld as punishment for the duration of the ceremony.[29] Gusinde writes:

> It is believed that these sufferings train the candidate in self-control. The tribe wishes also thereby to make the candidate docile and willing to accept the admonitions that are being given

27. Barbrooke Grubb, "The Yahgan Indians of the West Falkland Group." *Folklore Enterprises, Ltd*. (1927) 79.

28. Wolfgang Abel, "Das Gebiß der Feuerland-Indianer."*Zeitschrift für Morphologie und Anthropologie*. (1940) 349-358.

29. Martin Gusinde, S.V.D., "Adolescent Rites of the Indians of Tierra del Fuego." *The American Catholic Sociological Review*. Vol. 11. No. 2. (1950) 86-88.

to them each day of the rite.[30]

He goes on to mention that both boys and girls would receive instruction in the jobs they would be doing as initiated men and women in Selk'nam society. Gusinde portrays the Chiaxouse ceremony as a community-building adaptation that allowed the Selk'nam to organize themselves socially into a cohesive group. This is no doubt something they would have had to do in such an unforgiving environment.

Conclusion

In the Plaza Muñoz Gamero in Punta Arenas, Chile sits a statue of the great navigator Ferdinand Magellan. At the base of this statue sits another statue: that of a Fuegian Indian. For more than three hundred years, the Fuegians avoided Spanish colonization. Even when the Chileans came to settle the area, the impact on the natives was minimal. Only with the arrival of the British and the missionaries did the native communities suffer. In the space of 150 years, the population went from around 10,000 natives to only two.[31] In the near future, the only memory of the Fuegians in modern times will be the statue that sits below Ferdinand Magellan. Although the Selk'nam and Yahgan peoples were ultimately overcome by the arrival of the first permanent European colonists, they and their ancestors were a group of highly-adapted survivors that made their way to the end of the earth, not only surviving, but thriving, as modern ethnoarchaeological and dated European and American ethnographies and exploration summaries show.

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30. Martin Gusinde. 88.

31. MacEwan, et. al. 114.

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Ellis Cole is a senior at Missouri State University pursuing a double major in antiquities and anthropology. He splits his interests between linguistic anthropology and archaeology, with marginalized societies being his primary interest. After graduation, he hopes to continue studies in anthropology at the graduate level. His ultimate goal is to work for a humanitarian aid organization focusing on developmental and public health issues in Sub-Saharan Africa.

A History and Conservation of the Saltillo *Sarape*

By Elizabeth Haughey
Department of Sociology and Anthropology

Abstract

The *sarape* is a woven textile that is worn as an outer garment by people of all social classes in Mexico. *Sarapes* were developed by Mestizo cultures and became a national symbol of Mexico in the early 19th century, through the Mexican Independence movement. The community partner *sarape* was dirty and covered with pet hair, it had holes and areas of the weft that were worn through, and the fringe was fragile and breaking. In my conservation project through the ART 488: Basic Conservation of Art and Artifacts course at Missouri State University, I brushed out the dust and dirt and removed the pet hair from the *sarape*. I then tested the *sarape* for color-fastness and wet-cleaned the soiled areas. Finally, I sewed on a muslin backing and stabilized the holes, worn areas, and the fringe of the textile.

Introduction

Art history and conservation are complementary fields. In order to preserve, clean, stabilize, repair, and restore art and artifacts, a thorough understanding of the object is required. Without a deep knowledge of the history and culture behind the object and without an understanding of the ethics behind its conservation, the conservator would not be able to properly conserve the object.

This paper details the research and conservation of a Saltillo *sarape* blanket, spelled "serape" in English, made by Mexican Mestizo artisans (Figure 1). The project detailed in this paper was conducted throughout the fall of 2012 in Dr. Billie Follensbee's ART 488: Basic Conservation of Art and Artifacts course at Missouri State University. The goal of this project and of the course in general was not only to effectively conserve a piece of art or an artifact, but also to provide the community with a better understanding of the piece. The artifacts conserved in this course were provided by community partners such as museums and collectors who wished to have their pieces cleaned, stabilized, and, if needed, restored for display in a fall 2013 public exhibition and future exhibitions. In completing this project, the University community,

the community partner's communities, and the regional community is provided with educational art exhibits with substantial interpretive texts, which promote knowledge and understanding of the art and artifacts displayed. In addition, the community partner will be provided with a conserved Saltillo *sarape* blanket.

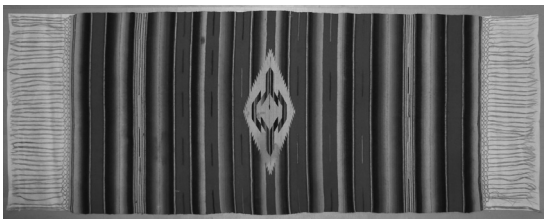

Figure 1: Saltillo sarape blanket

Comparison with Navajo Eye Dazzlers

One of the most important components of good conservation is to know the object. Today, Mexican textiles and those produced in the American southwest are often confused due to imitation and similarities in design, which is a product of heavy interaction between the two regions. The materials, techniques, and purposes of the textiles differ, however, and all of these affect how an object should be conserved. The first step in proper conservation, then, is confirming the origin of this textile. For Saltillo *sarape*s, a good comparison textile is the Navajo Eye Dazzler (Figure 2). The Eye Dazzler and the Saltillo *sarape* are similar in appearance but have several distinguishing characteristics. A number of these stem from the origin and production of the textiles. There are certain instances when the community partner *sarape* mimics Navajo production techniques more closely than traditional Mexican techniques, such as the lack of warp clusters or cabled bundles of warp threads at the edge of the community partner *sarape*. Instead, the *sarape* has continuous warps along the top and bottom, similar to traditional Navajo rug production (Bennett, 2000). One clear distinction between the textiles, however, is the presence and use of side selvage cords. In Navajo textiles, selvage cords, or alternating threads along the edge serving as the side warp, are incorporated in the set-up of the warp on the loom. In Mexican imitations of Navajo textiles, selvage cords such as these are not used (Figure 3) (Bennett, 2000). As this particular *sarape* has no side selvage

Figure 2: Navajo Eye Dazzler

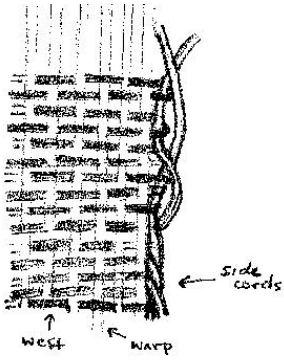

Figure 3: Mexican imitations

cords, its origin is most likely of Mexican production.

Another factor that points to the fact that this *sarape* was made using traditional Mexican techniques is the yarn used in its production. On this particular blanket, the surface is smooth and not "nubby." This weave indicates that, unlike the tightly packed Navajo rugs, the Mexican wool was more loosely woven and less consistent, leading to a lighter weight and less uniform shape. There is also a lack of sheep odor; the natural wool used in the production of Navajo textiles generally retains an odor of sheep because of the lanolin in the wool. Mexican textiles, on the other hand, generally are chemically treated or made of commercial yarn, which has no odor (Bennett, 2000). Also, due to the lack of lanolin in the blanket, the textile tends to be lightweight, another feature of Mexican production. Furthermore, the color on the community partner *sarape* is uniform throughout and has no streaking. There are also variations in bright colors, especially red, and the two gray colors are uniform with a dull matte appearance and occasional color flecks. The gray is less uniform than the red, but there is no black and white "tweeded" effect, which can be seen in Navajo hand-processed wool (Bennett, 2000). All of these characteristics of color speak to the blanket's Mexican origin, as well as its use of commercial (aniline) dyes.

Figure 4: Stepped design

One reason that these textiles might be confused is that, after the 1860s military defeat of the Navajo by the United States, the appearance of Navajo textiles began to change. Stepped designs (Figure 4) and serrated designs (Figure 5), probably of Mexican origin, began to appear on Navajo blankets woven for indigenous use, and designs for rugs used in American homes began to integrate foreign motifs, principally from Mexican Saltillo *sarape*s (Berlo and Wilson, 1993). While the design on this community partner blanket is quite similar to both the Navajo Ganado and Two Grey Hills designs (Figure 2), it does not match either pattern exactly enough to be considered a traditional Navajo Eye Dazzler design (Bennett, 2000). In addition, unlike American Southwest Navajo Eye Dazzlers, this blanket has a central design rather than a design that covers the majority of the blanket (Wheat, 2003).

Figure 5: Serrated design

When all factors in the textile's production and design are taken into account, it is clear that the *sarape* is a Mexican textile. The community partner *sarape* was most likely produced for the tourist trade—a fact that could have

affected its methods of production. The most distinctive feature that reveals the Mexican origin of this textile is the lack of knotted and rethreaded fringe ends, which would often create a one-inch ridged texture along each end of the rug, as in traditional and imitated Navajo textiles. It is easy to identify this *sarape*'s Mexican origin by its fringe, which is left on the outside of each end of the blanket and elaborately twisted and knotted. Because some Mexican textiles are valued by the level of elaboration in the fringe, this feature allows for an identification of the blanket as a souvenir made in the style of a traditional Mexican textile and not as an imitation of an Eye Dazzler (Bennett, 2000).

History of the *Sarape*

The *sarape* is a knee-length covering made of two identical blankets sewn together along one edge, with a slit for the head in the center of the sewn edge (Kirchheimer, 2012). This textile is most often worn hanging from the shoulders or folded draped over one shoulder. The slit for the head in poncho-style *sarape*s is the most characteristic feature of the design; it almost always has a diamond-shaped medallion in the center. When the poncho-style *sarape* is worn, the longer points of the diamond extend over the shoulders and the shorter points over the breast and back, forming a decoration around the neck (The Art Institute of Chicago, 1907–1951). Worn similarly to ponchos, the tapestry-style *sarape*, or fringed wearing blanket, often has a slit for the neck opening as well. The tapestry-style *sarape*, though, is customarily worn as a shawl around the shoulders. This style of *sarape* generally has three major design elements, including a dominant central motif, which is usually a series of consecutive diamonds or scalloped circles. These *sarape*s also display backgrounds of small, repeated patterns, as well as borders of related smaller, interconnecting designs. These smaller designs frequently demand time-consuming yarn changes when being produced (Wiles, 1999).

The popular Saltillo *sarape* was named for its origin in Saltillo, a northern Mexican city, and these traditional *sarape*s date back to the sixteenth century. Sixty-three percent of the 702,568 inhabitants of the city of Saltillo, located in the state of Coahuila, Mexico, are Náhuatl speakers. Náhuatl is the traditional language of the Aztec people and one of the most prominent indigenous languages in Latin America (Gobierno Municipal, 2012). The presence of this language in the region illustrates that the Saltillo Mestizo peoples are descended from the indigenous Tlaxcaltecan Aztecs, who produced finely woven cotton capes, often called tilmas, worn knotted over the shoulder or neck. After the Spanish introduced sheep to the New World in the late sixteenth century, the Tlaxcaltecans were encouraged to colonize the northern region of present day Mexico. These indigenous peoples then settled near the town of Saltillo in Mexico and brought their weaving industry with them; the Saltillo *sarape* may have evolved from this settlement. These Tlaxcaltecan weavers most likely

borrowed from the designs used by the indigenous people and incorporated European textile motifs in order to produce their *sarape*s (Rapt with Wraps, 1992). Although the region of Saltillo was the earliest and most important center for the production of Saltillo-style textiles, textiles such as these are also produced in other parts of Mexico (Smithsonian Center for Education and Museum Studies, 2012). In addition, these Saltillo textiles inspired weavers to produce similar products and designs from Guatemala to New Mexico.

The *sarape* eventually evolved from a lower class garment to outerwear of the fashionable middle class through the Mexican Independence Movement. The quality of one's *sarape* became evidence of class distinction, leading the wealthy to value the finest and most intricate of the traditional men's *sarape*s (Wiles, 1999). This change led the Saltillo *sarape* to become a visible symbol of power, wealth, and position and to become highly prized among Mexican landowners (Rapt with Wraps, 1992). During the struggle for independence in the nineteenth century, the *sarape* also evolved as the essential element of national dress, blending pre-Columbian and Spanish Colonial weaving traditions, including the use of the European treadle loom and sheep's wool (Wiles, 1999). In 1910, the *sarape* and the sombrero even served as rallying symbols of the Mexican Revolution, and especially during the 18th and 19th centuries, vaqueros (working cowboys) and caballeros (aristocratic horsemen) alike wore *sarape*s, either as ponchos or as rectangular cloths draped over their shoulders (Rapt with Wraps, 1992).

Production of the Saltillo *Sarape*

Knowledge of the history, use, and production of the Saltillo *sarape* is essential in understanding this textile. The earliest Saltillo textiles were woven on treadle looms, which use foot pedals to mechanically lift and lower the threads of the warp (Smithsonian Center for Education and Museum Studies, 2012). Because the treadle loom was heavy, causing the weavers to employ intense physical effort, the *sarape*s were traditionally woven by men (Wiles, 1999). These weavers were originally, for the most part, indigenous but later were Mestizo (mixed indigenous and Spanish) men, and they often worked in small factories or workshops (Rodee, 2012). The treadle looms produced long and narrow pieces of cloth; in order to produce wider textiles, two-piece *sarape*s were sewn together down the center. The two halves of the designs were woven on the loom separately, and then the long sides were matched together, forming the head slit in the center (Rodee, 2012). The designs of the Saltillo *sarape*s were originally created by using finely-spun wool woven onto hand-piled cotton foundations (Rapt with Wraps, 1992). Additionally, almost all of the *sarape*s have a three-part design format: a concentric central diamond with a serrated edge against a patterned background that was often framed by a decorative border.

Each *sarape* required one to two years to weave, even on the treadle loom, which is one reason for their expensive price. These hand-woven *sarape*s continue to be highly valuable even after the mechanization of wool weaving. The Saltillo *sarape* was made by traditional methods as late as 1850; after this time, the *sarape*s began to be produced commercially by machine and as souvenirs (Kirchheimer, 2012). After 1860, there was a decrease in the number and the quality of *sarape*s produced due to the adoption of simpler designs and quicker production methods, which then led to the production of inexpensive, industrial-printed *sarape*s (Wiles, 1999). Moreover, by the 1860s, weavers began integrating floral designs and pictorial images in their textiles, and new colors were made available through synthetically-dyed and metallic yarns imported from Europe (Wiles, 1999). These textiles then replaced the undyed or naturally-dyed yarns of the native Mexican peoples.

Traditional Saltillo *sarape*s were originally made using brightly-colored vegetal dyes which were derived from leaves, fruit, flowers, bark and various woods, such as indigo, and especially cochineal, an insect-based dye. Once chemical, or aniline, dyes were discovered in England in 1847, however, these dyes spread all over the world and dominated most of the world market (Rodee, 2012). These synthetic dyes are easily distinguishable by their super-saturated hues, and they are now used in the production of fabrics used in mass-produced souvenir *sarape*s (Kirchheimer, 2012).

The community partner *sarape* is unusual in the fact that, although it was made of cloth colored with aniline dyes, it was produced using traditional weaving techniques, despite being made after 1860. This blanket is traditional, however, in its material and design. It is woven of wool and cotton, and it has a diamond-shaped central motif set on a background of brightly colored stripes. It also has a fringe that has a complex, knotted pattern and extends from each end of the blanket, as traditional Mexican textiles are made. While it does mimic traditional production techniques, however, this *sarape* does not have all of the characteristics of a traditional Saltillo *sarape*. This blanket was most likely woven on a commercial loom, and it does not include warp clusters, or cabled bundles of warp threads at its edges, as traditional Mexican *sarape*s do. There is also no slit for the head, as in poncho-style *sarape*s, and this blanket is smaller than most *sarape*s without slits, which would be worn wrapped or hanging around the shoulders and reaching to the waist or knees. For this reason, the community partner *sarape* is most likely a souvenir object, made in a more manageable size so as to be used decoratively.

Ethical Issues

When conserving an object such as this *sarape*, it is important to be mindful of the original production of the textile. While this blanket is a piece most likely produced commercially as a souvenir, the artisan who produced it

used traditional production techniques and designs. Nevertheless, the textile itself needs to serve as the guide for how it should look, rather than the very traditional objects on which it was based. Traditional *sarape*s were originally intended to be worn, but since this object had no head slit, it is inappropriate to create or maintain such an opening. As this object was most likely not worn traditionally, there is also no necessity to consider leaving any such signs of wear intact. Instead, it is important to maintain the original look of this decorative blanket by cleaning it, stabilizing any holes, and stabilizing the fringed ends.

In cleaning the soiled areas, it is important not to damage the textile further by causing the pigments of the blanket or the stains on it to run or bleed. When repairing holes and damaged areas of a blanket, invisible thread is used, so as to make the stabilization stiches as unnoticeable as possible. Similarly, because the fringe on the ends of the blanket is an important factor in identifying the blanket as Mexican Mestizo, the fringe should be untangled and displayed in a way that shows its importance on the blanket. Untangling the fringe must be done with great caution, so as to avoid further breakage of the tassels.

Conservation

The community partner Saltillo blanket was in fair condition upon first examination: the blanket was generally stable, the colors were not faded, and all patterns and designs were easily distinguishable. There were, however, multiple stains and discolorations on both sides of the blanket, causing the blanket in general to look dirty. There was one quarter-sized dark stain, one small dark stain, and one small white stain. The center design was discolored with a brownish stain on one half. There were also multiple moth holes, with at least two holes worn all the way through the blanket, some worn-down sections of the weft, and some broken or missing strands of the fringe tassels. In addition, there were loose wool fibers and pet hair on the surface of the blanket.

According to the training I received in the ART 488: Basic Conservation of Art and Artifacts class, proper conservation of a textile in this kind of condition first requires surface cleaning. This step entails removing loose dirt, dust, and fibers from the textile. Since this *sarape* was sturdy and stable, the first step in surface cleaning was to gently shake out the textile. Next, a soft paintbrush was used to remove loose surface dust, dirt, and other fibers. A pet-hair removal glove with soft rubber fingers was then used to gently pick up pet hair, fibers, and other surface materials that were more embedded in the blanket.

Because the textile had several stains and discolorations, it was then necessary to attempt wet cleaning as the next step. Wet cleaning must be done with great caution, as the textile must have color-fast pigments that do not run or bleed and be made of materials that will not stretch or shrink when wet.

To begin the wet cleaning process, an absorbent material (a towel) was placed underneath the textile; then, each different pigment on the textile was tested by using an eye dropper to put one drop of water on the blanket and dabbing it off with a cotton ball. As no pigment clung to the cotton ball, it could be safely assumed that the colors in the blanket were stable and color-fast, meaning that wet cleaning could be carefully employed without damaging the textile. This was also possible due to the fact that the wool and cotton did not stretch or shrink when tested.

In the next step in the wet-cleaning process, each stain and dirty area of the textile was tested for water solubility. Certain soiled areas did prove to be soluble in distilled water, and these were cleaned using a cotton ball dampened with distilled water and pressed onto the area to remove the soil. The area was then blotted with a clean, dry paper towel. Those areas that were not soluble in water were then tested for acetone solubility. While some areas such as the small white stain could be cleaned, other stains did not prove to be soluble in water or in acetone, such as those on the middle design. There were also two stains, the quarter sized dark stain and the small dark stain, which were made up of a dark purple pigment. These stains, though soluble in water, had a great potential to bleed dark pigment onto unstained areas of the blanket, and for this reason the decision was made not to continue removing these stains.

When the textile was completely dry, it needed to be stabilized. The first step in this process was measuring and cutting unbleached muslin, which would serve as a liner to stabilize the blanket. The textile was laid out flat on the muslin and positioned about 13 millimeters away from the edge of the muslin. The muslin was then measured about 13 millimeters from the edge of the blanket (including the fringe) all the way around, marking the muslin with white chalk. Next, the blanket was removed, and the muslin liner was cut out along the chalk line.

After the muslin was cut, the entire blanket was sewn to the muslin backing using a needle and invisible thread (a clear nylon thread that is virtually undetectable). The blanket was laid out completely flat on the muslin, and the four corners of the blanket were sewn down first. The 13-millimeter muslin border was folded under the edge of the textile so that no muslin could be seen, and then a support stitch was used to attach the sides of the blanket to the muslin. Once the entire blanket was sewn to the muslin backing, the fringe was carefully untangled and laid out straight. The base of each tassel of the fringe was tacked down to the muslin in order to support the fragile and broken strings. The same was done for the top of the fringe, about 6 millimeters from the end of each tassel. Working with the invisible thread proved to be more of a challenge than it originally appeared because it has a nature to twist into knots and bind up and it is difficult to see. Once this was mastered, however, the result was a solidly-supported textile with stiches that are almost

undetectable (Figure 1).

Finally, once the blanket and fringe were attached to the muslin, the damaged areas of the textile were attached to the muslin liner using a self-couching stitch. The couching stitch involved stretching a stitch over the hole, and anchoring it down with smaller stitches running perpendicular to the large stitch in stable areas of the textile. In this case, the blanket had a number of moth holes and other such holes and areas with exposed warp threads where the weft fabric had been worn through, all of which required stabilization. These damaged areas were successfully stabilized, with only one or two areas that remain at all visible; while the invisible thread is invisible on most colors, it stands out a bit against the red fabric.

Recommended Storage and Exhibition

The recommended proper storage of this textile is to place the blanket flat in an acid-free box. If there is insufficient space to do this, however, the blanket should be rolled onto an acid-free cylindrical tube which accommodates its length and width. If neither of these options is available, the blanket could be folded in an acid-free box, with each fold padded with rolled muslin or acid-free tissue paper to avoid creases in the fabric. Whether stored flat, rolled, or folded, the textile should be stored in 65–75 degrees Fahrenheit, in low humidity (45%–55%), with good air circulation, in low light, and away from ultra-violet and fluorescent light.

For exhibition of the textile, the blanket should be displayed on a passive mount. This mount must provide adequate support for the object so it will not be damaged in any way, will be aesthetically pleasing, and will be easily reversible. A good example of this would be placing the blanket onto an angled platform (approximately 15 degrees) that had been draped with a napped fabric such as a neutral-colored flannel or velvet, using friction to hold the textile in place. If a passive mount is not available, the blanket should be exhibited flat in a case. This way, the full blanket, including the fringe, could be seen, and the relatively fragile fringe would be less likely to detach from the backing or break. Using this exhibition method would also protect the textile from accumulating dust while being displayed. Regardless of the method of display, the textile should not be on display for more than six months, to protect it from dust and light. In addition, the exhibit setting should have low incandescent light, limited exposure to ultra-violet and fluorescent light, and low humidity (45%–55%).

Finally, in a display, the object should be accompanied with a photo backdrop showing its traditional use as well as wall text explaining its cultural significance, while respectfully acknowledging that this specific object was most likely made for the tourist trade. Although the form of the object is important in identifying the textile as Mexican Mestizo, instead of Navajo, for

example, understanding its traditional use should be the focus of the display. Altogether, this research and conservation project will provide the community partner with a conserved Saltillo *sarape* blanket, and the exhibition of this textile will make it possible for various communities to have the opportunity to gain knowledge and understanding of the history, production, and significance of the Saltillo *sarape*.

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Elizabeth Haughey is a senior studying anthropology, Spanish, and Latin American studies at Missouri State University. She will graduate with distinction from the Honors College in May 2014 and plans to continue her studies of Latin American cultures.

Après le Deluge

By Jade Johnson
Department of English

Abstract

In my travels, the big planned moments are rarely my favorites. Though I appreciate the mystery of Stonehenge, the view of the city from the London Eye, and the beauty of the ballet, I am much more captivated by the little things; the impromptu adventures and fleeting memories. By the end of my first trip to London, I felt like I belonged there, and I had a sort of nostalgia before I even got home. "Après le Deluge" is meant to reflect the sense of renewal I felt during my last night there, and how in the midst of everything, without even realizing it, I was reborn.

Après le Deluge

I've always loved the sound
of rain on rooftops, like God
is tapping his fingers
on my house, an ellipsis
between my unformed
thoughts, silent chaos
in the life I've planned.

When I went to London,
I carried an umbrella
everywhere, waiting for
a downpour. Until my last
night there, as I walked
to St Paul's, it never came.
I rode the Piccadilly Line east
to Holburn and emerged
from the Underground to light
sprinkles of my first London rain.
The leaves quickly filled,
spilled in heavy bursts onto my face
and into the road, washing away filth
we didn't know we had,
the city's midday baptism.

I plodded through puddles
that flooded the streets,
stepped into the cathedral,
dripping on the marble
of a sacred place as they started
the service for the evening
prayer song: *a cappella*
with the accompaniment
of rain drumming on the dome,
the occasional thunderclaps
like cymbals.

I chanted the Apostles' Creed
as the storm died down
with a soft hush of reverence,
then stepped outside to sunlight
over the river and the residual
rain's descent down the drain.

Sestina for Lily

By Jade Johnson
Department of English

Abstract

I met Lily while working with an early childhood special education program. She was a four-year-old Chinese girl who had been adopted the previous year. She had Down's Syndrome and cerebral palsy, and she was missing part of her frontal lobe. In the month that she was in my classroom, she took hold of my heart. She imitated my signs and sounds, held onto me tight, and smiled all the time. I knew I needed to write about her, so later that summer, I wrote "Sestina for Lily", my first-ever sestina. I wanted to convey longing without too much sentiment, which the repetitive nature of the form helped me to accomplish.

Sestina for Lily

No one at the orphanage was smiling
but Lily. Nobody knows when she was left
there, or born; her new family saves her, writes
"fourth birthday" on June fifteenth as a sign
that someone is loving her now, clinging
to her breath with prayers she won't imitate

because she can't speak yet. She imitates
my voice, says "ma ma pa pa ba ba" and smiles,
eyes wide and focused as her lips cling
to the sounds that escape them. We are left
piecing together syllables, waiting for a sign
that we're helping her, slowly righting

the wrongs of first parents who dumped her right
when they got her. She loves me despite them, imitates
my gestures, the language of our hands, sign
after sign. I sing to her; she laughs and smiles,
because she hears me, and she dances with her left
side because she can. She reaches and clings

to me for fear that I'm leaving, and I cling
back to show her she's home. Really, she's right.
I'm her teacher, not her mother. I leave
at noon, and when I wave she imitates
as her mom carries her to the car. I smile
but I miss her hands reaching and signing

and saying everything I can't, a sign
of her beauty and strength and my flaw. I cling
to words that I take for granted, and she smiles.
Somehow, she is doing everything right
and I'm worrying about nothing, imitating
a spoiled society she barely knows. I leave

work for more work, and I complain. She left
Communism and sexism for here, for signed
adoption papers, family and imitation
mamas at school. By noon, I'm left clinging
to the last fragments of her little voice. Right
when I walk her out, she looks back, smiling

like I'll chase her. She left me, not knowing I cling
to the memory of her signs, her weak right
side, and when I think of her, I'll imitate her smile.

Jade Johnson graduated with a B.A. in English in 2012 and is currently working on her M.A. in Writing. She enjoys getting too attached to fictional characters, spending time with friends and family, and eating Andy's Frozen Custard.

Picking

By Kathleen Sanders
Department of English

Abstract

I wrote "Picking" as a short story, but the idea came on a road trip when I saw two women arguing in an old car. With one glance, I could see the tension trapped in that small space. "Picking" aims to recreate that tension through details and dialog, as well as to examine the painful moment of letting go. This piece explores how small details can speak volumes about character, conflict, and inner turmoil. This story follows the tangible power struggle between a young woman and her controlling future mother-in-law and examines the desperation, acceptance, fear, and control—emotions experienced by both the bride who must confront her mother-in-law and the mother who now fears she has lost her son forever.

"Your car is making a funny noise. Why is it making a funny noise?"

The old Honda Accord —a car that showed its years in coffee stains, peeling leather armrests, and one deep scratch on the passenger door from a previous, drunken owner—reached seventy miles per hour as Meg drove onto the highway. A good car though, Meg thought. She drummed her fingers on the dented steering wheel, and a sun ray danced off the small diamond ring on her left hand. Meg glanced over at the passenger seat.

"Why haven't you fixed it? Has Zach even seen this car?" Jody tugged twice on the seatbelt when she thought Meg was not looking.

"It's fine. Don't worry about it." Zach had told Meg about his mother—not very much, but just enough to conjure an image of a stubborn woman used to getting her way. Meg had always pictured her as gray headed, round, and with cold blue eyes. This woman had cropped hair dyed a stark red and sharply angled bones. This woman wore black suede slippers, a bright red sweatshirt, and jeans one size too small. Her eyelids drooped around dark brown eyes. She was pale. Pasty, even. Meg could see the blue veins running down Jody's arms and hands, and then those hands began to languidly pick at the peeling leather on the armrest.

Meg glanced twice, and words burned within her throat. With a sharp

breath, she looked away.

Jody scrutinized her with arched, penciled eyebrows. "Gonna say something?"

"No."

The older woman sighed with a rattling breath. "Zach does that. Drives me crazy. I've always told him to speak plainly. You know, to my face and all. If you're gonna say something, you should say it. But Zach's always been a little shy. I had to invite boys from his class to our place, or just send him over."

Jody talked about the boys she invited—the one who knocked Zach down and the one she dragged to the parents—and his childhood fear of the dark. She had settled that soon enough, she said, by hiding all the night lights. Quick fix. She talked about the words he used to mispronounce and how it made her laugh and soccer games with a coach who didn't know the first thing about anything. She talked about his first crush, who broke his heart and probably was nothing more than a streetwalker up in Memphis, and she mentioned the time his daddy left him—did you know he left us? She talked about how she just glowed when he got the scholarship to go to college—first one in the family, too—and how she supposed studying abroad was fun and all but was really a mean thing to do to her.

As Jody continued to chatter, Meg stopped listening. She wondered if Jody actually realized that Meg and Zach were engaged. Possibly not. Jody hadn't expressed any interest in the wedding until Meg mentioned she was going to buy invitations that morning. Jody had insisted on navigating and getting to know her "maybe daughter-in-law" and now rambled about the man Meg knew best, all the while picking, picking at the leather armrest.

Jody stopped for breath, peering out the window. "You need to turn here." She looked at the glass with a curled lip and used her sweatshirt sleeve to rub at some small smudge.

Meg pulled onto the exit, looking both ways before continuing onto the road. Jody looked too, leaning far over the dashboard for the best possible view. "Clear," she said after Meg took the turn.

"How far am I supposed to go?"

"Just keep going." Jody stretched her thin hands down the armrests and stared outside. "So you met Zach in Scotland?"

"Yeah. We had orientation together and really hit it off. He actually switched classes so we could hang out more. But," Meg remarked with a sideways glimpse and a bright smile, "I bet you knew that."

Jody didn't answer.

"Studying abroad was great for both of us. Looks good on résumés, too."

"You're still unemployed."

Meg could hear Jody's nails scraping and scratching across the armrest. "I've got a job, Jody. I work at the daycare for now. Anyway, the

wedding's coming up soon, and I'll be busy with that." Then, almost as a cruel afterthought, "Can you believe it's only three months away?"

A sliver of leather flew off. "Shouldn't rush into these things," Jody mumbled, her voice even lower and even harsher. Smoke-stained lungs, Meg thought. "My husband—*ex*-husband—was like that. Irresponsible. Had to do everything at once. No waiting. Of course, *that* ended well." She faced Meg. "Will you… Do you think you two will travel much?"

"Probably. I want to see some new places. So does Zach."

Jody turned away. "Zach's really a stay-at-home kind of guy." Her words sounded tight, as if she had to drag them out bit by bit. "My ex-husband liked to travel though. Wanted to run off and see the world. Eventually did and left me alone with a kid and almost nothing to live on. Wasn't easy, but I learned." Her voice dropped until it was a soft rasp. "I learned real fast." She suddenly glanced over with a sharpness that reminded Meg of a feral cat she had once surprised under her car. "You know I'm divorced?"

"Am I supposed to turn up here? This is it, isn't it?"

"No! I know where I'm going. I said to keep driving." Jody's fingers ran up and down the armrest, exposing the soft yellow foam underneath. She barked with rough laughter. "Zach sure didn't choose you for your smarts."

Meg changed lanes, foot resting on the brake pedal. Her knuckles whitened as she gripped the steering wheel, and the ring embedded into her finger. "Stop picking at the armrest."

Another shard of leather was stripped away as Jody's hand dissected further, grating across the surface. "He divorced me. White trash! All that crap about 'till death? Nobody does that anymore. He didn't. I had to stand up to him, for me and Zach... Never should have married in the first place."

"This is the turn." It was as if she could feel the scraping and the clawing in her ears, in her head, around her fingers. "I see the store. That's it, right over there."

"I said it's not over there. Keep going this way." Jody pulled off another shred of leather, and Meg turned with a ready protest. Then she noticed what the woman eyed.

Meg stared at her left hand, and then she met Jody's gaze. The stricken leather buckled and blistered under the blue-veined hands until Meg slammed the brakes, veering into the parking lot. The hands finally stopped picking and picking, and Meg announced, "This is it."

Kathleen Sanders is a junior at Missouri State studying secondary English education and writing. She finds works of fiction especially compelling, particularly works that shed some light on what it means to be human. She is spending her fall 2013 semester at the University of Chester in England.

The Impact of *Citizens United v. Federal Election Commission* on National Elections in the U.S.

By Zachary Schmitz
Department of Political Science

Abstract

In 2010, the Supreme Court of the United States, in *Citizens United v. Federal Election Commission*, began a trend of liberalizing campaign finance laws throughout the United States. The decision itself was widely criticized by the press, academia, and politicians, who all claimed that fewer regulations on campaign expenditures would lead to vast sums of outside spending that would disproportionally favor certain candidates over others. With the 2012 general election producing record levels of spending in a presidential election, it is important to determine what impact the Supreme Court's decision has played in this new onslaught of campaign spending. This paper examines campaign finance data from 2006 to 2012 in order to determine to what extent, if any, the *Citizens United* decision produced the outcomes many critics worried it would.

Introduction

With President Obama winning reelection and the Democratic Party gaining seats in the U.S. Senate and U.S. House of Representatives, the results of the 2012 elections give pause to the narrative generated by critics of the U.S. Supreme Court's decision in *Citizens United v. Federal Election Commission*[1]. Critics billed the 2010 decision removing regulations on independent campaign expenditures by corporations and unions as a resounding defeat for democracy and Democrats, who supposedly would not be able to compete against Republicans and the unlimited corporate money that they argued would now swamp the American electoral process. The 2010-midterm elections seemed to vindicate this narrative as Republicans took control of the House of Representatives and nearly erased the Democrats' majority in the Senate. In the wake of this resounding defeat, pundits predicted that the 2012 elections would be overrun with spending by outside groups, bringing about a new era

1. *Citizens United v. Federal Election Commission*, 130 S. Ct. 876 (2010).

of electoral politics dominated by corporate interests.

While it is yet unclear what impact outside money from corporations and unions had on the 2012 elections, it is possible to examine the recent changes in campaign finance law brought on by *Citizens United* to see to what extent, if any, this has altered spending by candidates, parties, and outside groups. By examining the levels of spending and the relative percentage share each group had in election spending, I hope to identify any changes in the overall share of spending in national elections. If changes exist, they may be helpful in revealing the impact *Citizens United* has had on our elections.

In Section I, I provide an overview of both the Court's campaign finance jurisprudence before *Citizens United* and of the *Citizens United* decision itself. This will allow me to better evaluate the overall impact of the Supreme Court's campaign finance jurisprudence. In Section II, I evaluate reactions to the decision and its consequences by examining scholarly criticism and support for the decision. In Section III, I compile data from the Federal Election Commission and the Center for Responsive Politics to evaluate campaign spending before and after *Citizens United.* The aim here is to document any changes over time or important trends in campaign spending. In Section IV, I summarize and restate my findings and offer an analysis of possible reforms that might correct some of the unintended outcomes of these new campaign finance laws.

Overview of Campaign Finance Jurisprudence and *Citizens United*

The first national campaign finance law dates back to the presidency of Theodore Roosevelt who, after winning reelection with large contributions from corporations, pushed for the enactment of the Tillman Act, which, among other things, banned direct corporate contributions to politicians. The law provided harsh punishment for those who violated it, but there was no meaningful enforcement mechanism.[2] The Taft-Hartley Act of 1947 further restricted the ability of corporations and unions to contribute to candidates' campaigns. These laws did not last long without being challenged in court.[3]

The Supreme Court and Campaign Finance before *Citizens United*

One of the first significant Supreme Court decisions on campaign finance was

2. Jeffery Toobin. *The Oath: The Obama White House and the Supreme Court*(New York: Doubleday, 2012) 148.

3. Richard Briffault. "Corporations, Corruption, and Complexity: Campaign Finance After Citizens United." *Cornell Journal of Law and Public Policy* 20, no. 3 (2011): 646.

Buckley v. Valeo,[4] in which the Court held that "contributions could be limited to prevent corruption or the appearance of corruption."[5] Under this rational, however, the Court held that the First Amendment's "protection against governmental abridgment of free expression cannot …be made to depend on a person's financial ability to engage in public discussion."[6] Later, in *First National Bank of Boston v. Bellotti*,[7] the Court struck down spending limits on corporations in "ballot measure" elections[8] but included a footnote stating that "Congress might well be able to demonstrate the existence of a danger of real or apparent corruption in independent expenditures by corporations to influence candidate elections."[9] In *Austin v. Michigan Chamber of Commerce*, the Court upheld spending limits on "for-profit corporations in candidate elections."[10] The majority held that corporate spending "can unfairly influence elections" and produces "corrosive and distorting" effects "that have little or no correlation to the public's support for the corporation's political ideas."[11]

After *Austin,* Congress in 2002 passed the Bipartisan Campaign Finance Reform Act (BCRA) with an "electioneering communications provision," which set time and content restrictions on corporate campaign expenditures broadcast on television or radio and required disclosure of certain donors.[12] The Act also defined electioneering communications in a way that would further regulate the messages put out by corporations and labor unions.[13] In 2003, Senator McConnell and others challenged the "electioneering communication" provision of the BCRA, arguing that regulations were not applicable to the type of speech it regulated.[14] On appeal to the Supreme Court, the Court reaffirmed that government has a legitimate interest in preventing campaign corruption and thus that the BRCA regulations were valid.[15]

In 2007, the Supreme Court decided the case of *Federal Election Commission v. Wisconsin Right to Life (Inc.).*[16] There the Court redefined how it viewed the

4. Buckley v. Valeo, 424 U.S. 1, 49 (1976).

5. Richard Hasen, "Citizens United and the Illusion of Coherence," Michigan Law Review109, no. 4 (2011): 581, 585-586.

6. Buckley, 49.

7. *First National Bank of Boston v. Bellotti*, 435 U.S. 765, 765 (1978).

8. Hasen, 587.

9. *Bellotti*, 788.

10. Hasen, 587.

11. *Austin v. Michigan Chamber of Commerce*, 494 U.S. 652, 660 (1990).

12. Hasen, 588-589.

13. Michael J. Malbin. "Assessing the Bipartisan Campaign Reform Act." *In The Election After Reform: Money, Politics, and the Bipartisan Campaign Reform Act*, ed. Michael J. Malbin, 7 (Lanham, MD: Rowman & Littlefield, 2006).

14. *McConnell v. Federal Election Commission*, 540 U.S. 93, 102-103, 105 (2003).

15. Ibid., 105.

16. *Federal Election Commission v. Wisconsin Right to Life, Inc.*, 551 U.S. 449, 449 (2007).

express advocacy provision, a provision that prevented outside groups from directly calling for the election or defeat of an individual or issue. It ruled that an add was express advocacy if that was the only possible way it could be interpreted, thereby making the term very limited in its applicability.[17] This change in interpretation created a situation where "corporations and unions were once again free to spend as much as they wanted" on ads to help or harm candidates for office.[18]

The Story of *Citizens United*

During the 2008 presidential primary, Citizens United, a nonprofit corporation, produced *Hillary: The Movie (Hillary)*, a documentary that criticized then-Senator Hillary Clinton.[19] Citizens United offered the movie on a cable "video-on-demand" service that allowed customers to download the movie for free.[20] To promote the movie, Citizens United wanted to broadcast 30- and 10-second clips on broadcast and cable television that included "a short…pejorative statement about Senator Clinton,"[21] which it would have paid for by using its general treasury funds.[22]

However, BCRA prohibited any corporation or union from using its general treasury funds to fund electioneering communication, which was defined as "any broadcast, cable, or satellite communication that refers to a clearly identified candidate for federal office and is made within 30 days of a primary or 60 days of a general election."[23] Consequently, Citizens United filed suit against the Federal Election Commission in December 2007; after having its claims dismissed at the District Court level, Citizens United appealed, and the Supreme Court agreed to hear the case.[24]

In a 5–4 decision, the Court invalidated the portion of BRCA that forbid "corporations and unions from using general treasury funds for 'electioneering communication'" and further overruled *Austin* and the section of *McConnell* that upheld section 203 of the BRCA.[25] The Court also ruled on an 8–1vote to uphold the "disclosure and related disclaimer provisions" that applied to independent

17. Briffault, 649-650.
18. Ibid., 650.
19. *Citizens United*, 886-887.
20. *Citizens United*, 887.
21. *Citizens United*, 887.
22. Brief for Appellee, 2.
23. *Citizens United*, 887.
24. Ibid., 888.
25. Molly Walker Wilson, "Too Much of a Good Thing: Campaign Speech After Citizens United," *Cardozo Law Review* 31, no. 6 (2010): 2365.

election-related spending.[26] The Court's ruling established the precedent of recognizing corporate entities as speakers with the same constitutional rights as citizens in relation to political speech.[27] Further, the Court established that quid pro quo corruption is the only interest justifying speech restrictions on certain individuals or groups.[28] Thus, the Court concluded that "neither the identity of the speaker nor any distortion of the political process caused by disproportionate spending can ever be the basis to limit someone's right to spend in elections."[29]

Since the *Citizens United* decision, other cases have addressed similar campaign finance rules and regulations, and, given the precedent of *Citizens United*, have been decided along similar rationales. The first was *SpeechNow.org v. FEC*, a District Court case that considered the constitutionality of contributions limits "as-applied to a non-connected 527 organization" whose contributions were intended solely for independent expenditures.[30] A 527 organization, as defined by the Federal Election Commission, is "a party, committee or association that is organized and operated primarily for the purpose of influencing the selection, nomination or appointment of any individual to any federal, state or local public office, or office in a political organization."[31] Relying on the precedent of *Citizens United*, the District Court ruled that, since SpeechNow.org did not use the funds to contribute to candidates, its independent expenditures did not pose a risk of creating "quid pro quo corruption."[32] This decision opened the door for unlimited individual contributions to political action committees (PACs) as long as such money goes to independent expenditures. These "independent expenditure only committees," or "Super PACs," were born out of this decision and chartered as organizations that exclusively use independent expenditures and do not coordinate with any candidates or make donations to their campaigns.[33]

The Court readdressed some of the issues of *Citizens United* in *Doe v. Reed*, where it upheld a federal disclosure statute.[34] The Court once again ruled that the risk of harassment resulting from being revealed as a donor was "minor"

26. Lloyd Hitoshi Mayer, "Disclosures About Disclosure," *Indiana Law Review* 44, no. 1 (2010): 255.

27. *Citizens United*, 899-900.

28. Ibid., 908.

29. Hasen, 583-584.

30. Michael S. Kang, "After Citizens United", *Indiana Law Review* 44, no. 1 (2010): 251.

31. Federal Election Commission, "Quick Answers to General Questions," Accessed Feb 19, 2013, http://www.fec.gov/ans/answers_general.shtml#527.

32. Kang, 251.

33. Sam Garrett. "Seriously Funny: Understanding Campaign Finance Policy Through The Colbert Super PAC." *Saint Louis University Law Journal*. 56 (2012): 717.

34. *Doe v. Reed*, 130 S. Ct. 2811 (2010).

and that, while these provisions may "burden" speech, they do not "impose a ceiling" on it, thereby returning to the rationale used in *Citizens United* to uphold disclosure requirements.[35] The Court did, however, leave open the possibility of as-applied challenges, but only if the risk of harassment was "significant", which would then justify removing the disclosure requirements.

Overall, these two cases illustrate the Court's current approach to campaign finance regulations. First, the First Amendment protects the right of independent groups to spend as much money as they like advocating for and against candidates and issues. Second, the only permissible restrictions on independent expenditures are disclosure requirements.[36]

Reactions to *Citizens United* and Future Implications

The Supreme Court's decision in *Citizens United* has been sharply criticized by supporters of campaign finance reform in the political and academic fields. President Obama even offered harsh criticism of the decision in his 2010 State of the Union address, claiming that the decision would "open the floodgates for special interests" in future elections.[37] However, not all of the response to *Citizens United* has been negative, with some even arguing that the decision is an improvement for the electoral system.

One criticism of *Citizens United* is that it allows corporations and unions, if they are so-minded, to create advertisements and appeals to voters using false statements. For example, Steven Winter argues that while the Court saw the voice of corporations and unions as furthering the dissemination of factual information, in reality this has not proven true. He points to the fact that a large percentage of the U.S. population believes that the President is either a secret Muslim or not a native born citizen of the United States.[38] Overall, he sees the failure of a third of Americans to grasp basic reality as an indicator that the electorate is not as "enlightened and informed" as the Court seems to presume.[39]

Another criticism of the *Citizens United* decision stems from the Court's belief that disclosure will help counter the negative affects of independent expenditures in campaigns. While this may work in theory, Richard Briffault argues that corporations and individuals evade these disclosure requirements by creating intermediary groups. These groups, classified under sections of the Internal Revenue Code as 501(c)4 charitable groups or 501(c)6 trade associations

35. Kang., 253-254.

36. Kang, 254.

37. Peter L. Francia. "Back to the Future? The Effects of Citizens United v. FEC in the 2010 Election." *John Marshall Law Review* 44, no. 3 (2011): 606.

38. Steven Winter. "Citizens Disunited." *Georgia State University Law Review* 27, no. 4 (2011): 1137-1138.

39. Winter, 1138

or chambers of commerce, act as intermediary groups where corporations can anonymously donate funds.[40] These groups, so long as their main purpose is not "electoral politics," are able to keep their donor lists private. This provision does not prevent them from engaging in electoral politics; it just requires them to also participate in other activities, such as "legislative lobbying, voter education, and issue advocacy more generally."[41] These groups, such as the "U.S. Chamber of Commerce, Americans for Prosperity, American Crossroads GPS, and American Future Fund," are organized as a 501(c) group and, therefore, are not subject to regulation or disclosure.[42] This creates an issue in that these groups are able to play significant roles in shaping the political discourse of the nation without having to reveal their donors, which could range from individuals to corporations. While corporations that have openly given money to controversial groups have faced public backlash, such as when Target donated money to a group opposed to gay rights, the possibility for corporations to spend money anonymously through nonprofit corporations, like the Chamber of Commerce, Americans for Prosperity, or Crossroads GPS increases the likelihood that unaccounted for money will influence elections.[43] Corporations have always had a large influence in politics through lobbying, but the rules set forth under *Citizens United* have created a new avenue in which outside groups can anonymously fund groups, which seemingly directly support or oppose candidates, a situation that may give these groups even more influence over who is chosen to represent the general public.[44] This seems to undermine one of the key arguments of Justice Kennedy when he contended that disclosure requirements would be an "effective response to any corporate spending that might have been unleashed by the Court's decision."[45]

Besides the prevalence of 501(c) organizations, others are worried about the emergence of Super PACs and what role they will play in future elections. These groups, also referred to as "Independent Expenditures-Only Committees," do not contribute money to political candidates, parties, or committees. They are thus able to raise unlimited amounts of money from corporations, unions, individuals, and associations. While these Super PACs must disclose their donors, they are able to spend their money without any limitations on ads supporting or opposing candidates as long as they do not

40. Briffault, 985.

41. Ibid., 1007.

42. Ibid., 1007-1008.

43. Michael M. Franz. "Past as Prologue The Electoral Influence of Corporations." In *Interest Groups Unleashed*, eds. Paul S. Herrnson, Christopher J. Deering, and Clyde Wilcox, 101-28(Los Angelas: CQ Press, 2013) 122.

44. Ibid., 124-125.

45. Ibid., 985.

give money to a candidate or coordinate their PAC with a candidate.[46] While these Super PACs have stronger disclosure requirements than 501(c) groups, some argue that the requirement of the PAC's independence from a candidate lacks teeth to prevent actual coordination. One of the main issues with Super PACs is that the individuals working for them have previously worked for or been involved in the campaigns of candidates for office, prompting worries that the Super PACs are not truly independent from the candidates for whom they are advocating.[47]

While many critics of the *Citizens United* decision believe corporations will now infuse huge sums of money into political campaigns, Richard Epstein believes that these fears are overblown. Corporations, he argues, will be averse to making blatant political statements for a few reasons. First, corporations have lawful duties to their shareholders, and unrestrained donations to campaigns may violate these duties.[48] Secondly, corporations making political statements face the possibility of losing customers who oppose the corporation's politics. At the same time, Epstein argues that corporate politicking is unlikely to attract new customers. Consequently, the risk to a corporation's profits makes it unlikely that, although *Citizens United* permits it, other voices will be drowned out by corporate money.[49] Finally, he argues that corporations, as profit-motivated entities, are more likely to spend money on lobbying, an activity that has proven to be much more effective in achieving policy changes, than on campaign expenditures.[50] In conclusion, Epstein argues that the "corporations" that will likely take advantage of these new regulations will be "political corporations" and not ones that seek to make a profit by selling to the general public.[51]

Furthering the argument that corporations will not have a significant impact in future elections, Justin Levitt argues that, while corporations may be able to add more money to elections, they will never be able to completely dominate political communications because there will always be other groups providing contrary messages.[52] He also argues that other existing issues with corporate spending, such as the inability to obtain clear disclosure information, can be solved with simple policy changes, which can constitutionally solve the

46. Girish Gulati. "Super PACs and Financing the 2012 Presidential Election." Society. 49. (2012): 410.

47. Gulati, 416.

48. Richard Epstein. "Citizens United v. FEC: The Constitutional Right That Big Corporations Should Have But Do Not Want." *Harvard Journal of Law & Public Policy* 34, no. 2 (2011): 656.

49. Ibid., 657.

50. Ibid.

51. Ibid., 659.

52. Justin Levitt. "Confronting the Impact of Citizens United." *Yale Law & Policy Review* 29, no. 1 (2010): 224.

concerns raised by critics of the decision.[53]

There are also those who oppose the disclosure requirements, such as Lloyd Mayer, who argues that these requirements are not useful because they do not provide information to the voters about the policy stances or qualifications of candidates.[54] He questions why contributor information is helpful and why current cues like party affiliation or endorsements cannot provide enough information for voters.[55] He argues that citizens will not know who most of the contributors are and what they do, and thus there will not be any information gained by reporting the names of donors.[56] Finally, he insists that most voters do not have knowledge of major contributors when they vote, and those that do have actively sought it out.[57] Thus, with such a small benefit from disclosure requirements, he argues that it would be better to eliminate them, which would decrease the risk of retaliation against contributors.[58]

Overall, the response from scholars in campaign finance law suggests several themes. While some may disagree with the *Citizens United* decision, they do view the impacts of corporations infusing more money into political campaigns as plausible, but the real debate lies in if the corporations will actually choose to spend money in elections or if they will see it as a poor investment of resources. If they do decide to spend, the question is then raised as to whether or not disclosure requirements will help in identifying that new spending.

Observed Impacts of *Citizens United*

In examining the impact of *Citizens United*, I will first evaluate some of the claims about the supposed impact of the decision. I will then offer my own examination of the impact of the decision on campaign finance by evaluating the campaign finance data from the 2006, 2008, 2010, and 2012 general elections. This will allow me to speculate about the impact, if any, outside interests have played in putting new money into political campaigns.

Campaign Spending Prior to *Citizens United*

To understand the impact of *Citizens United* we must first evaluate the state of campaign spending prior to the decision. In studying the national elections of 2000, 2004, and 2008, David Magleby found numerous trends in campaign spending by candidates, parties, and outside groups. The information is

53. Levitt 225-234.
54. Mayer, 262.
55. Ibid., 265.
56. Ibid., 265-266.
57. Ibid., 266
58. Mayer, 271.

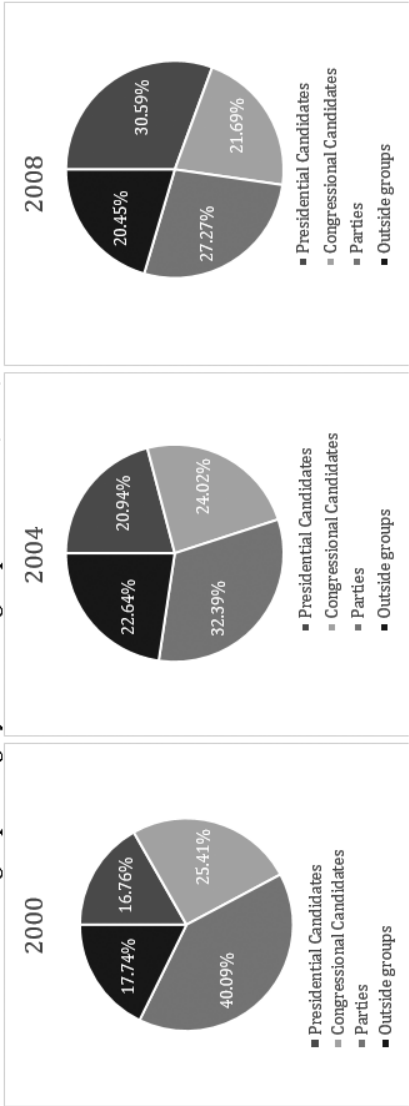
presented in Table 1 and Figure 1.[59]

Table 1:
Spending by Certain Subgroups in Millions of Dollars in the 2000, 2004, and 2008 General Elections.

	2000		2004		2008	
Presidential Candidates	645	16.76%	958	20.94%	1829	30.59%
Congressional Candidates	978	25.41%	1099	24.02%	1297	21.69%
Parties	1543	40.09%	1482	32.39%	1631	27.27%
Outside groups	683	17.74%	1036	22.64%	1223	20.45%
Total	3849		4575		5980	

Source: David B. Magleby. "Adaption and Innovation in the Financing of the 2008 Elections." In *Financing the 2008 Elections*, edited by David B. Magleby and Anthony Corrado, 1-47 (Washington D.C.: Brookings Institution Press, 2011) 19.

Figure 1:
Percentage Spending by Each Subgroup in the 2000, 2004, and 2008 General Elections



Source: David B. Magleby. "Adaption and Innovation in the Financing of the 2008 Elections." In *Financing the 2008 Elections*, edited by David B. Magleby and Anthony Corrado, 1-47(Washington D.C.: Brookings Institution Press, 2011) 19.

59. David B. Magleby. "Adaption and Innovation in the Financing of the 2008 Elections." In *Financing the 2008 Elections*, eds. David B. Magleby and Anthony Corrado, 1-47 (Washington D.C.: Brookings Institution Press, 2011) 19.

In the elections he studied, Magleby observed increases in spending by presidential candidates, national parties, PACs, and 501(c) groups, while spending for 527 groups and individual expenditures decreased after the 2000 election. The charts in Figure 1 show that, in 2000, spending by presidential candidates accounted for 16.76% of total campaign spending, national parties accounted for 14.13%, PACs accounted for 8.3%, and 501(c) groups accounted for 0.26%. In 2004, presidential candidates accounted for 21% of total campaign spending, the parties accounted for 26.54% of spending, PACs accounted for 11.63%, and 501(c) groups accounted for 1.3%. Finally, in 2008, presidential candidates accounted for 30.59% of total campaign spending, national parties accounted for 20.4%, PACs accounted for 12.82%, and 501(c) groups accounted for 3.3%.[60] Overall, these patterns seem to show an increase both in the percentage share each outside group held over the course of the eight years as well as in spending by presidential candidates, leading up to *Citizens United*.

The 2010-midterm elections were the first national elections held after the regulatory changes were implemented, resulting in a record-breaking election on several levels. Fewer restrictions on outside groups' ability to raise and spend money opened the door for wealthy groups and individuals to create new legal entities allowing for "substantial expenditures" from groups that had not previously played much of a role in national elections.[61] While it is too early to predict exactly what impact and role these new outside groups will have, some predict that these new groups will continue to participate in elections, that their spending levels are likely to rise, and that fundraising and spending efforts will increase by both these groups and by politicians and their committees.[62]

Changes in Electoral Spending in National Elections after *Citizens United*

Using data compiled from the Federal Election Commission and the Center for Responsive Politics, I will examine pre- and post-*Citizens United* campaign finance data in an attempt to answer the following questions:

1. Have the levels of spending by Presidential candidates changed since *Citizens United*?
2. Have the levels of spending by Congressional candidates changed since *Citizens United*?
3. Have the levels of spending by political parties changed since *Citizens United*?

60. Magleby,19.

61. Paul S. Herrnson. "A New Era of Interest Group Participation in Federal Elections." In *Interest Groups Unleashed*, eds. Paul S. Herrnson, Christopher J. Deering, and Clyde Wilcox, 9-30(Los Angelas: CQ Press, 2013).

62. Herrnson, 28.

4. Have the levels of spending by outside groups changed since *Citizens United*?
   a. Have the levels of independent expenditure spending changed since *Citizens United*?
   b. Have the levels of electioneering communication spending changed since *Citizens United*?
   c. Have the levels of non-party committee spending changed since *Citizens United*?
   d. Have the levels of non-disclosure spending changed since *Citizens United*?
   e. What impact has the emergence of Super PACs played in the overall spending of outside groups?
5. Have the levels of overall and proportional spending changed since *Citizens United*?

In answering these questions, I will present the data in tabular and graphical form. While it is nearly impossible to determine the impact of any changes in spending levels in relation to electoral success, the goal of this paper is to determine what observable changes have taken place and, if so, to speculate on the causes of those changes. While most of these questions deal with spending that is not considered to be independent expenditures, reviewing spending by candidates and parties, as well as other outside groups that are not independent expenditures, allows us to determine the relative change in spending devoted to independent expenditures compared to non-independent expenditures.

Question 1: Presidential Spending by Candidates

To answer this question, I gathered individual spending data from the Center for Responsive politics for each major party candidate in the 2004, 2008, and 2012 general elections. This information is summarized in Table 2 and Figure 2.

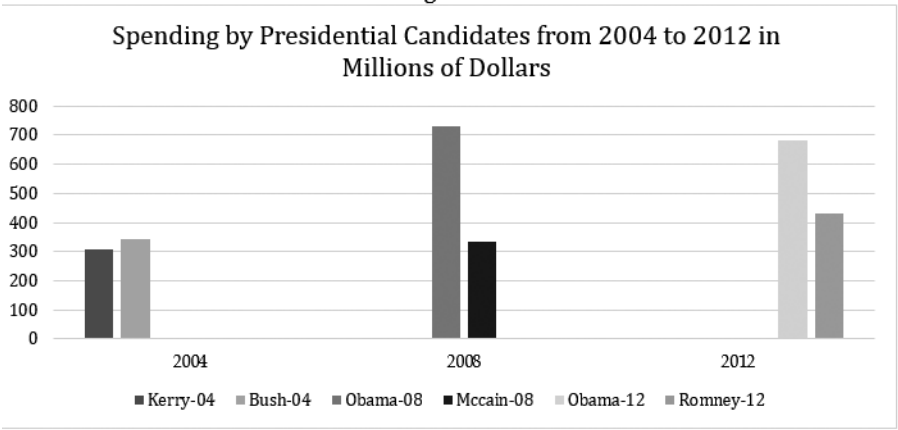
There are a few takeaways from this information. First, it is obvious that the spending levels of President Obama were quite dramatically more than his opponents in both 2008 and 2012. While President Bush's spending in 2004 accounted for 53% of the total spending by both candidates, President Obama's spending in 2008 accounted for 67% of the total spending and in 2012 accounted for 61%. Secondly, it is important to notice that while President Obama's spending levels skyrocketed in 2008 and continued to be quite high in 2012, spending by Republican candidates for President have remained fairly constant over the last three elections, with Governor Romney spending just $100 million more than Senator McCain and $90 million more than President Bush.

Table 2

Spending by Presidential Candidates from 2004 to 2012 in Millions of Dollars					
2004		2008		2012	
Kerry	Bush	Obama	McCain	Obama	Romney
209.7	345.3	729.5	333.4	683.5	433.3
Total: 655		Total: 1062.9		Total: 1116.8	

*Source: Center for Responsive Politics, Data as of December 15, 2012

Figure 2



*Source: Center for Responsive Politics, Data as of December 15, 2012

Overall, it seems that a few conclusions can be drawn from this data. First and foremost, the most significant spending change that took place over these three elections was the huge rise in spending by President Obama in 2008, which took place prior to *Citizens United*. Secondly, while the spending levels by the Governor Romney did increase in 2012 compared to the levels of spending by President Bush and Senator McCain, they were not significant enough to claim that they were the result of changes in campaign finance regulations. What can be concluded by this information is that the decision seems to have done almost nothing to significantly change campaign spending by Presidential candidates.

Question 2: Congressional Spending by Candidates

To answer this question, I will compare the spending levels of Congressional candidates in the House and Senate from the 2008, 2010, and 2012 election cycles. This data was collected from the Federal Election Commission's website and is summarized in Table 3 and Figure 3.

Once again, a few conclusions can be drawn from this information. It is important to note that while the IND and OTH categories are included in this graph, they represent such a small percentage of overall spending that they barely register. The most obvious increase in spending by congressional

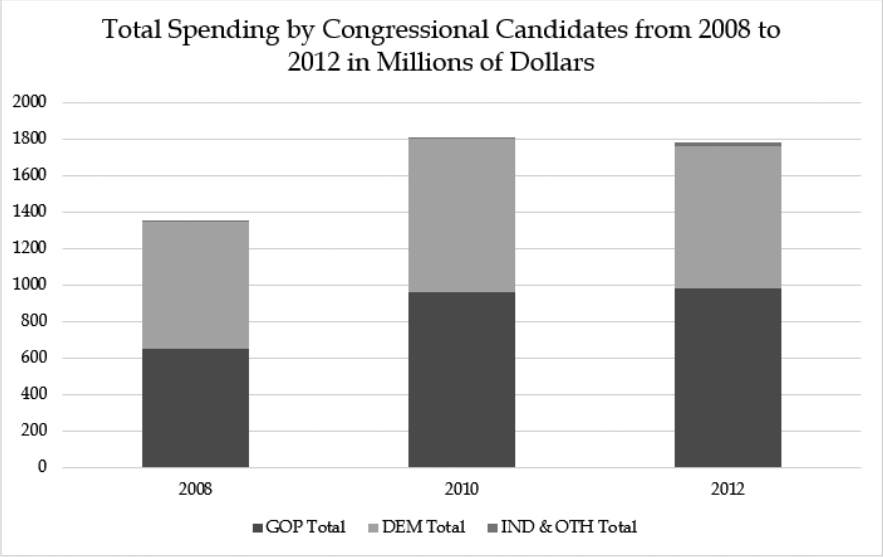
Table 3

Total Spending by Congressional Candidates in the 2008, 2010, and 2012 Elections in Millions of Dollars

Office	Party	2008	2010	2012
House	DEMOCRAT	488.7	520.7	462.1
House	REPUBLICAN	439.5	557.9	585.2
House	INDEPENDENT	0.985	1.8	8.874
House	OTHER	0	0.31	1.249
Senate	DEMOCRAT	205	319.3	313.4
Senate	REPUBLICAN	211.9	403.2	397.3
Senate	INDEPENDENT	0.357	0.774	13.7
Senate	OTHER	0.017	0.111	0.378
	Total	**1346.459**	**1804.095**	**1782.201**

*Source: Federal Election Commission, Data as of December 15, 2012

Figure 3



*Source: Federal Election Commission, Data as of December 15, 2012

candidates came during the 2010 election, with Democrats spending almost 50% more in 2010 than they did in 2008. Republicans also saw a large increase in spending between 2008 and 2010, totaling about 21% more spending in 2010 than in 2008. Overall, spending in Congressional elections rose 34% from 2008 to 2010 and remained fairly constant during the 2012 election. This graph shows that while Democrats spent more than Republicans in 2010 and 2012, the discrepancy between those spending levels is much smaller than the amount by which President Obama outspent his Republican challengers in 2008 and 2012. It seems unlikely that the rise in spending from 2008 to 2010 occurred because of the changes to campaign finance laws in *Citizens United* and other legal challenges to campaign finance rules. There are many other reasons that

could have explained these increases, such as more donations from individuals or wealthier candidates running who could finance their own campaigns.

The only other noticeable change in spending patterns for Congressional candidates is the large rise in spending for candidates who identified as Independent or Other. While the amount of money spent by Independents or Other in the 2012 election is still miniscule compared to the amount spent by the Republicans and Democrats and therefore barely registers in Figure 3, it does represent an 800% increase in spending levels. However, this large increase is due in part to the presence of a few high profile Senate candidates, particularly Angus King and Bernie Sanders, as well as vast spending by Rob Sobhani, an Independent Senate candidate in Maryland.[63]

Question 3: Spending by Political Parties

In analyzing the amount of money political parties and their various reelection committees spent during the 2006, 2008, 2010, and 2012 elections, I compiled data from the Center for Responsive Politics. While the main parties focus on reelection and party-building efforts for all candidates, the other reelection committees have a more narrow focus. The national committees focus their efforts on promoting the party platform and their candidate for President, while the Congressional and Senatorial committees support candidates for the House of Representatives and the Senate, respectively. The results are presented in the Table 4 and Figure 4.

Before commenting on the foregoing data, it is important to note that during presidential elections (2008 and 2012), both the Democratic and Republican Parties and National Committees spend to support both presidential and congressional races, whereas during midterm elections (2006 and 2010), the parties are spending only on congressional elections. With this in mind, there are a few important takeaways. First, there was a large increase in overall spending during the 2012 election as compared to the 2008 election, while the 2010 election seems comparable in total spending levels to the 2006 election. Not only did spending increase in 2012, it increased across the board, with each group spending more than it did in 2010, and almost every group spending more than it had in 2008 as well. Once again, while no conclusions can currently be drawn as to where this money came from, it is clear that spending by the political parties and committees in 2012 was significantly higher than in previous years.

Question 4: Spending by Outside Groups

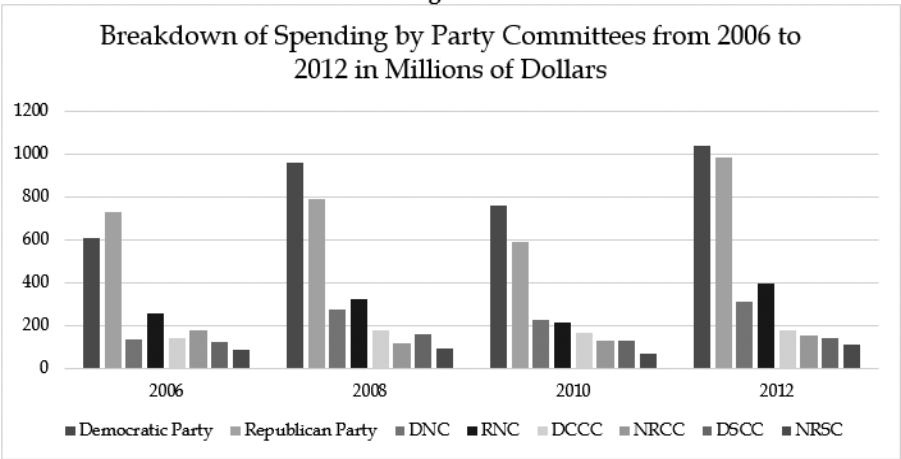
The question of outside spending is the most important one in evaluating the

63. Fredrick Kunkle. "Rob Sobhani, independent in Maryland Senate race, makes closing argument." *The Washington Post*, November 2, 2012.

Campaign Committee				
National Republican Congressional Committee	178.1	118.2	132.1	153.9
Democratic Senatorial Campaign Committee	121.7	162.6	129.1	142.7
National Republican Senatorial Committee	89.7	93.8	68.1	112.2
Total	**2253.8**	**2897.4**	**2285.8**	**3312.9**

*Source: Center for Responsive Politics, Data as of December 15, 2012

Figure 4



*Source: Center for Responsive Politics, Data as of December 15, 2012

environment of campaign finance. I begin by addressing changes in overall spending by outside groups and then examine changes in spending behavior by certain sub-groups, such as Super PACs or non-disclosure groups.

General Outside Spending Levels

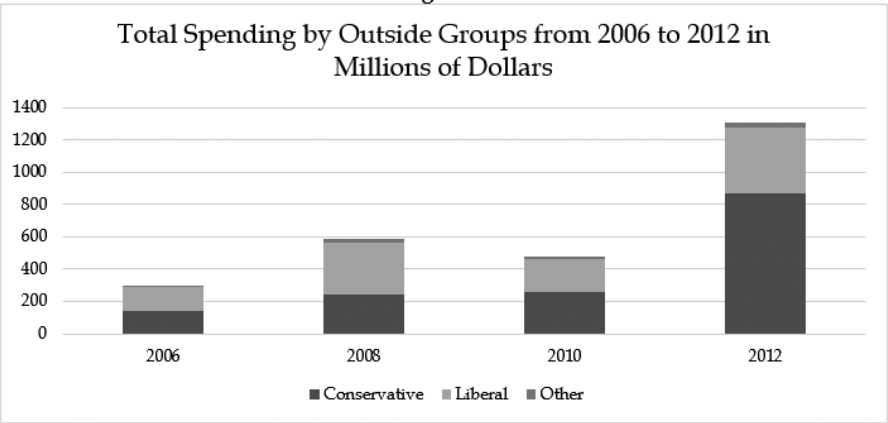
Table 5 and Figure 5 show a stark rise, just over a 170% increase, in the level of outside spending in 2012 versus that of 2010. Even from the 2008 election, which had more spending by outside groups than in 2010, the level of spending in 2012 was nearly 125% more than in 2008. Figure 6 offers a breakdown of the outside money in relation to the political ideology the spending group supported. This graph reveals a huge spending advantage for conservative outside groups compared to liberal groups. In 2010, these groups had fairly similar spending levels, and in 2008, liberal groups spent more than conservative groups. However, conservative groups in 2012 spent 233% more than the conservative groups in 2010.

Table 5

Outside Spending from 2006 to 2012 in Millions of Dollars				
	Conservative	Liberal	Other	Total by Year
2006	144.9	144.5	10.4	**299.8**
2008	243.6	318.8	22.8	**585.2**
2010	260.7	203.1	15.5	**479.3**
2012	868.5	409.5	29.9	**1307.9**

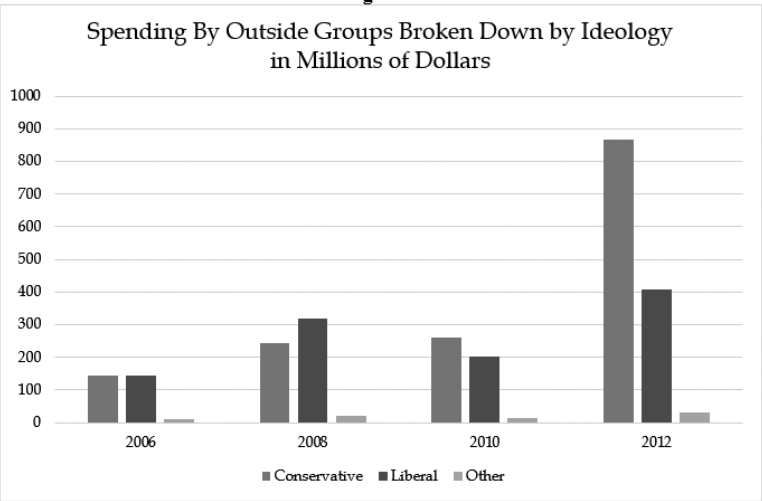
*Source: Center For Responsive Politics, Data as of December 15, 2012

Figure 5



*Source: Center For Responsive Politics, Data as of December 15, 2012

Figure 6



*Source: Center For Responsive Politics, Data as of December 15, 2012

Conservative outside groups also spent more than twice as much as liberal groups in 2012. While conservative and liberal groups had been spending at more competitive levels during 2006, 2008, and even 2010, the 2012 election signals an explosion of conservative group spending relative to liberal groups. To get a better understanding of outside spending in these elections, I will breakdown the general category "outside groups" and will evaluate the spending patterns of independent expenditures, electioneering communications, non-party committees, non-disclosure groups, and Super PACs.

Independent Expenditures

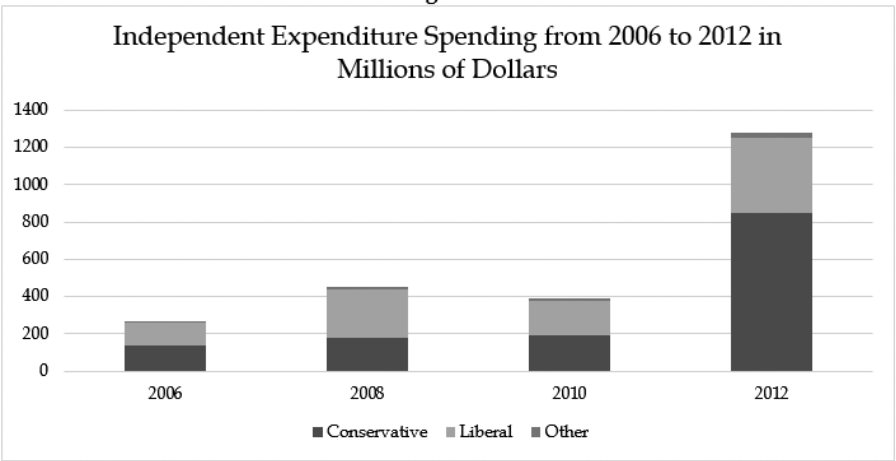
An independent expenditure is an expenditure for a communication "expressly advocating the election or defeat of a clearly identified candidate that is not made in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a candidate's authorized committee, or their agents, or a political party or its agents."[64] Table 6 and Figure 7 show the levels of independent expenditures between 2006 and 2012 and correlate the spending levels with the ideology of the group that spent the money.

Table 6

Independent Expenditure Spending from 2006 and 2012 in Millions of Dollars				
	2006	2008	2010	2012
Conservative	135.6	180.4	195	844.6
Liberal	126.3	260.3	183.7	403.3
Other	6.5	12.1	12.4	27.9
Total by Year	**268.4**	**452.8**	**391.1**	**1275.8**

*Source: Center For Responsive Politics, Data as of December 15, 2012

Figure 7



*Source: Center For Responsive Politics, Data as of December 15, 2012

Overall, there is a very clear increase in the level of independent expenditures from the 2010 to the 2012 election, which is mostly attributable to conservative groups. Independent expenditures rose over 225% from 2010 to 2012, and conservative groups increased their spending by 333% while liberal groups increased their spending in 2012 by 119%. While the level of independent expenditures was higher in 2008 than it was in 2010, there has been significant growth in the amount of money devoted to this type of advertising since the *Citizens United* decision in 2010.

Electioneering Communications

An electioneering communication is any broadcast, cable, or satellite

64. Code of Federal Regulations, title 11, section 100.16 (2009).

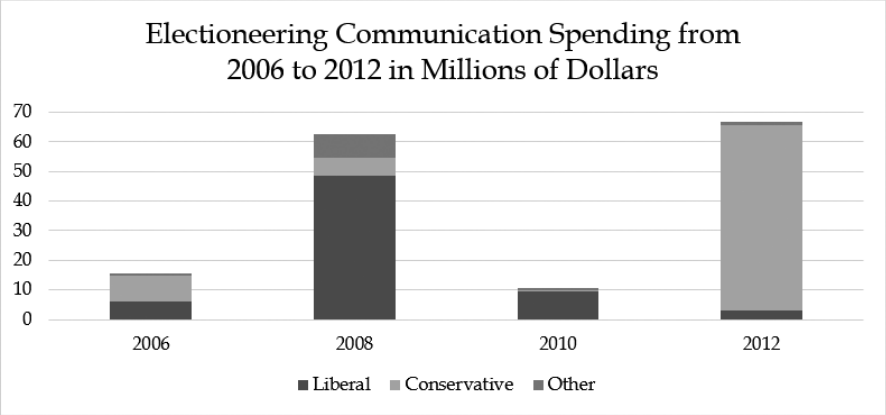
communication funded by an outside group that fulfills each of the following conditions: the communication refers to a clearly identified candidate for federal office; the communication is publicly distributed shortly before an election for the office that candidate is seeking; and the communication is targeted to the relevant electorate (U.S. House and Senate candidates only).[65] Table 7 and Figure 8 show the levels of spending for electioneering communications between 2006 and 2012 and correlate the spending levels with the ideology of the group that spent the money.

Table 7

Electioneering Communication Spending from 2006 to 2012 in Millions of Dollars				
	2006	2008	2010	2012
Conservative	8.9	6.1	0.1554	62.6
Liberal	6.1	48.6	9.6	2.9
Other	0.1554	8	0.9278	1.1
Total	**15.1554**	**62.7**	**10.6832**	**66.6**

*Source: Center For Responsive Politics, Data as of December 15, 2012

Figure 8



*Source: Center For Responsive Politics, Data as of December 15th, 2012

The first takeaway from this data is how little money is spent on electioneering communications relative to other types of outside group spending. The main reason for this is that electioneering communications have strict requirements surrounding them, which lead Citizens United to file suit against the FEC based on fears they were violating the requirements. However, with the Court's ruling, corporations were allowed to make not only electioneering expenditures but also independent expenditures, which have fewer regulations.

Due to the lack of overall expenditures devoted to electioneering

65. Federal Election Commission. "Electioneering Communications Brochure." January 2010. http://www.fec.gov/pages/brochures/electioneering.shtml.

communications, spending patterns seem quite erratic from year to year, with 2008 and 2012 each showing substantial levels of this kind of spending. However, in 2008 liberal groups dominated the spending, whereas in 2012 conservative groups dominated spending. Overall, it is hard to draw any conclusions or predictions from this data because it does not show any trends or significant changes that can be explained.

Non-Party Committes

The term non-party committee encompasses two forms of political action committees (PAC): a separate segregated fund (SSF) and a non-connected political committee. A SSF is a PAC supported by the corporation, labor union, or incorporated membership organization that created it. A non-connected political committee, on the other hand, is financially independent and not connected to any organization. Both types of organizations may support a candidate by making monetary and in-kind contributions to political parties and by making independent expenditures to support or oppose candidates.[66] Table 8 and Figure 9 show the levels of spending for non-party committees between 2006 and 2012 and correlate the spending levels with the ideology of the group that spent the money.

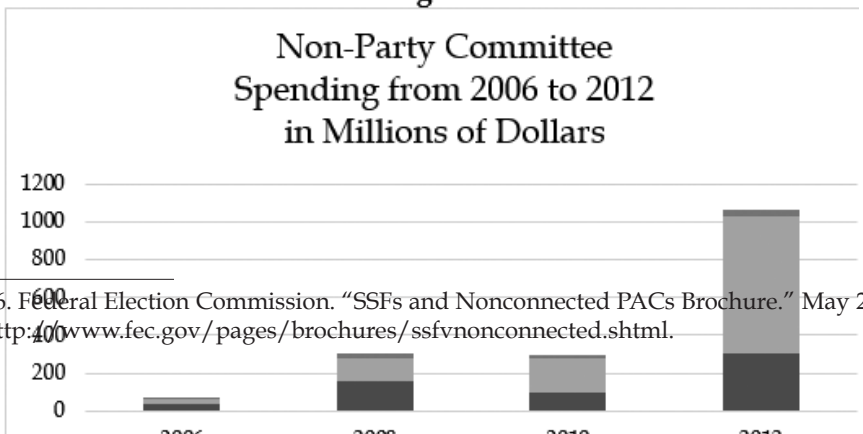
As with independent expenditures, non-party committee spending also significantly increased between 2010 and 2012. Spending by conservative groups grew by 300% while that of liberal groups increased 213%. Overall, these non-party expenditures rose by a total of 260% between 2010 and 2012. The reason for this growth in overall spending by these committees is most likely due to the emergence of Super PACs, which are included in this category.

Table 8

Non-Party Committee Spending from 2006 to 2012 in Millions of Dollars				
	2006	2008	2010	2012
Conservative	19.7	119.7	183.3	733.4
Liberal	38.8	159.1	95.9	299.7
Other	10.4	22.8	15.5	29.8
Total	**68.9**	**301.6**	**294.7**	**1062.9**

*Source: Center For Responsive Politics, Data as of December 15, 2012

Figure 9



66. Federal Election Commission. "SSFs and Nonconnected PACs Brochure." May 2008. http://www.fec.gov/pages/brochures/ssfvnonconnected.shtml.

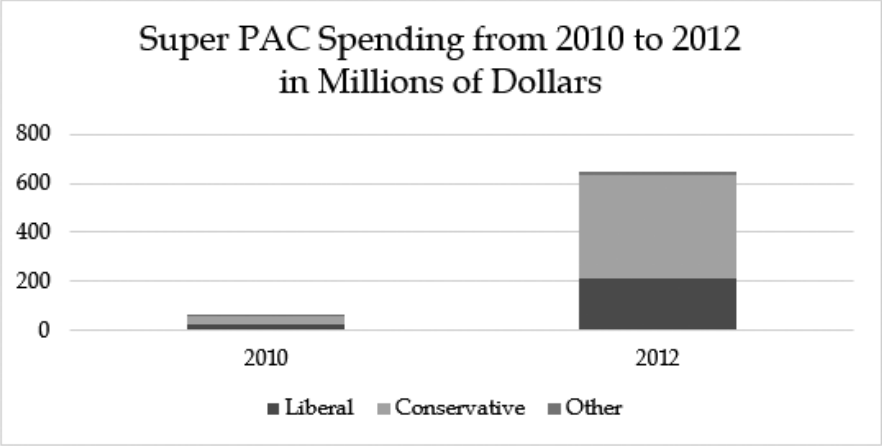
Super PACS, or independent-expenditure-only committees, may raise unlimited sums of money from corporations, unions, associations and individuals. They may spend unlimited amounts of this money on independent expenditures, but they may not donate money directly to a candidate for political office.[67] These are the committees that were established by the District Court in *SpeechNow.org v. FEC*.[68] They are allowed to spend unlimited amounts of money on

Table 9

Super PAC Spending from 2010 to 2012 in Millions of Dollars		
	2010	2012
Conservative	35.6	426.2
Liberal	25.4	209.1
Other	1.3	9.1
Total	**62.3**	**644.4**

*Source: Center For Responsive Politics, Data as of December 15, 2012

Figure 10



*Source: Center For Responsive Politics, Data as of December 15, 2012

available, it is readily observable that these groups have become a focus for outside group spending. Overall, spending by Super PACs increased by nearly 940% between 2010 and 2012. Liberal groups increased their spending through Super PACs by a little more than 730% while conservatives increased theirs by over 1000%. One explanation for why there was so little Super PAC spending during the 2010 election may be because the legal framework for them was

67. Center For Responsive Politics. "Super PACs" accessed December 15, 2012. http://www.opensecrets.org/pacs/superpacs.php.

68. *Speechnow.org et al v. Federal Election Committee*, 599 F.3d 686,(D.C.Cir.2010). (see text accompanying footnote 30).

69. Garret, 717.

established only about three months prior to the election.[70] As the numbers from 2012 indicate, Super PACs seem poised to play a significant role in future elections.

Non-Disclosure Spending

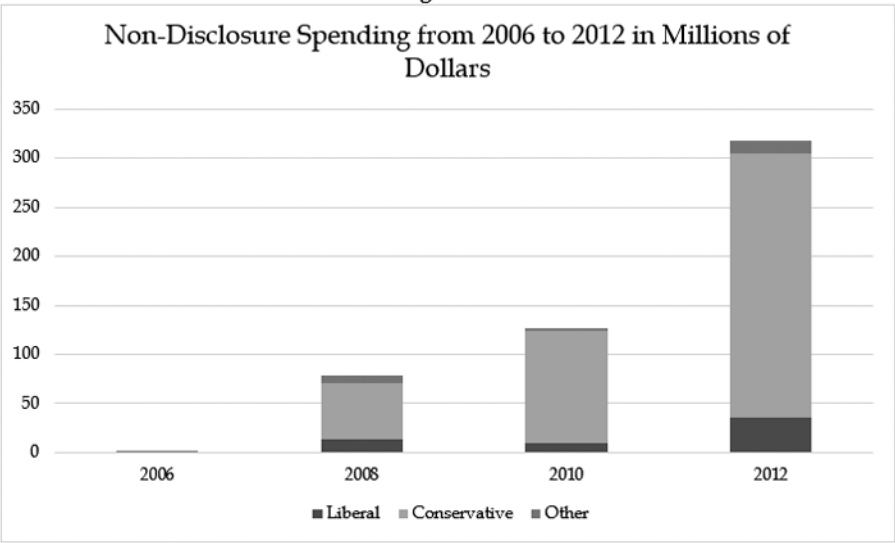
Technically, non-disclosure groups are 501c groups and thus are permitted to keep their donors secret because their main purpose is not "electoral politics." They then use this secret money to fund independent expenditures and electioneering communications.[71] Table 10 and Figure 11 show the levels of spending for non-disclosure groups between 2006 and 2012 and correlate the spending levels with the ideology of the group that spent the money.

Table 10

Non-Disclosure Spending from 2006 to 2012 in Millions of Dollars				
	2006	2008	2010	2012
Conservative	0.0986	56.9	114.5	269
Liberal	0.2391	13.7	9.5	36.2
Other	0.3293	8.1	2.8	12.5
Total	**0.667**	**78.7**	**126.8**	**317.7**

*Source: Center For Responsive Politics, Data as of December 15, 2012

Figure 11



*Source: Center For Responsive Politics, Data as of December 15, 2012

Through the last four election cycles, as Figure 11 shows, spending by

70. Federal Election Commission. Advisory Opinions 2010-09 (Club for Growth) July 20, 2010. http://saos.nictusa.com/saos/searchao;jsessionid=F2E904E53AEA09CBCF60AB325C9F29B1?SUBMIT=continue&PAGE_NO=-1.

71. Center For Responsive Politics. "2012 Outside Spending, by Groups." Accessed December 15, 2012. http://www.opensecrets.org/outsidespending/summ.php?disp=O.

non-disclosure groups has steadily increased, with it more than doubling between the 2010 and 2012 elections. Moreover, in 2006 just over a million dollars was spent by all groups combined, an amount so small it does not register in Figure 11. By 2012, however, the amount skyrocketed to over 300 million dollars. What is perhaps most striking about this category of campaign spending is how dominant conservative groups are. Overall, conservative groups accounted for 85% of the total spending in this category. One possible explanation for this discrepancy may be explained by businesses that are usually more conservative, seeking to influence the election without having their names disclosed, which lead them to donate to conservative groups like the Chamber of Commerce. Another possible explanation for the difference is that liberal groups may be reluctant to accept non-disclosed money because the majority of liberal groups and individuals are opposed to spending money without the donors being disclosed.

How the Subgroups Impact Overall Outside Group Spending

While the figures and tables provide valuable information to understanding how outside groups can and do spend money in elections, it is also important to see which forms of outside spending are more prominent than others. One difficulty in comparing the types of outside spending is that some of the categories presented overlap with one another, so certain expenditures could be both an independent expenditure and non-disclosure expenditure. In order to get an accurate comparison of these avenues of spending, I will take each year's level of spending for each sub category and examine the percentage that subgroup represented out of total outside group spending. So, for example, out of the total outside spending in 2012, spending by Super PACs, which represent a specific type of independent expenditure, accounted for about 50% of total outside spending, while 98% of all outside spending took the form of independent expenditures in general. Table 11 and Figure 12 show these findings.

Table 11 and Figure 12 offer crucial insight into the state of electoral spending in the wake of *Citizens Unite*d. The most startling aspect of this data is that independent expenditures now account for nearly 98% of spending by outside groups. Secondly, the rise in the market share of spending by non-party committees is also quite pronounced, with a sharp rise between 2006 and 2012. The expenditures of Super PACs have similarly increased since their inception in the wake of Citizens United and other court decisions that declared unconstitutional the legal restraints on them. Finally, the percentage of non-disclosure group spending rose from 2006 through 2010 but declined somewhat in 2012. Even so, non-disclosure groups still account for almost 25% of the money spent by outside groups.

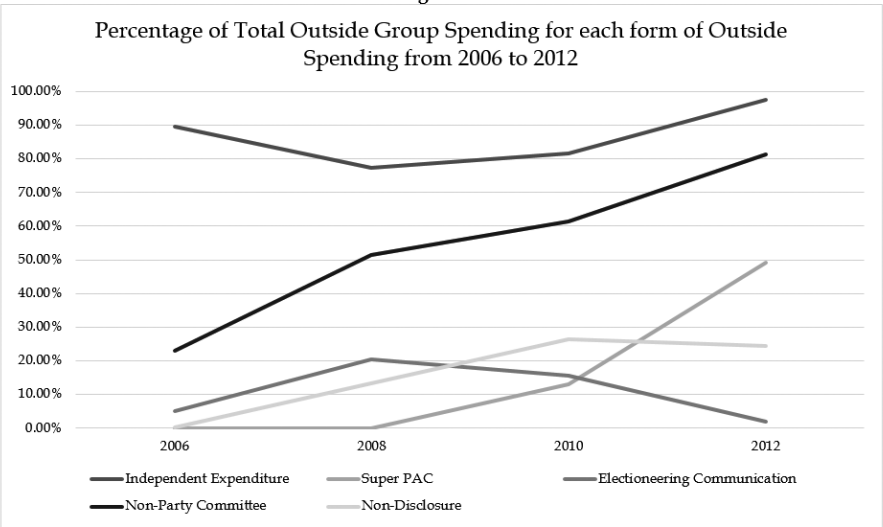
Table 11

Breakdown of Outside Spending Sources from 2006 to 2012 in Millions of Dollars

	Independent Expenditure		Super PAC		Electioneering Communication		Non-Party Committee		Non-Disclosure	
Year	Total Spent	% of Total Outside Spending	Total Spent	% of Total Outside Spending	Total Spent	% of Total Outside Spending	Total Spent	% of Total Outside Spending	Total Spent	% of Total Outside Spending
2006	268.4	89.53%	0	0.00%	15.15	5.05%	68.9	22.98%	0.667	0.22%
2008	452.8	77.38%	0	0.00%	119.2	20.37%	301.6	51.54%	78.7	13.45%
2010	391.1	81.60%	62.3	13.00%	74.4	15.52%	294.7	61.49%	126.8	26.46%
2012	1275.8	97.55%	644.4	49.27%	26.3	2.01%	1062.9	81.27%	317.7	24.29%

*Source: Center For Responsive Politics, Data as of December 15, 2012

Figure 12



*Source: Center For Responsive Politics, Data as of December 15, 2012

spending levels for each election. The results are presented in the Table 12 and Figures 13 and 14.

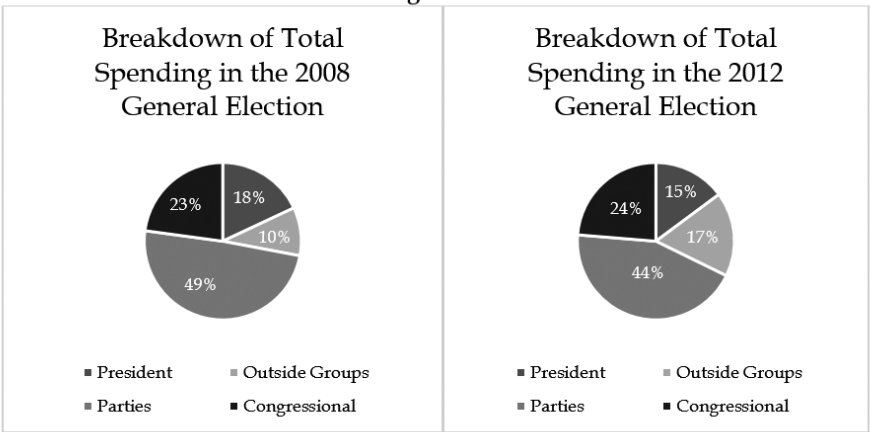
In the 2008 election, Congressional candidates, political parties, Presidential candidates, and outside groups together spent 5.892 billion dollars. In 2012, these same groups spent a total of 7.519 billion dollars. While 2 billion dollars is quite a large increase in the overall cost of an election, it is important to realize how those increases in spending were distributed across the four groups. Firstly, every one of these four groups increased their spending in 2012 as compared to 2008. Secondly, while outside spending did gain a 7% larger share of the total spending pie in 2012 as compared to 2008, it is important to note that political parties and committees account for 49% and 44% of overall spending in the general election of 2008 and 2012, a commanding portion of spending overall.

Table 12

Total Spending for the 2008 and 2012 General Election in Millions of Dollars

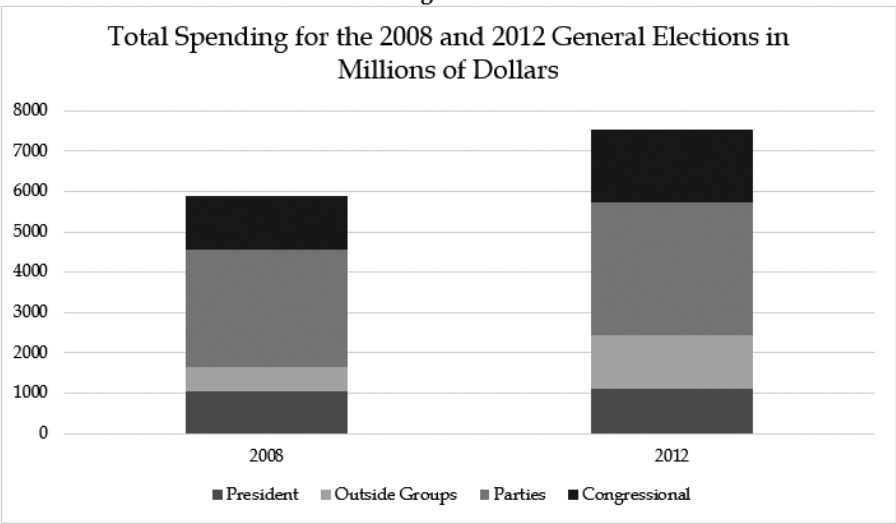
	2008	2012
President	1062.9	1116.8
Outside Groups	585.2	1307.9
Parties	2897.4	3312.9
Congressional	1346.5	1782.2

Figure 13



*Source: Federal Election Commission and Center for Responsive Politics, Data as of December 15, 2012

Figure 14



*Source: Federal Election Commission and Center for Responsive Politics, Data as of December 15, 2012

Discussion

After examining spending data for the elections of 2006, 2008, 2010, and 2012, several observations can be made. First and foremost, spending on the general election skyrocketed in 2012 to a cost of over 7.5 billion dollars. This number is quite significant and is indicative of an overall trend towards costlier elections. What is even more important about this rise, though, is that the most significant changes in overall spending came from outside groups, followed by parties and Congressional candidates. (Although it is worth noting here that while spending from 2008 to 2012 did increase for Congressional candidates, it

actually declined from 2010 to 2012.) This seems to indicate that more money and a larger share of the money in elections is being raised and spent by outside groups and parties instead of the candidates.

Secondly, outside spending has skyrocketed during the last election to levels never seen before. The important things to take away from this huge increase are that now almost all of the outside spending is in the form of independent expenditures, that Super PACs have made significant inroads in regards to the percentage of the total outside spending they represent, and that non-disclosure groups are spending more and more with each election to the point where, in 2012, they accounted for about a quarter of all outside spending. Additionally, in 2012 conservative groups vastly outspent liberal and other groups in every category of outside spending. The only categories in which Democrats had a spending advantage in 2012 were in Presidential spending and party spending.

This data seems to confirm the arguments of both supporters and critics of the decision. While spending by outside groups has increased, as critics argued it would, outside spending has not taken on a significantly larger portion of overall spending in elections. This seems to imply that, while the decision did allow more money to be spent by outside groups, candidates and parties have been able to spend significantly more as well. However, the data does seem to confirm the critic's argument regarding non-disclosure spending, which has skyrocketed in the 2012 election. Overall, this seems to imply that most of the predicted ills of the *Citizens United* decision have not come to fruition, save the increase in non-disclosure spending.

While many may not be fond of the increased levels of spending and the higher costs of elections, there is not much that can be done to legally prevent that absent a reversal by the Supreme Court on its view that campaign contributions are a form of protected speech. Perhaps the most troubling trend is the increased amount of money spent through non-disclosure groups. This seems to runs counter to the majority in *Citizens United*, which acknowledged the need for transparency in electoral politics so that voters can make educated, informed decisions. Given the trend I have identified, it will be useful to briefly discuss possible reforms that could make the elections more transparent.

Conclusion

Citizens United and the judicial doctrine it created reframed the state of campaign finance laws in the United States. By removing spending and fundraising limits on outside groups like corporations and unions, the decision created the possibility that Super PACs and 501(c) groups would become influential political actors.

While it remains unclear just how much, if any, spending by outside groups impact elections, outside groups themselves seem to think they can

influence elections, at least if the skyrocketing increase in outside spending on display in the 2012 election is any indication. While the campaign spending of other groups has increased in recent elections, the rise in spending by non-disclosure groups—those not required to reveal their list of donors—is particularly alarming. The task is to try to take steps to ensure that this new normal in electoral politics is as transparent as possible so that voters have as much information as possible when choosing their elected officials.

Because spending limits on outside groups are constitutionally prohibited under current judicial doctrine, attempts at reform must take new approaches to ensure that the sources of money being spent in elections are identifiable. One of the main types of reform being advocated is to have increased disclosure requirements for all tax-exempt, non-profit groups that participate in elections. This approach would end loopholes that currently exist for groups participating in the electoral process, like the 501(c) groups discussed earlier.[72]

Another way to increase transparency in disclosure requirements would be to require real-time disclosure by outside groups. This disclosure information could then be quickly released for public consumption, organized in such a way so that voters could easily understand it.[73] These reforms would be helpful in actually spreading the disclosure information and informing voters as to who is paying for the advertisements they see.

Another reform focuses on Super PACs and would require anyone leaving the employment of a party or campaign to wait a minimum of two years before being eligible to work for a Super PAC[74]. This reform would address the issue of the appearance, if not actual, coordination between Super PACS and parties and campaigns.

If implemented, these reforms could help reduce the opaqueness of outside spending in elections. They may also serve to ensure that Super PACs are truly acting as independent groups and not coordinating their messages or strategies with the candidates they are supporting. Both of these outcomes are desirable in order to have better-informed voters who can objectively evaluate the information provided to them in campaign advertising.

While many may pine for the days of campaign finance regulations that restricted the power of outside groups, those days are unlikely to return. Instead, we now have a system that places almost no limits on the amount of money that can be contributed to or spent by outside groups. Billions of dollars are spent in each national election by candidates, parties, and outside groups. Much of this comes from groups that do not have to disclose their donors.

72. Gulati, 416.

73. Anthony Corrado, Michael Malbin, Thomas Mann, and Norman Ornstein. "Reform in the Age of Networked Campaigns." *A Joint Project of The Campaign Finance Institute, American Enterprise Institute and Brookings Institution*, 2010, 32.

74. Gulati, 416.

Reforms requiring more groups to disclose their donors would allow voters to know who is sponsoring what advertisement, and they could then use this information to, hopefully, make better-informed decisions when they step into the voting booth.

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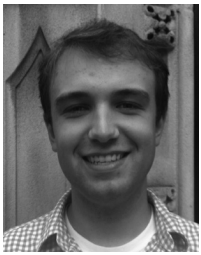

Zachary Schmitz graduated from Missouri State in the spring of 2013 with a degree in political science and a minor in economics. He is continuing his studies at the University of Chicago Law School.

Brown v. Board of Education and its Impact on Admissions in Higher Education

By Kristen Stallion
Department of Political Science

Abstract

The United States Supreme Court's landmark decision in *Brown v. Board of Education* (1954) (*Brown I*) held that racial segregation in public schools violates the Equal Protection Clause of the Fourteenth Amendment. The following year, in *Brown v. Board of Education* (1955) (*Brown II*), the Court ruled that integration of public schools and, by implication, colleges and universities was to proceed "with all deliberate speed." In response to *Brown II*, public colleges and universities that refused admissions to African American applicants had to alter their admissions procedures and begin admitting them. One way that public colleges and universities began to integrate their entering classes was by considering race in admissions decisions with the intention of admitting more African American students. This study focuses on Supreme Court cases regarding the degree to which race can be used in admissions decisions. The Court's first decision in this line of cases was *Regents of the University of California v. Bakke* (1978), which held that the use of racial quotas is unconstitutional but that race can be used as a "plus" factor in admissions decisions. More recent rulings include *Gratz v. Bollinger* (2003) and *Grutter v. Bollinger* (2003), involving the University of Michigan and its undergraduate and law school admissions procedures. Also to be discussed is *Fisher v. University of Texas*, a case involving a challenge to the use of race in admissions decisions at the University of Texas. The case was argued before the Supreme Court on October 12, 2012. A decision is expected in spring 2013.

Introduction

In *Brown v. Board of Education*, decided May 17, 1954, the U.S. Supreme Court unanimously held that segregated public schools are inherently unequal and thus deprive African American students of their Fourteenth Amendment right to equal protection of the laws.[1] This landmark decision effectively overturned *Plessy v. Ferguson* (1896), which had established the "separate but

1. B*rown v. Board of Education of Topeka*, 347 U.S. 483 (1954).

equal" doctrine and sanctioned laws requiring separate facilities for blacks and whites.[2] The Court's ruling in *Brown* was not entirely unexpected as several Supreme Court cases in the 1930s and 1940s involving graduate school admissions began chipping away at policies that discriminated against African Americans. These cases included *Missouri ex rel. Gaines v. Canada*,[3] *Sipuel v. Board of Regents of the University of Oklahoma*,[4] *Sweatt v. Painter*,[5] and *McLaurin v. Oklahoma State Regents for Higher Education*.[6] In *Brown*, the Court accepted, for the sake of argument, that segregated public schools were equal in quality, which would have been constitutional under the "separate but equal" standard of *Plessy*. The Court, however, emphasized the psychological harm segregation caused African American students, that it suggested that African Americans are inferior to whites.[7] Consequently, segregated public schools, and by implication all segregated public facilities, violate the Fourteenth Amendment's guarantee of equal protection of the laws. Because of the complexities of establishing integrated schools after decades of segregation, the Court in *Brown* did not specify how integration of public schools was to be achieved. Instead, it invited the parties in the case to brief the issue and set it for decision in the Court's next term the following year.

The Desegregation Mandate

One year after its momentous decision declaring segregated public schools unconstitutional, the Court took up the issue of how to "transition to a system of public education freed of racial discrimination."[8] In this decision (*Brown II*), the Court ruled that public schools were to be integrated with "all deliberate speed."[9] Schools were now responsible for making a prompt, good-faith effort to integrate. The first case regarding admissions in higher education to reach the Court after *Brown* was *Florida ex rel. Hawkins v. Board of Control of Florida* (1956),

2. *Plessy v. Ferguson*, 163 U.S. 537 (1896).

3. 305 U.S. 337 (1938). The Court ruled that the state of Missouri, with only one public law school, must offer admissions to blacks and whites on equal terms.

4. 332 U.S. 631 (1948). The Court ruled that Sipuel was entitled to a legal education provided by her state of residence and the state must provide instruction to blacks equal to that of whites.

5. 339 U.S. 629 (1950). The Equal Protection Clause of the Fourteenth Amendment required that Sweatt be admitted to the University of Texas Law School upon findings that the separate black law school would have been grossly unequal to the University of Texas.

6. 339 U.S. 637 (1950). Though not an admissions case, the Court ruled that the differential treatment of an African American student, who was required to endure, among other things, a segregated cafeteria and segregated classrooms, violated the Fourteenth Amendment.

7. *Brown v. Board of Educatio*n, 347 U.S. at 494.

8. *Brown v. Board of Education*, 349 U.S. at 299.

9. *Ibid*., 301.

which involved the University of Florida Law School denying admission to a black applicant because of his race.[10] Rather than deciding the case, however, the Supreme Court denied certiorari and remanded the case to the Florida courts under the authority of *Brown I* and *Brown II*. The Warren Court stated that the *Brown* mandate was not limited to public secondary schools and that the Florida court was to apply the law announced in *Brown I* and *Brown II*.

Regents of the University of California v. Bakke: The Supreme Court and Affirmative Action

After the desegregation mandate in *Brown II*, not only did universities that formerly denied admissions to African Americans change their policies, all eventually began to take "affirmative action" to enroll minority students, which involved considering their race in admissions decisions. The idea of affirmative action stems from President Kennedy and the creation of the Committee on Equal Employment Opportunity, a committee headed by Vice President Lyndon B. Johnson. The committee issued a report declaring that the United States could no longer continue to deny its citizens equal opportunity in employment and advancement.[11] The report was followed by Executive Order 10925, issued by President Kennedy in 1961, requiring the government to "consider and recommend affirmative steps which should be taken by executive departments and agencies to realize more fully the national policy of nondiscrimination."[12] President Kennedy issued several more executive orders on civil rights, but the most significant governmental action on the issue was the Civil Rights Act of 1964, a milestone law passed in the wake of President Kennedy's assassination.

The Civil Rights Act of 1964 provides the basic statutory framework for affirmative action in employment and education. Among other things, the law prohibits discrimination on the basis of race in public accommodations and in hiring. Moreover, "official approval of 'affirmative action' remedies was further codified by federal regulations construing Title VI of the law, which prohibits racial or ethnic discrimination in all federally assisted 'programs' and activities, including public or private institutions."[13] The desegregation mandate was extended to private schools and required all educational institutions to take affirmative action towards integration and desegregation. The Court reaffirmed the Civil Rights Act of 1964 and its applicability to public and private educational institutions when it ruled that the Equal Protection

10. *Florida ex rel. Hawkins v. Board of Control of Florida*, 350 U.S. 413 (1956).

11. Barbara A. Perry. *The Michigan Affirmative Action Cases* 7 (Lawrence: University Press of Kansas, 2007).

12. *Ibid*.

13. CRS Report for Congress. *Federal Affirmative Action Law: A Brief History*. Washington: Government Printing Office, 2005, 2.

Clause placed an "affirmative duty" on local school boards to take initiative to eradicate any remnants of prior dual, segregated systems.[14]

Affirmative action in higher education led to the question of whether or not the use of race in higher education admissions to enhance educational opportunities for minority students violates the equal protection rights of Caucasian applicants. The Court first addressed this question in 1978 in *Regents of the University of California v. Bakke*.[15] The Medical School of the University of California at Davis had a special admissions program that set aside a certain number of seats for minority applicants. After the respondent, Allan Bakke, a Caucasian student, was denied admission in two consecutive years, he filed suit alleging that the special admissions program violated the Equal Protection Clause of the Fourteenth Amendment by excluding him from the school because of his race.

Justice Powell wrote a plurality opinion for the Court. He described the admissions plan as one where whites like Bakke could compete "only for 84 seats in the entering class, rather than the 100 open to minority applicants. Whether this limitation is described as a quota or a goal, it is a line drawn on the basis of race and ethnic status."[16] In other words, whites could compete only for one of 84 regular admissions spots while minority applicants could compete for any of the 84 regular admissions spots plus one of the 16 special admissions slots reserved for minorities. On average, minority applicants had lower entrance exam scores and GPAs than white applicants who were denied, but white applicants were unable to compete for sixteen seats solely because of their nonminority status. "Because of that foreclosure, some individuals are excluded from enjoyment of a state-provided benefit—admission to the Medical School—they otherwise would receive. When a classification denies an individual opportunities or benefits enjoyed by others solely because of his race or ethnic background it must be regarded as suspect."[17] Any legal restriction that limits the civil rights of a specific racial group is subject to the Court's strict scrutiny test. In order for race to be a permissible classification, the state, or in this case, the medical school, has to demonstrate that its "purpose or interest is both constitutionally permissible and substantial, and that its use of the classification is 'necessary … to the accomplishment of its purpose or the safeguarding of its interests.'"[18] In response, the medical school identified four purposes for its preferential treatment of minorities: reducing the historic deficit of minorities in the medical profession and in medical schools, countering the effects of past discrimination, increasing the number of

14. *Green v. County School Board of New Kent County*, 391 U.S. 430, 436 (1986).

15. *Regents of the University of California v. Bakke*, 438 U.S. 265 (1978).

16. *Ibid*., 289.

17. *Ibid*., 305.

18. *Ibid*. (quoting *In re Griffiths*, 413 U.S. 717, 721-722 (1973)).

physicians who will practice in underserved communities, and promoting the educational benefits of a diverse student body.

Justice Powell evaluated each of these purposes in his opinion and concluded that only the goal of educational diversity is a permissible reason for the use of race in university admissions. Powell cited previous Supreme Court decisions in which the Court rejected policies that sought to aid persons perceived to be members of a victimized group at the expense of innocent individuals like Bakke, the white medical school applicant who was not responsible for any past discrimination against minorities that may have been committed by the medical school. Powell thus concluded that "preferring members of any one group for no reason other than race or ethnic origin is discrimination for its own sake,"[19] which is a violation of the Equal Protection Clause of the Fourteenth Amendment.

As for the diversity rationale, Justice Powell noted that "academic freedom, though not a specifically enumerated constitutional right, long has been viewed as a special concern of the First Amendment."[20] The Court first addressed the issue of academic freedom in 1957 in *Sweezy v. New Hampshire*.[21] Writing for the Court, Justice Frankfurter argued that there are four essential freedoms in the realm of academia: the freedom for universities to determine who may teach, what may be taught, how it shall be taught to students, and who may be admitted to study. Consequently, seeking diversity in the student body is a permissible constitutional goal for higher education institutions.[22] As Justice Powell reasoned, " [t]he atmosphere of speculation, experiment, and creation—so essential to the quality of higher education—is widely believed to be promoted by a diverse student body."[23]

After the University's purpose in seeking a diverse student body was found to be constitutionally permissible, the Court had to determine whether or not the University's race-based quota system was a valid way of promoting it. Powell concluded that "petitioner's special admissions program, focused solely on ethnic diversity, would hinder rather than further attainment of genuine diversity."[24] Seeking a fixed number of minority students in an entering class did not meet the strict scrutiny requirement of means necessary to an end. "Although a university must have wide discretion in making the sensitive judgment as to who should be admitted," Powell wrote, "constitutional limitations protecting individual rights may not be disregarded."[25] Such a rigid

19. *Ibid*., 306.

20. *Ibid*., 312.

21. *Sweezy v. New Hampshire*, 354 U.S. 234 (1957).

22. *Bakke*, 438 U.S. at 311.

23. *Ibid*., 312.

24. *Ibid*., 315.

25. *Ibid*., 314.

quota in admissions denies nonminority applicants equal protection of the law. Justice Powell drew upon Harvard University's affirmative action plan as an example of a constitutionally-permissible admissions plan that furthered the goal of diversity.

The affirmative action plan at Harvard University commended by Justice Powell considered numerous candidate factors. "In such an admissions program, race or ethnic background may be deemed a 'plus' in a particular applicant's file, yet it does not insulate the individual from comparison with all other candidates for the available seats."[26] Harvard's plan did not reserve a certain number of seats for minorities but did consider how that student's ethnicity, disadvantaged economic status, or race could serve as a "plus" in achieving the school's goal of fostering diversity in the classroom. According to Justice Powell, "[t]he diversity that furthers a compelling state interest encompasses a far broader array of qualifications and characteristics of which racial or ethnic origin is but a single though important element."[27] The benefit of Harvard's "plus" plan was that it took multiple factors into account, including race, but race was not the decisive factor. This meant equal treatment for each applicant. In contrast, the UC Davis Medical School's use of a rigid quota system violated the rights of white applicants.

Applying *Bakke*

After *Bakke*, undergraduate and graduate schools could no longer use racial quotas in their admissions plans, but race could be counted as a "plus" in admissions. This led to an increase in minority student enrollment in American colleges and universities that peaked in the mid-1980s.[28] Taken together, the *Brown* decisions and *Bakke* present a challenge. *Brown I* and *II* seem to require race-neutral admissions, but *Bakke* allows race to be used in admissions as a "plus" factor. The challenge in complying with these requirements is determining just how much weight can be given to race in the admissions process.

For example, in 1996, the United States Court of Appeals for the Fifth Circuit decided the case of *Hopwood v. State of Texas*.[29] The case arose after Cheryl Hopwood, a white woman, was denied admission to the University of Texas at Austin School of Law. The law school treated African and Mexican Americans differently than nonminority applicants. Applicants were assigned "TI" ranges that placed them into one of three categories: presumptive admit, presumptive deny, or the middle discretionary zone. Each category had its

26. *Ibid*., 317.

27. *Ibid*., 315.

28. Lauren Collins, "*Brown*'s Legacy Then and Now," *AALL Spectrum Magazine*, April 2004, 10.

29. *Hopwood. v. State of Texas*, 78 F.3d 932 (1996).

own admissions review subcommittee. The TI ranges of minority applicants were lowered in order to allow the school to consider and admit more minority applicants. Because of the lesser standards for minority applicants, Hopwood challenged the admissions policy on the grounds that it denied her the equal protection of the law. The Fifth Circuit agreed with Hopwood and declared the admissions program unconstitutional. According to the majority opinion, "[u]pon receiving an application form, the school color-coded it according to race. If a candidate failed to designate his race, he was presumed to be in a non-preferential category. Thus, race was always an overt part of the review of any applicant's file."[30] Additionally, applicants in the middle discretionary zone, like Hopwood, were also separated by race. In this category, minority applicants were thoroughly reviewed by a subcommittee of three minority reviewers while nonminority applicants received a much less thorough review.

The court held that, although the law school had good intentions, it "discriminates in favor of [minority] applicants by giving substantial racial preferences in its admissions program."[31] The court ruled that this different review given to minority applicants violated Hopwood's Fourteenth Amendment right to Equal Protection. Writing for the Fifth Circuit, Judge Jerry E. Smith explicitly rejected the only state interest Justice Powell in *Bakke* deemed compelling—creating a diverse student body for the purpose of enhancing the education of all students. According to Judge Smith, "the interest in increasing the diversity of broadcast viewpoints is clearly not a compelling interest. It is simply too amorphous, too insubstantial, and too unrelated to any legitimate basis for employing racial classifications."[32] For the Fifth Circuit Court of Appeals, *Bakke* was too vague, offering unclear guidance as to how to analyze race-based governmental action. Judge Smith thus reasoned that "the use of ethnic diversity simply to achieve racial heterogeneity, even as part of the consideration of a number of factors, is unconstitutional."[33] The Fifth Circuit thus concluded that no compelling state interest could justify the race-based admissions program. This ruling ended affirmative action in higher education in Texas, Louisiana, and Mississippi, the states over which the Fifth Circuit Court of Appeals has authority. Even though the case seems to be at odds with *Bakke*, upon appeal by the University of Texas, the Supreme Court denied certiorari. In contrast to the *Hopwood* decision, several Courts of Appeal have found *Bakke* to provide clear guidance on the use of race in admissions and have thus allowed, as *Bakke* did, race to be considered in the interest of fostering diversity so long as quotas are not used.[34]

30. *Ibid*., 937.
31. *Ibid*., 934.
32. *Ibid*., 945.
33. *Ibid*., 946.
34. Perry, 38.

Affirmative Action and the Supreme Court after *Bakke*

After *Bakke*, it was not until 2003 that the Court again took up the issue of the constitutionality of race-based admissions policies. These cases involved challenges to the admissions policies of the University of Michigan Law School (*Grutter v. Bollinger*) and the university's College of Letters, Sciences, and Arts (CLSA) (*Gratz v. Bollinger*).[35] Scholars theorize that the Court took on these cases because "federal appellate courts sitting in two states, Washington and Texas, had issued diametrically opposed opinions on the issue raised in *Grutter*" and because several admissions committees and lower-level courts complained that the standards set out in *Bakke* were too vague.[36] In her opinion for the Court, Justice Sandra Day O'Connor noted that the Court granted certiorari to resolve the disagreement in the Court of Appeals on whether or not diversity is as a compelling interest justifying the consideration of race in higher education admissions procedures.

Like many universities across the nation, the University of Michigan altered its admissions policies in light of *Bakke*. The Law School sought to "admit a group of students who individually and collectively are among the most capable" and who "had a strong likelihood of succeeding in the practice of law and contributing in diverse ways to the well-being of others."[37] The school sought to achieve diversity by considering a variety of factors, including race and ethnicity. No applicants were excluded from the opportunity to show how they could contribute to the entering class's diversity. "All applicants [had] the opportunity to highlight their own potential diversity contributions through the submission of a personal statement, letters of recommendation and an essay describing the way in which the applicant will contribute to the life and diversity of the Law School."[38] The Supreme Court determined that the University of Michigan Law School's admission policy was implemented in good faith.

Of the many ways the Court could have decided *Grutter v. Bollinger*, the majority of the Court chose to reinforce Justice Powell's Bakke analysis. "[S] ince this Court's splintered decision in *Bakke*," Justice O'Connor wrote, "Justice Powell's opinion announcing the judgment of the Court has served as the touchstone for constitutional analysis of race-conscious admissions policies."[39] The University of Michigan's justification for considering race and ethnicity in its law school admissions decisions was the *Bakke*-approved goal of promoting diversity in the interest of allowing students the educational benefits of a diverse academic environment. The Court, as it had in *Bakke*, accepted this

35. *Grutter v. Bollinger*, 539 U.S. 306 (2003); *Gratz v. Bollinger*, 539 U.S. 244 (2003).

36. Collins, p. 10.

37. *Grutter*, 539 U.S. at 313.

38. *Ibid*., 338.

39. *Ibid*., 323.

rationale and reaffirmed it as a compelling interest: "The diversity that furthers a compelling state interest encompasses a far broader array of qualifications and characteristics of which racial or ethnic origin is but a single though important element."[40]

In affirming that the promotion of student diversity remains a compelling state interest, Justice O'Connor and the *Grutter* majority took notice of the fact that 83 amicus briefs that were filed in the case arguing that the nation's need for a diverse work force and military justified the continuing use of race as a plus factor in university admissions. These arguments were similar to the Court's own arguments in the pre-*Brown* graduate schools admissions cases where it concluded that integrated graduate programs better prepare the nation's future leaders. Justice O'Connor cited *Brown v. Board of Education* in her *Grutter* opinion, reemphasizing the importance of education and how citizenship and leadership depend upon it. This connection between education and leadership, the Court ruled, further legitimized the use of race in admissions as a compelling state goal. That "the Law School has a compelling state interest in a diverse student body," Justice O'Connor wrote, "is informed by [the Court's] view that attaining a diverse student body is at the heart of the law school's proper institutional mission."[41]

That a university has a compelling interest in the use of race in admissions is not the end of the inquiry. It must also show that its use of race is narrowly tailored; that is, that it infringes on the rights of non-minorities in a minimal way. In *Grutter*, the Court determined that the program was narrowly tailored because quotas were not part of the policy and because no applicants were admitted or denied solely because of their race. Justice O'Connor wrote that "the Law School engages in a highly individualized, holistic review of each applicant's file, giving serious consideration to a diverse educational environment."[42] As Harry Edwards notes, then, "*Grutter* affirms Bakke's commitment to diversity in higher education."[43]

Gratz involved the CLSA's use of race in admissions decisions that went beyond how the law school was using race. Here, the admissions committee assigned points to applicants for different features of their undergraduate applications. A certain number of points were awarded to students for their high school GPAs, ACT/SAT scores, race and minority statuses, and extraordinary talents. The Court concluded that "the University's policy, which automatically distributes twenty points, or one-fifth of the points needed to

40. *Ibid.*, 325.

41. *Ibid.*, 329.

42. *Ibid.*, 337.

43. Harry T. Edwards, "The Journey from *Brown v. Board of Education* to *Grutter v. Bollinger*: From Racial Assimilation to Diversity," *Michigan Law Review* 102 (2004) 956.

guarantee admission, to every single 'underrepresented minority' applicant solely because of race, is not narrowly tailored to achieve the interest in educational diversity that respondents claim justifies their program."[44] In other words, the CLSA's admissions policy was not flexible enough to consider the range of factors that contribute to diversity; it awarded a significant portion of the points needed to gain admission to minority applicants strictly because of their race. So although fostering diversity in the student body is a legitimate aim—as established in *Bakke* and reaffirmed in *Grutter*—the CLSA's admissions policy was not narrowly tailored, that is, it gave too much weight to race and thus was declared unconstitutional. The CLSA argued that its admission policy of awarding minority students twenty points was a type of "plus" program similar to the Harvard plan that Justice Powell spoke approvingly of in *Bakke*. However, in *Bakke*, Justice Powell noted that a feature of the Harvard plan was that no one characteristic (race) could guarantee an applicant's contribution to diversity. As Gerald Torres, a professor at the University of Texas at Austin School of Law, observes, "the Court rejected the Michigan undergraduate admissions policy as too mechanistic,"[45] as relying too heavily on race.

As noted above, there were 83 amicus briefs filed in *Grutter* and *Gratz* urging the Court to reaffirm as a compelling state interest the use of race in admissions for the purpose of promoting educational diversity. Some 90 universities across the nation, 20 states, numerous Fortune 500 companies, and virtually every major educational association along with several military officials were involved as *amici*. The main thrust of these briefs was to assert the importance of race-conscious admissions systems for the development of a workforce accustomed to diversity. The Court took explicit notice of the number of briefs in support of the diversity rationale. Justice O'Connor writes, "[t]he Law School's claim of compelling interest is further bolstered by its amici, who point to the educational benefits that flow from student body diversity."[46] These benefits promote learning in the law school (and undergraduate university) and prepare students to work in diverse workplaces and in the global market. According to Justice O'Connor's *Grutter* opinion, "these benefits are not theoretical but real, as major American businesses have made clear that 'the skills needed in today's increasingly global marketplace can only be developed through exposure to widely diverse people, culture, ideas, and viewpoints'."[47] This emphasis on the workplace and students' lives beyond college and law school extended the scope of Powell's diversity rationale in *Bakke* from the university to the workplace. "In one respect only,"

44. *Gratz* 539 U.S. at 270.

45. Gerald Torres, "*Grutter* v. *Bollinger/Gratz* v. *Bollinger*: View from a Limestone Ledge," *Columbia Law Review* 103: 1599 (October 2003).

46. *Grutter*, 539 U.S. at 330.

47. *Ibid*. (citing brief filed by General Motors and 3M).

John Jeffries notes, "did *Grutter* depart from *Bakke*, and that was not to confine or curtail Powell's reasoning but to broaden its focus and extend its reach. Justice O' Connor championed diversity not only in the classroom but beyond … she connected education to leadership."[48]

Taken together, *Grutter* and *Gratz* reaffirm that fostering diversity in education is a compelling state interest. But the interest is not only for the sake of the college experience alone but also for how diversity can help develop better business, military, and political leaders. At the same time, the Court reaffirmed that it remains unconstitutional to give too much weight to race in admissions decisions. Flexible admissions policies that take notice of a range of applicant factors, including race, that can contribute to a more diverse student body are permissible. But singling out race as the sole diversity-promoting factor remains impermissible.

The Extent to which Race Can be Considered in University Admissions

Before the Court this term is the case of *Fisher v. University of Texas at Austin*.[49] The Court heard oral argument on October 10, 2012 and is expected to announce its decision in early 2013. The policy at issue in *Fisher* has its roots in the *Hopwood* case. There, the U.S. Court of Appeals for the Fifth Circuit declared all race-based admissions policies unconstitutional. In response, in 1997 the Texas legislature instituted the Top Ten Percent Plan. This policy took no account of a student's race and gave automatic admission to one of Texas's public universities to high school seniors graduating in the top ten percent of their school's graduating senior class. In 2004, the University of Texas conducted a study to assess whether the Top Ten Percent Plan was allowing it to achieve the kind of student diversity it sought. The study examined undergraduate classes, with 10 to 24 students enrolled, and recorded the number of minority students in each of these classes and found that "89% of those classes had either one or zero African-American students and 37% had either one or zero Hispanic students."[50] The school determined that this low representation meant that the Top Ten Percent Plan, which did not allow the consideration of race, was inadequate to its goal of enrolling a critical mass of underrepresented minority students. The university thus began admitting students not in the top 10% of their graduating class but by means of a policy that took into account a number of factors, including race.

Abigail Fisher is a Caucasian female who did not graduate in the top 10% of her class and thus was not eligible for admittance to the University of Texas under the Top Ten Percent Rule. Because Fisher was not in the top 10% percent

48. John C. Jeffries, "*Bakke* Revisited," *The Supreme Court Review* 14 (2003).

49. *Fisher v. University of Texas at Austin*, 631 F.3d 213 (2011).

50. *Ibid*., 225.

of her high school graduating class, she was placed in the pool of applicants where race, socioeconomic status, leadership skills, and other "personal achievement" measures were considered. Upon being denied admission to the university, she sued, arguing that the use of race in the admission decision violated her constitutional rights. Both the federal district court and the U.S. Court of Appeals for the Fifth Circuit upheld the University's plan, concluding that it is consistent with the "plus" plan upheld in *Grutter*.

On appeal to the Supreme Court, Fisher argued that the University of Texas admissions plan is inconsistent with the constitutional, flexible procedures approved in *Grutter*. The Fifth Circuit had ruled that *Grutter* and strict scrutiny are satisfied if the admissions policy "allows for individualized consideration of applicants of all races."[51] The Fifth Circuit found that the University of Texas followed *Grutter* in that it used a holistic, multi-factor approach where race is not the predominant factor. "UT has never established a specific number, percentage, or range of minority enrollment that would constitute 'critical mass,' nor does it award any fixed number of points to minority students in a way that impermissibly values race for its own sake."[52] The Top Ten Percent Plan may be a race-neutral admissions plan, but the Fifth Circuit expressed concern that it might actually lead to a less diverse student body. Because of this, the Fifth Circuit accepted the University's argument that the consideration of race and other "plus" factors in an application are necessary to achieve the diverse student body it wishes to maintain.

In ruling in favor of the University of Texas, the Fifth Circuit Court reasoned that "[t]he admissions procedures that UT adopted, modeled after the plan approved by the Supreme Court in *Grutter*, are narrowly tailored—procedures in some respects superior to the *Grutter* plan because the university does not keep a running tally of underrepresented minority representation during the admissions process."[53] The Court of Appeals further reasoned that the university has a compelling interest in using race as a "plus" in its admissions procedures for the purpose of enrolling diverse students and that the school's flexible and individualized review of applicants that assessed a number of factors other than one's race or ethnicity meant that race was not accorded impermissible weight.

On the basis of oral arguments in *Fisher*, it appears that the outcome of the case will turn on how the Supreme Court thinks about the issue of "critical mass." The idea of critical mass was first raised in Justice O'Connor's *Grutter* plurality opinion. There, critical mass was defined "by reference to the educational benefits that diversity is designed to produce."[54] This has to do with

51. *Ibid.*, 221.

52. *Ibid.*, 235.

53. *Ibid.*, 247.

54. *Grutter*, 539 U.S. at 330.

ensuring that enough diversity exists to achieve what it is intended to achieve. By enrolling a critical mass of minority students, the University of Texas seeks to ensure that it is diverse enough for students to benefit from that diversity. Fisher argued before the Supreme Court that once critical mass is met, it is no longer constitutionally permissible to use race in admissions decisions. She contends that the Top Ten Percent Plan itself establishes critical mass, so there is no justification for the University to have an alternative admissions procedure that takes into account race and other applicant factors. Fisher argues that because critical mass can be achieved without the consideration of race, "plus" programs are no longer a narrowly-tailored means of promoting diversity. "In order to satisfy Grutter," Fisher's attorney, Bruce W. Rein, stated in reply to a question from Justice Breyer in oral argument, "you first have to say that you are not just using race gratuitously, but it is in the interest of producing a critical mass of otherwise underrepresented students."[55] It should be noted that the Court of Appeals for the Fifth Circuit rejected Fisher's argument that the University of Texas had achieved critical mass. It found that "UT had not reached critical mass within distinct minority groups or across academic programs"[56] and that "UT made a good-faith determination that diversity had not reached an adequate level to provide educational benefits."[57]

O'Connor's description of critical mass and the Court's division over its meaning in separate concurring opinion in *Grutter* has clouded its applicability, which may have "led colleges astray in holding in 2003 that they could consider applicants' ethnicity or race to assemble a 'critical mass' of minority students."[58] There is no clear means of distinguishing whether a university or college is able to achieve its compelling interest in diversity without the consideration of race or ethnicity. It is possibly fatal to an admissions policy to try to define when critical mass is met, for this may lead to the use of quotas or the numerical weighting of an applicant's race. Both of these approaches have been declared unconstitutional, in *Bakke* and *Gratz* respectively. In any event, the Court of Appeals concluded that statistical evidence of increasing representation of minorities on campus was insufficient to prove that critical mass has been met.

The most prominent distinction between the *Grutter* admissions plan and the residual consideration of race in admissions decisions at the University of Texas is the assessment of critical mass. On its face, the factors considered for

55. Congressional Digest Corp. "Before the Court in *Fisher v. Texas*." *Supreme Court Review* 15:8 (November 2012): 39.

56. Kathleen McNeary, "*Fisher v. University of Texas at Austin*: The Fifth Circuit Questions Judicial Deference to Race-Conscious Admissions Policies in Higher Education. *Tulane Law Review* 86 (2012):1380.

57. *Ibid*.

58. Peter Schmidt. "High Court Case Shows Gaps in Law Admissions." *Chronicle of Higher Education* 59:8 (2012): A1.

admission to the University of Texas mirror those in *Grutter*'s constitutional "plus" program. For this reason, it appears unlikely that the Court would stray from *Grutter*'s ruling. On the other hand, it is plausible that in *Fisher* the Supreme Court will attempt to more clearly define the meaning of "critical mass" so as to provide better guidance on the extent to which race can be used in university admissions. This will possibly be consistent with O'Connor's discussion of *Grutter* about the likelihood that at some point in the future, possibly within twenty-five years, no affirmative action measures would be necessary because the nation's growing diversity would make it possible for universities to achieve diverse student bodies without considering race in the admissions process. In other words, in *Fisher*, the Court could place greater constraints on the use of race in admissions decisions. If so, this would be consistent with what was suggested in *Brown II* and held in *Grutter*, that is, that "all governmental use of race must have a logical end point."[59] As Justice O'Connor wrote in *Grutter*, "race-conscious admissions policies must be limited in time. This requirement reflects that racial classifications, however compelling their goals, are potentially so dangerous that they may be employed no more broadly than the interest demands."[60] The question in Fisher then is seemingly about whether the dangers of racial classifications, that is, the threat they are to equal protection of the law, outweigh their necessity to colleges and universities for enrolling diverse student bodies.

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Kristen Stallion graduated from Missouri State in December 2012 with a Bachelor of Science in Political Science and a minor in public law. She is currently attending the University of Missouri School of Law and has strong interests in both constitutional and criminal law. Upon graduation from law school, Kristen hopes to earn a clerkship for a judge and eventually work with a firm or non-profit organization in Missouri that emphasizes equal opportunities for justice to everyone.

Are Missouri State Students Satisfied with Academic Advising?

By Marliee Teasley and Dr. Erin Buchanan
Department of Psychology

Abstract

Academic advising is an important interaction tool between advisors (professional and faculty) and students. Advising sessions not only consist of graduation requirements but also a valuable resource for campus connection and integration into the University. Advisors have the potential to positively impact student outcomes, such as retention and graduation rates. Therefore, this study examined the perceived satisfaction with advising at Missouri State University. Students were given a short survey about their advising experiences, such as types of advisors, advising requirements, and advising appointments. Further, we measured their satisfaction through a survey of different advising functions, such as finding advising to be a positive experience. Interestingly, we found that many of the advising requirements are unclear or unknown for colleges, while many students expressed appropriate advising requirements. Many students are willing to continue advising appointments after requirements have been lifted, and students find advising to be very positive at the University.

Introduction

In an age where financial support is almost primarily results-driven, academic institutions desire to constantly highlight their successes by measuring student outcomes, student satisfaction, and retention rates. This aspiration is especially true for the academic advising programs within a college campus. Advisors seek to establish a relationship with their advisees to better serve them and their unique needs and are often one of the first authority figures on campus that an incoming freshman meets. Students' relationships with their advisors early on can make or break their chances of retention and success (Drake, 2011).

Academic advising programs and approaches can vary from institution to institution, from department to department, or even by advisor. Depending on their situation, students may meet with an assigned faculty member within their chosen academic field, a professional academic advisor with an emphasis in their chosen field, or a professional academic advisor whose focus is on undecided students (Self, 2008). Each of these advisor types have advantages

and disadvantages ranging from accessibility to advising expertise, but much of the literature related to academic advising focuses on the weaknesses of faculty advisors.

Professional academic advisors spend the majority of their time focusing on advising appointments and related duties. In contrast, faculty members' primary responsibilities lie in teaching and researching, depending on the institution. Many faculty members are already pressed for time and do not feel they have the time or proper training to take on advisees (Hemwall, 2008). The latter may certainly be true: alarming statistics report that less than 30% of public educational institutions and 40% of private educational institutions require training for faculty advisors (Nutt, 2003).

Regardless of how an academic advising program is structured or organized, all academic advisors have one common goal: to make sure students successfully and contently graduate with all of the tools they need to make it in the "real world." Students at Missouri State University are exposed to academic advising early and often. Incoming freshmen attend an orientation session in the summer called SOAR (Student Orientation, Advisement & Registration) where they learn about general education and graduation requirements, campus resources, and the University public affairs mission. Students meet with an academic advisor during SOAR to discuss their four year course plan. Transfer students confer with an advisor before their first semester at the university to discuss transfer credits and future plans. After SOAR/transfer advising, students are required to meet with their assigned academic advisor each semester (through 75 credit hours) to discuss coursework for the next semester and obtain a registration release. Even though students are no longer required to meet with an advisor each semester once they have completed 75 credit hours, continuing appointments is highly recommended to stay on track for graduation and post-graduation plans.

To ensure students receive the best education and college experience, creating effective training programs for student services personnel is more important than ever. At Missouri State University, an academic advisor training program known as the Master Advisor Training Program has been flourishing since 1996 and has been nationally recognized by the National Academic Advising Association (Academic Advisement Center, 2012; Hunter & White, 2004). At this training program, academic advisors and faculty advisors discuss the best practices expected of Missouri State University advisors, including enhancing "understanding of and support for the University's public affairs mission" and establishing "positive relationships with all advisees" (Advising Basics, 2011). These practices are put to the test hands-on during Master Advisor workshops in the form of role playing and case study discussions.

Of course, successful training programs do not necessarily ensure a successful advising program. Continued assessment is desirable to make

sure goals and missions of the academic institution's advising program are met. Furthermore, advisor expectations and student perceptions should be examined to make sure there is no disconnect. Therefore, our study sought to be a preliminary assessment of student perceptions of academic advising at Missouri State University. To begin to understand how students feel about their advising experiences thus far, we formed a simple survey (utilizing both quantitative and qualitative measures) in the spirit of established advising satisfaction scales (Cuseo, 2012; Winston & Sandor, 1984). Questions were created to mirror the best advising practices here at Missouri State University.

Participants

This experiment was conducted with the approval of the Institutional Review Board (IRB). Our study tested 96 undergraduates from a pool of introductory psychology (PSY 121) students at Missouri State University. These students are required to complete research credits for class credit. Among these students were 35 males and 61 females, with an average age of 21.21 (SD = 5.57). Half of these students were considered freshmen (N = 48), 28.1% were sophomores (N = 27), 11.5% were juniors (N = 11), and 10.4% were seniors (N = 10).

Sixteen students within this sample had not declared a major, and the remaining 80 students represented numerous departments and colleges at Missouri State University. Specifically, 10 (12.5%) were students of COAL (College of Arts and Letters), 23 (28.8%) were part of COBA (College of Business Administration), 18 (22.5%) were part of COE (College of Education), 15 (18.8%) were part of CHHS (College of Health and Human Services), 5 (6.3%) were part of CHPA (College of Humanities and Public Affairs), and 9 (11.3%) were part of CNAS (College of Natural and Applied Sciences). A wide variety of majors were also represented in this sample of students, including social work, music education, and housing/interior design.

The students in our sample reported utilizing advising services from a variety of sources, starting from the moment they began their collegiate career at Missouri State University. The advising sources students reported include professional advisors (N =16; 16.8% in a campus-wide advisement office versus N =50; 52.6% in a specific departmental advising office), faculty advisors (N = 26; 27.4%), and Missouri State University's freshman orientation program known as SOAR (N = 3; 3.2%).

Materials and Procedure

After indicating experimental consent, participants completed an online questionnaire about their academic advising experience. Basic demographic information was collected, such as gender, status (freshman, sophomore, etc.), major, residency, and ethnicity. Participants were then polled about their last advising experience. For example, they indicated the last time they went to an advising session, who they received advising from, and what the advising

requirements were for their major.

Next, participants were asked to read 24 statements, each depicting a positive academic advising experience. Participants were instructed to use a seven-point Likert-type scale (where 1 indicated "strongly disagree," 4 indicated "neutral," and 7 indicated "strongly agree") to indicate the extent to which they felt these statements described or did not describe their advising experience. The 24 statements covered multiple aspects of the overall advising experience, including perceived knowledge and competency of the advisor, ease of communication and contact, and level of trust. Example statements include "I feel like I will graduate in a reasonable amount of time thanks to my advisor's planning," "My advisor is prepared for my advising appointments," and "I find academic advising appointments to be a positive experience."

Additionally, participants were asked if they were currently required to meet with an advisor. If they indicated that they were still required (due to completion of less than 75 credit hours) to meet with an advisor before being allowed to enroll for classes, they were asked if they would continue to seek advising services once they met the 75 credit hour requirement. If participants indicated they were not interested in meeting with their advisor once it was no longer required, they were given the opportunity to explain their reasoning. Similarly, participants who indicated that they were no longer required to meet with an advisor but continued to do so were also asked to explain their reasoning.

Results

Students reported utilizing numerous advisor sources throughout their college career, as 73 (76%) indicated that they had sought advising advice from more than one type of advisor. Of the different advising sources available to them, students were asked to identify each source that they have used during their time at Missouri State University. Sixty-five (67.7%) have attended Missouri State University's Student Orientation, Advisement & Registration (SOAR) program, 26 (27.1%) indicated they have met with a general professional advisor, 61 (63.5%) have had an assigned advisor specific to an academic department's advising center, 31 (32.3%) have been advised by a faculty member, and 28 (29.2%) have sought advising advice from fellow students or friends. When asked to identify the last source of advising they had utilized, 3 (3.16%) last attended SOAR, 16 (16.84%) had met with a general advisor, 50 (52.63%) had met with an assigned departmental advisor, and 26 (27.37%) said they had met with a faculty advisor.

When students that had a declared major (N = 80) were asked to list any known relevant advising requirements, 65 of these students (81.3%) confidently identified appropriate departmental requirements. Examples of confident written answers include "I have to see my advisor once a semester

for honors college," "I have to meet with my advisor for the first 6 semesters of classes," and "I have to see (sic) advisor once every semester until I have 75 hours. I have to see my advisor to register." However, 15 of the declared students (18.8%) were unsure of their department's requirements. Common responses included variations of "I am not sure" and "None that I know of."

These students may be unsure of their requirements because departmental website information is missing or inaccurate. Of the 53 different majors represented in our sample, 51 (96.23%) had at least brief information about advising on their webpages. However, only 45 (88.24%) of these had advising information that was easily accessible (as in, prominently displayed on their homepage). Furthermore, one of these pages (1.96%) directly linked to the university's Academic Advisement Center homepage without mentioning any advising information relevant to their major. When examining accuracy, eight majors (15.69%) listed incorrect advising requirements. These pages stated students were no longer required to meet with an advisor after completion of 60 credit hours when the correct number of credit hours is 75. Of the entire sample, only one department (1.89%) correctly posted this requirement. Departments with no information on their website were contacted by phone, and advising requirements were still unclear after these discussions.

Participants were asked if they are currently required to meet with an advisor in order to register or if they voluntarily continued to seek advising services. Seventy-four (77.1%) students indicated they are still required to meet with an advisor in order to register, while 22 (22.9%) students noted they are no longer required to meet with an advisor but continue to do so anyway. Of the 74 students who are still required to meet with an advisor, 43 (58.1%) guessed they will most likely continue to schedule appointments with their advisor even when it is no longer required, 8 (10.8%) were not interested in meeting with an advisor past their major's requirements, and 23 (31.1%) would possibly consider advising when it is not required.

Interestingly, we found that the students who did not wish to meet with an advisor after their requirement period ended were much further along in their academic careers (M credit hours = 54.29; SE = 8.85). Using a between subjects ANOVA, this mean value was much higher than students who marked they would continue to go to advising appoints (M credit hours = 31.08; SE = 3.57) or may continue to go to advising appoints (M credit hours = 31.55, SE = 4.99), $F(2, 69) = 3.06$, $p = .05$, $n2 = .08$. Students who did not want to continue their advising appointments had significantly higher credit hours than students who did continue ($p = .05$, $d = .76$) and were marginally greater than students who were unsure about continuing appointments ($p = .07$, $d = .82$). This finding may indicate that older students feel more comfortable about their degree plans after several semesters at the University, which lessens the need for advising appointments in their opinion. However, we did not find a

significant difference of students across colleges who marked that they would continue advising or not, $X2(12)= 8.55$, $p = .74$.

Students who indicated they were no longer required to meet with an advisor but continued to do so were given the opportunity to explain their reasoning. Common themes consisted of graduation requirements, class scheduling, and post-graduation opportunities. Examples of graduation related answers included "I am trying to graduate in three years instead of four, so I need her help so that I can graduate on time" and "I believe it is wise to talk to someone about my plans and make sure that I am track to graduate on time." Statements related to class scheduling included "I like the knowledge that faculty members can provide in choosing classes specific to my desired field of study and having a solid contact in the medical field," and "I like her opinion on what classes I should be taking for the following semester." Finally, answers related to post-graduation opportunities included "…to generally make sure I'm on the right track for Pharmacy school" and "…since I want to pursue schooling after MSU my advisor is encouraging and gives me great guidance."

Additionally, students who indicated they would not be interested in meeting with an advisor when it is no longer required commented on their disinterest. Most expressed some sort of frustration with the process, with many stating advising is not worth their time. Examples of responses included "I prefer to take care of things myself, on my own time. It frustrates me that I have to wait to sign up for classes," "…I have registered for the classes I have chosen at any appointment. I am aware of the courses I need, and I do not need the advisor's input," and "An appointment with an advisor serves me no benefit."

The 24 Likert-type scale scores were averaged to create an overall average score for each participant. Overall, our participants were very positive about their advising experiences, $M = 5.43$ ($SD = 1.13$); this score indicates somewhere between an agree and moderately agree answer on our seven point Likert scale. Male ($M = 5.33$, $SD = 1.19$) and female ($M = 5.49$, $SD = 1.15$) participants showed the same average advising rating, $F < 1$, $p = .52$. Similarly, there were no significant differences by college, $F < 1$, $p = .90$, and Figure 1 shows average scores by college. Finally, there also was not a significant difference by advisor type, $F < 1$, $p = .82$, indicating that general advisors ($M = 5.58$, $SD = 1.24$), departmental advisors ($M = 5.47$, $SD = 1.01$), and faculty ($M = 5.26$, $SD = 1.33$) all receive the same advising ratings (contrary to previous research).

When asked if their advisor makes Missouri State University's public affairs mission an important topic in advising sessions, fifty-four participants (56.3%) marked a 4 (neutral) or less. This result was surprising, as the public affairs mission is a crucial part of first-year programs and orientations and is highly evident in University programs and events. As previously mentioned, a core part of the advisor training program at Missouri State University speaks to

the importance of emphasizing the public affairs mission in advising sessions.

Discussion

Our findings show that most students who are currently required to see their advisor are interested in continuing that relationship when it is no longer mandatory, and this endorsement is encouraging. As mentioned before, Missouri State University's Master Advisor training program is nationally known, and our results reflect the hard work of the advising coordinators. If our students are willing to voluntarily meet with an advisor on their own accord, it means our advisors are satisfactorily doing their jobs. However, an effective advising program should always strive to continuously assess and improve.

Our findings also show that many advisees are not educated on the importance of the public affairs mission during their advising appointments, which is surprising. The general education curriculum at Missouri State University is structured around the three pillars of the public affairs mission: ethical leadership, cultural competence, and community engagement. Each course on the general education list has characteristics related to one of these pillars, and the advisor should make it a priority to discuss these characteristics with their advisees.

An unintentional finding of our research was discovering how many students (and even academic departments) did not know their advising requirements. While freshmen may not have had the exposure needed to remember advising requirements, departments may consider updating their webpages to reflect current advising standards to reduce student questions. Information about advising requirements should be articulated to students early and often in order to make sure they stay on track to graduate on time. Furthermore, administrative personnel who represent each academic department on campus would benefit from attending a short workshop to educate them on the basic advising requirements and procedures for their students. A seminar or workshop of this nature could be sponsored by the Master Advisor training program on campus.

Due to the convenience sample of undergraduate students in an introductory psychology research pool, there were limitations to our study. In addition to our small sample, we did not have enough representation of the various majors offered at the University, diverse populations, or enough upperclassmen. A bigger and more varied sample would generalize more easily to other universities across the country. Future research should investigate if certain majors are more or less satisfied with their advising experience than others, especially when different types of advisors are involved.

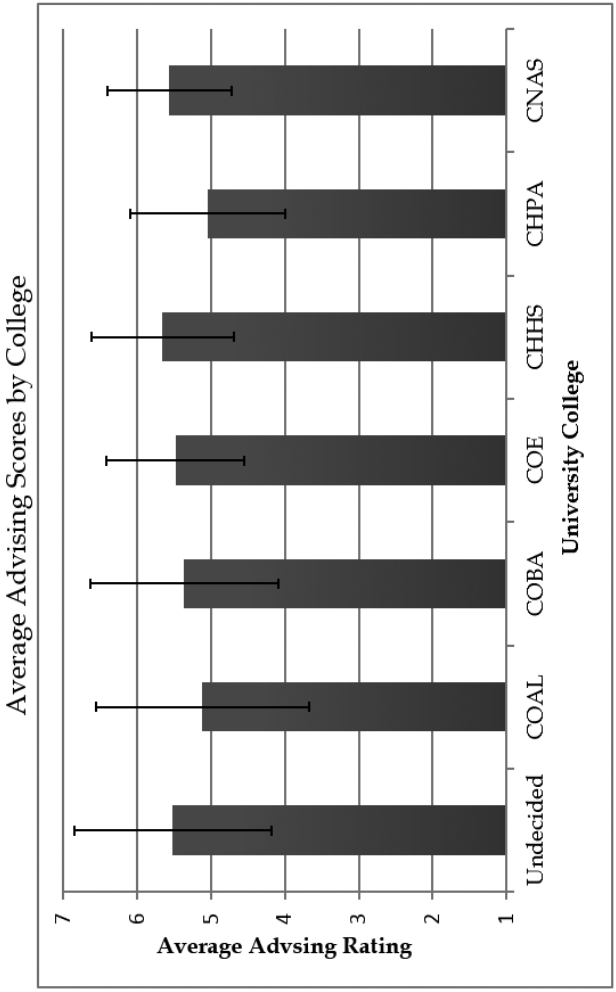

Figure 1. Average advising scores by University College. Error bars represent standard deviation. COAL = College of Arts and Letters, COBA = College of Business Administration, COE = College of Education, CHHS = College and Health and Human Services, CHPA = College of Humanities and Public Affairs, CNAS = College and Natural and Applied Sciences.

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Marliee Teasley completed this study as an undergraduate student, and she is now entering her second year as a graduate student in the Experimental Psychology program at Missouri State University. She is currently the career counseling graduate assistant at the Missouri State University Career Center. After graduating in May 2014, she wants to become a full-time academic advisor or career counselor at a university.

Dr. Erin Buchanan is an Assistant Professor in the Department of Psychology who specializes in the psychology of language and applied statistics. Her work is focused on understanding how language is represented in memory, as well as how new, easier statistics can be applied to research as a whole.

The First Crusade: Pagan Virtues as Crusade Justification

By Natalie Whitaker
Department of History

Abstract

There is yet to be a consensus on the justification for the Crusades, even after nearly a thousand years since the First Crusade's inception. Most scholars attribute this uncertainty to long periods of time, diverse backgrounds, and varying crusader goals. This paper delves into a less-explored area of ideology used for Crusade justification: the influences of the Classical Pagan Period. I examine primary sources from the First Crusade, which essentially set the standard for the remaining Crusades. I also examine secondary theoretical history sources from the past 100 years concerning the motivation and justification behind the First Crusade. The three main justifications for the Crusade appear to be piety to God, devotion to family, and loyalty to the fatherland. I contend that these three ideas stem from the Roman—the Classically pagan—virtue of *pietas*.

Historians persistently examine the potential motives behind the Crusades, but none have discussed the possibility that the Classical Period had an influence on crusader justification. Classical sources were known—if not in the original forms, then at least in their ideology—by the many people educated in the Church and, notably, by the chroniclers of the Crusades. There is a noticeable connection between their uses of Classical sources and the terminology and early rationale they used in the early Crusades. The First Crusade chroniclers give justification for crusader actions that resemble a Christian interpretation of the Roman virtue of *pietas*: piety to God, devotion to family, and loyalty to the fatherland.

Widespread advocation for lay piety did not begin with sermons that fostered the Crusade movement. In Western tradition, piety was as much of a layman's attribute as that of a member of the religious orders. Rome, arguably the mother of medieval European tradition, bequeathed to the Middle Ages her language, religion, culture, and ideas. The Crusades—most notably, the First Crusade and the ideology behind it—brought the ancient ideas of secular and sacral together in a form that was more acceptable to the church and more

understandable to the laity.

There is a similarity between medieval justification for Crusade and Roman *pietas*—used by Romans for justifying imperial control—that becomes clearer with an examination of Roman writings. In the first century BC, Cicero was one of the first to develop *pietas* into a definition broader than simply devotion to the gods. He entwines *pietas* with *humanitas*, the responsibility to kin and country "which admonishes us to do our duty to our country or our parents, or other blood relatives."[1] Cicero further joins the idea of piety to humanity, community, virtue, and righteousness: "It seems probable to me that if piety toward the gods disappears, also loyalty and the community of the human race—humanity—and that particularly excellent virtue, righteousness, will disappear."[2] Livy, in his history of Rome, relates the concept even more to warfare, justifying war as a form of devotion to the gods, family, and country and justifying secular motives as sacral by combining forms of *pietas* with forms of *arma* (military arms) and *bellum* (war): "bellum pium," "arma pia," "bellum iustum piumque," and "bellum pie indicere."[3]

As influential as these authors were in their own time and in the Medieval Period, the work that is one of the most influential on all of Western tradition, Virgil's *Aeneid*, is alluded to and cited throughout the Medieval Period and has one of the most important interpretations of *pietas* on the subject of ideological warfare:

> "Roman, remember by your strength to rule
>
> Earth's peoples – for your arts are to be these:
>
> To pacify, to impose the rule of law,
>
> To spare the conquered, battle down the proud."[4]

Virgil states, in this line from Aeneas' kata basis, that although the Greeks have the fine arts, Romans have a greater purpose—a more useful art: to bring justice, mercy, and peace to the world. This high Classical Roman idea

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1. "…Pietatem, quae erga patriam aut parentes aut alios sanguine coniunctos officium conservare moneat." From Cicero's *De Inventione*. II.22, 66. . Hendrik Wagenvoort, *Pietas: Selected Studies in Roman Religion*. (Leiden: Brill, 1980), 7.

2. "Atque haud scio an pietate adversus deos sublata fides etiam et societas generis humani et una excellentissima virtus, iustitia, tollatur." From Cicero's *De Natura Deorum* I.2, 4. Hendrik Wagenvoort, *Pietas: Selected Studies in Roman Religion*. (Leiden: Brill, 1980), 18.

3. From Livy's *Ad Urbe Condita*:(1.32.12); (9.1.10); (49.36.12); (1.22.4). Hendrik Wagenvoort, *Pietas: Selected Studies in Roman Religion*. (Leiden: Brill, 1980), 18.

4. Virgil, *The Aeneid*. Trans. Robert Fitzgerald. (New York: Vintage Classics, 1990), 190.

of *pietas* was that a Roman's responsibility—his duty to the gods, the people of Rome, and the State—is to conquer and then lead Earth's people (or better translated as "the people of the empire," which, to the Romans, was the world population) in justice and mercy.

The educated medieval person was familiar with these Latin works and concepts. The foundation of medieval thought and theology was in a unique hybrid of Greek, Roman, and Christian philosophies. The early Church fathers of the Christian faith, such as Augustine of Hippo, Jerome, and Ambrose, were highly educated academicians, well-versed in Virgil, Seneca, Livy, and the canon of Roman literature. Christianity was more of a Roman religion than a Middle Eastern religion, spawning in the time of Roman occupation and growing primarily by means of the Roman Empire—and Roman ideals—then spread by these Rome-centric late Classical and early medieval writers.

St. Augustine wrote, in the late fourth century, about the meaning of *pietas* in his work, *De Civitate Dei*. In this, he argues that *pietas* should be strictly used as a definition for the worship of and duty to God. He does state, however, that there is a common concept of *pietas* as not only worship of God but also "in connection with acts of compassion."[5] He further notes that this is a logical use of *pietas* since "God especially commands the performance of such acts."[6] Later, after the First Crusade, Bernard of Clairvaux, a staunch supporter of the Crusades, shows that this definition of *pietas* has remained since the fourth century. Regardless of Augustine's desire to restrict *pietas* to worship of God, Bernard argues that the idea of *consideratio* (consideration) was a valid extension of *pietas*.[7]

Thomas Aquinas, a thirteenth-century theologian and philosopher, confirms that these extensions of *pietas* continued well into the time of the later Crusades. Aquinas states, "It is not respect that is engaged but rather piety itself, the bearing of which is not solely toward parents but toward country as well."[8] These writers show that the concept of *pietas* did not change much from the time of Cicero. They were still, despite Augustine's attempt to purify the definition, using *pietas* as a term that meant not only loyalty to God but also to family and country.

Evidence for Classical dissemination in medieval society is illustrated in the chronicles of the First Crusade by such authors as Ralph of Caen, Albert of Aachen, and Guibert of Nogent. In Ralph of Caen's *Gesta Tancredi* are illusions to multiple Classical Roman authors, and it reflects his familiarity with the

5. Augustine of Hippo, *City of God*, trans. Henry Bettenson. (New York, Penguin Books, 2003.), 373.

6. Ibid.

7. James D Garrison, *Pietas from Vergil to Dryden*. (University Park, The Pennsylvania State University Press, 1992.), 12-13.

8. Ibid., 13.

Classical tradition of Ovid, Horace, Livy, Sallust, Caesar, Lucan, and Virgil.[9] Ralph opens his work with comments on the value of writing histories, one of which is "to set out the past life as a model for future generations,"[10] a model of virtues, such as *pietas*. He mentions Virgil by name,[11] referring to Horace and Lucan on the same page;[12] compares the heroes of the Crusades with those of Classical texts;[13] and draws similar lessons of piety from Virgil and the Crusade.[14] Albert of Aachen also used Classical illustrations from Caesar, Livy, and Virgil throughout his *Historia Hierosolymitanae Expeditionis*. Guibert's *Gesta Dei Per Francos* opens with his desire "not to deviate from the ancient historians."[15] Furthermore, he invokes the works of Classical authors, like Lucan and Horace.[16] In the sources from the Crusade period, there is strong evidence that the Classical virtues of the Roman Empire were adapted and used as tenets of *pietas* for justification to go to war in the East. Piety to God, devotion to family, and loyalty to the fatherland are motives used to encourage and justify a crusade.

Of the three parts to *pietas*, the most obvious Crusade motive is the crusaders' devotion to God. This is beyond the modern concept of piety as praying and living a life of which God would approve. It is far more proactive. The crusaders' felt a duty—a responsibility—to God. They defined themselves as soldiers of Christ,[17] the army of Christ,[18] supporters of Christ,[19] and God's knights.[20] It was not merely that they wanted to go on crusade, but that they owed it to God—in some ways, as they would owe fealty to their feudal lord.

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9. Ralph of Caen, *The Gesta Tancredi of Ralph of Caen*, trans. Bernard S. Bachrach and David S. Bachrach. (Abington, Oxon: Ashgate Publishing Group, 2005), Introduction: 4-5.

10. Ibid., 19.

11. Ibid., 20.

12. Ibid., 50.

13. Ibid., 153.

14. Ralph draws out lessons of Aeneas' pious love towards his father and similarities between the crusaders and the pious ancient heroes Hector and Aeneas. Ibid., 92, 96, 152.

15. Guibert de Nogent, *The Deeds of God through the Franks*. trans. Robert Levine. (Woodbridge, Suffolk: The Boydell Press, 1997, 23.

16. Ibid., 28, 35.

17. Fulcher of Chartres, *A History of the Expedition to Jerusalem*, 1095-1127, ed. Harold S. Fink, trans. Frances Rita Ryan. (New York, NY: W.W. Norton & Company, 1972), 68.

18. Ralph of Caen, *The Gesta Tancredi of Ralph of Caen*, trans. Bernard S. Bachrach and David S. Bachrach. (Abington, Oxon: Ashgate Publishing Group, 2005), 41.

19. Ibid., 50, 82.

20. Peter Tudebode, *Historia de Hierosolymitano Itinere*, trans. John Hugh Hill and Laurita Hill. (Philadelphia: American Philosophical Society, 1974), 27.

They were "the chosen army of Christ,"[21] a place of honor and glory on its own. They held a position of obligation and responsibility to one they saw as the most powerful of lords, a lord that could give them either victory or defeat in battle. Pope Urban spoke of "the obligation to undertake such a military enterprise."[22] This shows the impetus of the laity to go on crusade. It was not merely an enterprise to help Christians in the East or to gain special privileges and honor. It was a duty—a responsibility—and something they must do to maintain their honor.

Crusading was not only an obligation to God, but also an important part of the relationship with God—to do it, not for gain, but for the love of him, expecting nothing in return. A common motif in Crusade chronicles, sermons, and letters is a repetition of Urban's phrase, "for the love of God."[23] The use of this rhetoric—of the idea of love, devotion, and obligation—perhaps gave the crusaders more of the sense that they were as obliged to God as they were to kin. It was an obligation that was not devoid of personal joy in the owing, since it was for one they loved. As Urban states, they "risked their belongings and lives for the love of God … and show him true devotion."[24]

Finally, the crusaders' perception of themselves as pilgrims[25] shows the continuation of devotional purpose when traveling to Jerusalem, regardless of any additional military goals. This is a continuation of how they had always viewed traveling to the Holy Lands as a way to show devotion to God and cleanse themselves of sins. Not all may have planned on fighting—that was not every pilgrim's first goal—but if they did, they were fighting for God. It was a known hardship to travel so far in hostile territory. It was even more costly for the knights and men who planned on military action, but in the end, they appeared to value the traditional devotional goal of pilgrimage. One example of this is Bohemond's and Baldwin's insistence on completing their devotional journey to Jerusalem once it was captured.[26] Another element of pilgrimage that has been written of in individual charters from this period is that the crusaders felt they were returning the gift Christ gave to them when he died to

21. Christopher Tyerman, *The Debate on the Crusades*, 1099-2010. (Manchester: Manchester University Press, 2011), 183.

22. Louise and Jonathan Riley-Smith, *The Crusades, Idea and Reality*, 1095-1274. (London: E. Arnold, 1981), 38.

23. Ibid., 39,40.

24. Ibid., 39.

25. Robert the Monk, *Rober the Monk's History of the First Crusade: Historia Iherosolimitana*. trans. Carol Sweetenham. Aldershot: Ashgate, 2005), 81.

26. Fulcher of Chartres, *A History of the Expedition to Jerusalem, 1095-1127*, Ed. Harold S. Fink, trans. Frances Rita Ryan. (New York, NY: W.W. Norton & Company, 1972).

give them salvation.[27] They were reciprocating his gift by aiding in their own salvation. In one charter, a crusader notes that he was going on this pilgrimage "for the salvation of the souls of myself and my parents."[28]

The second tenant of *pietas* is loyalty to family. Kinship was a vital part of the medieval attitude. The concepts of blood ties, blood feuds, and vengeance on those who did harm to one's kin were the main purpose for warfare. Riley-Smith writes about one chronicler who recorded a sermon from Jerusalem in 1099 AD that asked the men if they would not avenge a blood-relative if he was struck down,[29] implying that they should do the same when on crusade. Beyond this, medieval nobles also had to be familiar with their genealogy for marriage and inheritance purposes, forcing them to be more aware of kinship networks. There were two main aspects of loyalty to family in the motivation for the crusades: the loyalty shown by those who joined their kin on crusade and loyalty to the brethren in the East.

Only a percentage of the knights and nobles of Europe went on crusade, and many of these were in what could be called "clan" groupings. Several of the contingents of the First Crusade's leaders were relatives who often had more knights in their entourage.[30] An example of this is the forces of Godfrey of Bouillion; his two brothers, Eustace and Baldwin; and his cousin Baldwin. Another example is Bohemond and his nephew Tancred. The list is extensive.[31] As the centuries of the Crusades went on, there developed a tradition of crusader families. For example, the chronicler Joinville was the nephew of a Joinville who went on crusade with Villehardouin decades earlier.[32] Such devotion to a familial tradition was a core ideological component throughout the Crusades, and it shows the high value that society placed on devotion to kin as a moral justification to go on crusade.

While the crusaders may not have needed to use immediate blood ties as a justification for war in a period where vengeance of close family was a social norm, they did tie kin connections to more obscure sources, like the Greek Church and Christians of the East. Several times, Urban mentions the

27. Giles Constable, "Medieval Charters as a Source for the History of the Crusades," in *Crusaders and Crusading in the twelfth century: collected studies*, by Giles Constable, (Burlington, VT: Ashgate Publishing Company, 2008), 110.

28. Ibid., 100.

29. Jonathan Riley-Smith, *The First Crusade and the Idea of Crusading*, (Philadelphia, PA: University of Pennsylvania Press, 2009), 48-49.

30. Giles Constable, "Medieval Charters as a Source for the History of the Crusades." In *Crusaders and Crusading in the twelfth century: collected studies*, by Giles Constable, 93-116. (Burlington, VT: Ashgate Publishing Company, 2008), 104.

31. Jonathan Riley-Smith, *The First Crusade and the Idea of Crusadin*, (Philadelphia, PA: University of Pennsylvania Press, 2009), 44-45.

32. Jean de Joinville and Geoffroy de Villehardouin, *Chronicles of the Crusades*. trans. M.R.B Shaw. (New York: Penguin Classics, 1963), 37.

need "to liberate their brothers," "for the love of God and his [the crusader's] brothers," and he prayed that "God almighty arouse in your hearts a love of your brothers."[33] He encouraged his audience to feel an obligation, a duty, and a blood tie and, therefore, a need to righteously avenge the wrongs done in the East to their brothers in the faith. The Patriarch of Jerusalem wrote a letter addressed to the Western Church as "brotherhood with the celestial Jerusalem."[34] Ralph of Caen specifically mentions an instance where natives of mountains around the city of Artah bonded with the crusaders because of their shared faith.[35] Baldric of Bourgeil's account of Urban's speech at Clermont gives the greatest impetus on brotherhood: "Your brothers, your comrades-in-arms, those born from the same womb as you, for you are sons of the same Christ and the same Church."[36]

The last aspect of *pietas* is perhaps the least obvious when it comes to the medieval period. In a time when nations and territorial boundaries were far from being well-defined, the concept of duty to the fatherland (*patria*) was nearly non-existent in its modern, and even ancient, forms. Ernst H. Kantorowicz, in his examination of ancient ideals of *patria* and the medieval period, argued against any strong signs of emotional identification with a "nation" until the twelfth or thirteenth centuries.[37] There does, however, appear to be evidence of *patria* in the crusader's actions, attitudes, and chronicles of the late tenth and early eleventh centuries. There are three ways in which crusading is shown as an act of duty to a fatherland: first, in the myth of imperial Jerusalem; second, in the evidence for pride in a people group (the Franks being the most prevalent people in the first Crusade) and Christendom in general; and third, in the idea that if God was the father and the Middle East was Christ's homeland, then the Holy Land was any Christian's homeland.

The myth of Jerusalem was a prominent medieval legend that reached back into the days of Charlemagne. Erdmann writes of a story in which Charlemagne, being emperor and through his travels and extension of protection and monetary support to the holy places in the East, added

33. Louise and Jonathan Riley-Smith, *The Crusades, Idea and Reality*, 1095-1274. (London: E. Arnold, 1981), 40.

34. Louise and Jonathan Riley-Smith, *The Crusades, Idea and Reality*, 1095-1274. (London: E. Arnold, 1981), 40.

35. Ralph of Caen, *The Gesta Tancredi of Ralph of Caen*, trans. Bernard S. Bachrach and David S. Bachrach. (Abington, Oxon: Ashgate Publishing Group, 2005), 51.

36. Louise and Jonathan Riley-Smith, *The Crusades, Idea and Reality*, 1095-1274. (London: E. Arnold, 1981), 49.

37. Ernst H. Kantorowicz, "Pro Patria Mori in Medieval Political Thought," *The American Historical Review*, (1951): 477.

Jerusalem to the Empire.[38] This use of Charlemagne is corroborated by the First Crusade chroniclers, such as Robert the Monk's mention of Charlemagne's apocryphal pilgrimage to Constantinople.[39] Jerusalem belonged to the German Empire. The myth was taken further by the prediction that once the emperor held Jerusalem, it would usher in the apocalypse, thereby completing God's and Christ's works on Earth.[40] This ideology gave all involved the idea that Jerusalem belonged to Europe. Its inclusion in the German Empire was God's will. Robert the Monk writes that the Franks were God's chosen people and his choice for his inheritance.[41] Guibert of Nogent, in his rendition of Urban's speech at Clermont, adds the special importance of places because of which saints had been there.[42] The crusaders, then, were taking back what already belonged to them.[43] The Holy Lands were their inheritance, their homeland, and a territory that they had a God-given duty to re-conquer, thereby ushering in God's last revelation.[44]

The second Crusade concept of fatherland is the evidence seen for a bonding that developed with particular territories and people groups. The most notable evidence is Pope Urban's emphasis on the Franks being the crusading force.[45] Although there were other people groups, the mission was led by and primarily composed of Franks. Anna Comnena's *Alexiad* generalizes all the crusaders as Franks. Ralph of Caen records the crusader idea of loyalty to a fatherland when "with one common thought, [Tancred and Bohemond] sought to propagate the unique glory of their fatherland."[46] While the lower class's connection to a land was concerned with feudal ties, for the noble, the concept

38. Carl Erdmann, *The Origin of the Idea of Crusade*. trans. Marshall W. Baldwin and Walter Goffart. (Princeton, NJ: Princeton University Press, 1977), 296-299. Charlemagne's charity towards Jerusalem is also mentioned in the early 9th century biography of Charlemagne written by Einhard.

39. Robert the Monk, *Rober the Monk's History of the First Crusade: Historia Iherosolimitana*. trans. Carol Sweetenham. Aldershot: Ashgate, 2005), 84.

40. Guibert de Nogent, *The Deeds of God through the Franks*. trans. Robert Levine. (Woodbridge, Suffolk: The Boydell Press, 1997), 44.

41. Robert the Monk, *Rober the Monk's History of the First Crusade: Historia Iherosolimitana*. trans. Carol Sweetenham. Aldershot: Ashgate, 2005), 77.

42. Louise and Jonathan Riley-Smith, *The Crusades, Idea and Reality*, 1095-1274. (London: E. Arnold, 1981), 45.

43. Ralph of Caen. *The Gesta Tancredi of Ralph of Caen*, trans. Bernard S. Bachrach and David S. Bachrach. (Abington, Oxon: Ashgate Publishing Group, 2005), 19.

44. Ibid., 61.

45. Jonathan Riley-Smith, *The First Crusade and the Idea of Crusading*. (Philadelphia, PA: University of Pennsylvania Press, 2009), 25. Guibert de Nogent, The Deeds of God through the Franks. trans. Robert Levine. (Woodbridge, Suffolk: The Boydell Press, 1997), 28-29; 40-41.

46. Ralph of Caen, *The Gesta Tancredi of Ralph of Caen*, trans. Bernard S. Bachrach and David S. Bachrach. (Abington, Oxon: Ashgate Publishing Group, 2005), 45.

of fatherland was connected to kinship lines. In the *Gesti Tancredi*, Ralph writes of a battle where a descendent of William the Conqueror of Normandy "recalled his lineage"[47] and rallied the men by shouting, "Normandy!"[48] Guibert further writes that the Apostolic See had a tradition in seeking the Franks for protection and aid to Christendom because "God reserved this nation for such a great task."[49] These early Frankish crusaders found pride and identity in their people and land. They were protecting their Frankish honor by fighting God's enemies.

The final concept of fatherland is the idea that Christians are inheritors of the chosen lands of God. Guibert reports that the French king, Philip, gave a speech at the Council of Clermont, saying, "O soldiers of Christ, deserve such praise for taking up arms to defend the freedom of your country [Jerusalem]."[50] These were the lands in which God chose to work during the biblical times and, most importantly, during the life of Christ.[51] This was the Christians' homeland because they were the inheritors of Christ. Riley-Smith discusses the crusaders' belief in religious relics that were invested with special powers. According to him, these relics provided them with a connection, making them feel as if the Holy Land was their home. They were constant reminders that the ancient leaders of the church walked in the same places and that the Christians of Europe were the inheritors of those men.

The First Crusade's chronicles, sermons, and letters show a long, enigmatic period of justifying the actions with a Christian interpretation of Roman ideals. While the motives may have changed with the following crusades, and while not all of the crusaders may have needed these justifications or understood their ancient roots, the sources from the period are evidence for a justification founded in Roman morals originally purposed for the justification of imperial goals. The interpretation of these justifications through the medieval Christian religious perspective adapted these ancient ideas for motivations necessary in the beginning of a new kind of war that was unique to this period.

47. Ralph of Caen, *The Gesta Tancredi of Ralph of Caen*, trans. Bernard S. Bachrach and David S. Bachrach. (Abington, Oxon: Ashgate Publishing Group, 2005), 46.

48. Ibid.

49. Guibert de Nogent, *The Deeds of God through the Franks*. trans. Robert Levine. (Woodbridge, Suffolk: The Boydell Press, 1997), 41.

50. Ibid., 44.

51. Robert the Monk, *Rober the Monk's History of the First Crusade: Historia Iherosolimitana*. trans. Carol Sweetenham. Aldershot: Ashgate, 2005), 81.

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Natalie Whitaker graduated in summer 2013 from Missouri State with a B.A. in History and a minor in Latin. She has been accepted to the M.A. English program at Missouri State University and will have an emphasis in literature. She hopes to pursue a Ph.D. in Medieval Studies.

Criticism Continued: Samuel Smiles's *Self-Help* in Charlotte Bronte's *Shirley*

By Joshua Williams
Department of English

Abstract

Most interpretations of Charlotte Brontë's *Shirley* largely focus on the tumultuous Chartist and Luddite movements of the 19th century. This essay, while not dismissing the influence of these movements on the text, argues that the novel questions a very specific ideology that emphasizes the importance and purity of individualism. Building on the work of several scholars, namely Heather Glen, who argues that Brontë criticizes the same ideological brand in one of her earlier works, this Marxist criticism of the text concludes that the novel illuminates potential flaws in some of the period's most commonly held beliefs and offers a viable alternative in their stead.

Past interpretations of Charlotte Brontë's *Shirley* have been launched from a number of different perspectives, but the most prevalent of these focus on Chartism, a Victorian era labor movement, and Luddism, an earlier Victorian movement driven by British workers who were ardently opposed to labor-saving industrial machinery. More specifically, most interpretations deal with how Brontë uses each movement within the novel. Terry Eagleton for instance, in his Marxist critique of the text, hones in on Chartism—or what he calls the "unspoken subject" (Eagleton 45) of the book—and argues that "*Shirley* selects a period of class-conflict which is known, retrospectively, to have a 'good' outcome, and demonstrates how that resolution may be re-achieved in the turbulent conditions of contemporary England" (47). Eagleton goes beyond just claiming that the Chartist movement is being represented "retrospectively" (47) through Luddism and delves into ideological issues when he discusses the "complex alignment of interests within the ruling class" (46–47). But as Ken Hiltner explains Eagleton's primary objective in the text, "[his] task then becomes to re-project the novel's portrayal of the events of 1812 forward to 'the bitter class-struggles of the 1840's'" (Hiltner 1). Also, much like Eagleton, Albert D. Pionke subscribes to a similar notion, writing that "by

representing the Chartists through the figure of Luddism…the novel eschews the possibility of systematic reform and ignores the nexus of material and political circumstances pressing upon the workers" (82). Their ideas are not identical, but they share the notion that the novel is using Luddism as a type of mask for Chartism, for whatever reason. Hiltner though, in contrast, claims that by putting aim on what is not spoken in the text, those like Eagleton and Pionke largely ignore and disregard what is actually being said about Luddism and its complexities more visibly. He does not see Brontë backdating current crises to offer resolutions but rather focusing on the issues of her day more directly. What all of these critics have in common, of course, is the shared interest and attention to the separate but similar movements of the Luddites and the Chartists and what seems to be their overwhelming presence in *Shirley*.

The elements of Chartism seem inextricably bound to those of the Luddism, as both were comparable in nature and age, and both undoubtedly, through the form of revolution and class-conflict, have distinct roots in the text. But I will suggest that the novel could also be driving at something else entirely, aiming at a very specific ideological "interrogation" (Glen 9). Brontë writes of Luddism, as Hiltner notes, but she seems to be using it to pry at what drives the Luddites and those with whom they are in conflict, in particular the beliefs and value systems fixed into the minds of the men and the women in this turmoil-stricken society. In *Shirley*, the fights and skirmishes between the mill-owners and the Luddites come and go, and so does the distress that they cause. It seems as though the novel's theme is nearing a change at the turn of every page or a number of themes are working in conjunction with one another. There are potential themes of social restraint and social veiling and ideas of women's roles in the public realm, all combined with the commentary on the condition of England and the Luddite and Chartist movements. As Asa Briggs writes, "it is not concerned with one theme but with a bundle of loosely connected—sometimes unconnected—themes" (Briggs 72). And although it may be true that there is no common theme that connects them all together, there does seem to be a link that binds them, and that is the portrayal of independence (economic, social, emotional) and interdependence in the lives of many of the book's characters. This portrayal seems to be part of a larger critique that begins years before *Shirley* is written, first emerging in Brontë's first novel, *The Professor*.

The Professor has been regarded as one of Brontë's clumsier and, in many ways, less effective works, it being her first written (though last published) novel. Many insist that there is "something oddly disagreeable" (Glen 11) about it and primarily attribute the unpleasantness that seems to pervade the text to Brontë's inexperience as a novelist. Heather Glen, however, in her 1989 introduction to the book, defends *The Professor* against some of these

notions, arguing that it is actually a means by which Brontë questions Samuel Smiles's self-help ideology—a belief system championing individualism and independence (as they pertain to financial stability and governance) above all else. She writes, "For much in *The Professor* that appears 'unpleasant' is in fact significant: part of a coherent imaginative interrogation of values and assumptions which Charlotte Brontë is often assumed to have shared" (Glen 9). She sees the novel not as a flawed product of inexperience but as a medium through which Brontë voices her criticism of the celebrated values embedded within a popular worldview. By looking at it from this perspective, *The Professor* can be seen as less of an unpolished work by an inexperienced author or an inadequately written tale of success and more of an early masterpiece by a precocious young novelist—one who is unafraid to question widely accepted beliefs prized by those like Samuel Smiles and other like-minded individualist thinkers.

Samuel Smiles's pamphlet *Self-Help; With Illustrations of Conduct and Perseverance* made concrete ideas that were being circulated long before it was published in 1859. The primary focus of the text is effectively summed up in the title itself as it emphasizes the importance and value of individual initiative, industry, and perseverance, and specifically the importance of these virtues in relation to dependency on government and societal institutions: "The spirit of self-help is the root of all genuine growth in the individual; and, exhibited in the lives of many, it constitutes the true source of national vigour and strength…and where men are subjected to over-guidance and over-government, the inevitable tendency is to render them comparatively helpless" (Smiles 1). Smiles, to reinforce his point, uses several anecdotes, writing about people from all walks of life—rich and poor—who, in his view, succeed because of their own inexorable self-sufficiency. He mentions famed figures like Shakespeare and Milton, citing their rise from the common laboring class to the upper class as a result of their hard work and unyielding ambitions. He also writes about those born into wealth, namely parliamentary men and lawyers, and the constant drive and effort is takes for them to maintain their status and positions. And, regardless of which anecdote or which person is being discussed, he frequently reiterates key words, a few of which have already been referenced and are commonly associated with the pro-individualist/anti-collectivist philosophy. *Shirley*, in contrast, cynically places these human attributes and ideas on display in an attempt to show that they are capable of having a corrosive effect on all classes and castes of society—as all absolutist worldviews are—if too highly valued.

I will note, however, that it seems that Brontë's critique in *Shirley* is not executed in the same stylistic fashion as it is in her first book. With *The Professor*, the unpleasantness that many critics refer to is not always felt by the characters, but by the readers themselves. For example, near the end of

the novel, Crimsworth kills the family dog and carries on with business as usual, unmoved and unaffected by the vulgarity of his actions. It is this type of simple yet seemingly out-of-place incident that can leave the reader with that "disagreeable" (11) feeling mentioned earlier. Crimsworth himself, however, is fine; it is the reader that is left to feel uncomfortable. In *Shirley*, conversely, these feelings are engendered more in Brontë's characters and the voice of the narrator, leaving it up to the reader to do more interpreting and less feeling. What I hope to show is that, by portraying individualism and independence in a negative light through her character's emotions, actions, and descriptions, and by actually associating triumph with a loss of self-reliance and autonomy, Brontë adds to the "interrogation" (9) that she begins in *The Professor*. Placing loneliness, sickness, and antagonism at the heart of the text and in the lives of the some of the book's central and most prominent figures, Brontë once again questions some of the widely held "values and assumptions" (9) from the time period.

The stage for this continuing criticism is set from the very first page of *Shirley*, when the narrator explains that the story will be "something unromantic as Monday morning, when all who have work wake with the consciousness that they must rise and betake themselves thereto" (5). Although innocent enough, this "unromantic" (5) portrayal of work is in sharp contrast with the basic self-help premise that common industry and independence are the foundation on which the happiness and well-being of a society are built. Smiles's pamphlet is grounded in phrases like, "national progress is the sum of individual industry, energy, and uprightness…" (3) and "the solid foundations of liberty must rest upon individual character" (3), all of which carry themes and perspectives that do not seem to be advocated by Brontë, at least not in *Shirley*. The depictions of many characters' actions and emotions in the novel convey the opposite of what the pamphlet emphasizes, in fact. It often appears that those who are the most industrious seem to be set back farthest, both financially and emotionally (mill owners, like Robert Moore), and those of the strongest character are often left to fend for themselves, financially crippled (William Farren). Instead of the society making progress through characters' hard work and strong-willed efforts, the individual is left behind in the wake of poverty and class antagonism.

This skeptical and somewhat critical portrayal of industry and unadulterated financial self-guidance eventually shows through in Brontë's character dialogue. In one instance, Robert Moore and Caroline are having a conversation about work and potential occupations, and eventually the topic of independence arises when Caroline offers to help with Robert's debt if she could only find a vocation:

> [Caroline:] "…I know you greatly desire to be rich, in order to pay your father's debts; perhaps I could help you get rich?"
>
> [Robert:] "Help me? You should think of yourself."
>
> [Caroline:] "I do think of myself; but must one for ever think only of oneself?"
>
> [Robert:] "Of whom else do I think? Of whom else dare I think? The poor ought to have no large sympathies; it is their duty to be narrow."
>
> [Caroline:] "No, Robert…" (61)

Caroline openly questions the unmoving anti-dependence attitude exhibited by Robert when she asks, "must one forever think only of oneself?" (61). Robert, on the other hand, is portrayed as an entirely self-reliant character, exhibiting characteristics of the quintessential self-made man. Yet, this dialogue seems to portray him not as successfully self-driven, but rather narrowly self-absorbed. The idea of him lending any consideration to someone but himself seems completely out of the question. What is more, when he remarks that he should only care for himself and that Caroline should do the same, she blatantly objects. She is in direct opposition to the notion that one should only think of himself or herself while giving no one else's needs the smallest amount of contemplation. This depiction of independence is placed in a slanted light—one that colors it as a brand of selfishness instead of a venerable personal or national philosophy.

This may seem more feasible when one takes into account the comments from Charlotte Brontë herself before the publishing of *Shirley* in which she expresses her disdain for the selfishness that seems to drive men like Robert:

> All men, taken singly, are more or less selfish; and taken in bodies they are intensely so. The British merchant is no exception to this rule: the mercantile classes illustrate it strikingly. These classes certainly think too exclusively of making money; they are too oblivious of every national consideration but that of extending England's (i.e. their own) commerce…a land ruled by them alone would too often make ignominious submission – not at all from the motives Christ teaches, but rather from those that mammon instills.
>
> Long may it be ere England becomes of a nation of shopkeepers! (Eagleton 64)

Robert almost perfectly fits the description here. He is unhealthily obsessed with improving his economic condition. He frequently expresses concern over "extending commerce" (54), and his actions and behaviors—killing and injuring a number of Luddites, valuing money over the lives of others—along with the satirical portrayal of the curates and clergymen in the novel, suggest that this society in *Shirley* is not one that is truly founded on the values that "Christ teaches" (54). It is also striking how this comment by Brontë seems to so closely mirror something that Caroline says to Robert just before he leaves Hollow's Cottage, when she tells him that "certain ideas have become too fixed in your mind. It may be presumptuous to say it, but I have the impression that there is something wrong in your notions of the best means of attaining happiness" (Brontë 62). Just as Brontë seems somewhat disgusted by the merchants' consuming desire for "making money" (Eagleton 64), Caroline seems equally disturbed by the "ideas that have become too fixed" (62) in Robert's mind, presumably the ideas that are centered around the belief that an individual's happiness is realized by that individual focusing on and developing his assets, trying to increase his or her capital.

Moreover, Robert's fixation on, and devotion to, an unfettered belief in the propriety of individualism ostensibly creates an antagonism between people who would otherwise have no quarrel with one another. Later on in the novel, for example, he admits that he has sympathy for an oppressed working-class man, William Farren, but because of the need for constant competition between businesses, he cannot afford to offer financial (or even emotional) assistance. Robert says, while talking to Mr. Yorke, that "he has been out of work three months…William did not threaten: he only asked me to give them more time, to make my changes more slowly. You know I cannot do that: straightened on all sides as I am, I have nothing for it but to push on" (139). And he does push on, refusing to yield to the demands of the Luddites, which eventually leads to more trouble between he—a member of the ruling class—and those who eventually revolt. It does seem, though, that Robert has an inherent desire to help Farren, but that the demands of a society grounded in the values engendered through an unadulterated, unquestioning devotion to the Smiles ideology prevent him from being able to give any direct help to those who need it.

This is the type of tension that Terry Eagleton addresses when he discusses the "complex alignment of interests within the ruling class" (Eagleton 46-47), the ruling class in this case being people like Shirley, Robert Moore, Miss Ainley, and Mr. Yorke. He specifically focuses on Robert at one point, though, writing "Robert Moore…is faced with the dictates of 'justice and humanity'… (47) and that he "is in any case defended by the novel by a use of the 'split self' image which suggests that a sensitive dreamer lurks behind his 'hard

dog' exterior" (47). As Eagleton notes here, there seems to be an interesting dichotomy in Robert's character. There is a noticeable ambivalence, as he is torn between valuing himself, his financial status, and his mill and valuing the livelihood and well-being of others, specifically those who need to find work to support themselves and their families. This "split self image" makes it appear as though it is the ideology afflicting the men who "think too exclusively of making money" (54) that fosters the cruelty and selfishness exhibited by people like Robert and not the inherent nature of those men themselves that drives them to be so seemingly self-consumed. This constant drive to better the individual and industry that it seems to generate leaves many people, such as William Farren, behind while others selfishly battle one another in a race to the top of the economic food chain, creating rising animosity between social classes. Even when the mill owners—people like Moore—"succeed" through this competition, making their businesses run more efficiently through technological advances, the text does not explicitly mention any boost in profits, and individual happiness seems to get lost in the cracks more often than not. In fact, it leads the Luddites to revolt and the mill owners to defend their assets and, in some cases, even murder their fellow members of society. In this community where people are encouraged to primarily look out for themselves, more chaos is created than order, as the competition between Robert's mill and others' is the impetus for the Luddite revolts that cause so much turmoil in the first place. Compare this type of environment that Brontë creates with one of the stock phrases from Smiles's pamphlet when he says that "this constant succession of noble workers—the artisans of civilization—has served to create order out of chaos" (Smiles 5). This is certainly not, by any means, the portrait being painted in *Shirley*.

Brontë also seems to, through Caroline, express her opposition to the central self-help notion that being dependent on others, for whatever the reason, is inherently detrimental to one's well-being. Caroline is someone who, throughout the entire novel, seems incredibly unhappy when on her own and even daydreams at one point about going back to her days of childhood, being with the mother she never had:

> The longing for childhood filled her soul again. The desire which many a night had kept her awake in her crib, and which fear of its fallacy had of late years almost extinguished, relit suddenly, and glowed warm in her heart: that her mother might come some happy day and send for her presence…and say…"Caroline, my child, I have a home for you; you shall live with me. All the love you have needed, and not tasted, from infancy, I have saved for you carefully. Come! It shall cherish you now. (271)

This type of mindset from Caroline's character is a constant, and she

only seems to be satisfied when she is in a somewhat interdependent state, be it emotionally or physically. She finds happiness through Mrs. Pryor when she discovers that Mrs. Pryor is her mother, finally having the "love you have needed, and not tasted, from infancy" (271). She also, similar to the way she challenges Robert earlier in the story, rejects a suggestion by her mother that one should be happy by simply obtaining personal independence. When Mrs. Pryor tells Caroline to "be satisfied, my dear: let all the single be satisfied with their freedom" (319), Caroline responds "in a tone of dismay" (319), saying, "you speak like Mrs. Yorke, in her most gloomy moments: □ like Miss Mann, when she is most sourly and hypochondriacally disposed. This is terrible!" (319). Being entirely free (independent) to Caroline is equated with being alone and without the comfort of company, and just the thought of that does nothing but give her grief. When she is left to be autonomous, think of herself, and enjoy her freedom, as Robert and Mrs. Pryor suggests she do in the passages that have been referenced, her mood suffers, and she seems discontented. In fact, she almost dies. It is not until she is one of her cherished interdependent states, being under the care of her mother, that she is fully nursed back to health.

Furthermore, what small amount of autonomy she gains does not seem to be beneficial in helping her accomplish her own work. At one point, she and Robert are together at Hollow's Cottage until he leaves to go out on business. The narrator says after his exit that "Hortense, coming in ten minutes after, found, to her surprise, that Caroline had not yet commenced her exercise" (64). When she is left alone, she is without guidance or aid, and she simply sits idle. Her idleness, ironically enough, coincides with Moore's leaving out for the mill on business. His exit due to the demands of industry has a direct effect on Caroline's ability to do her own work, as one can assume that, because of his absence, she sits and reflects instead of beginning her lesson. In relation to Smiles's remarks about when people "are subjected to over-guidance and over-government, the inevitable tendency is to render them comparatively helpless" (1), the contrast between what is happening in *Shirley* and what he is claiming here is glaringly apparent. In a sense, Caroline seems to be a complete foil to the ideal self-made man or woman. She finds comfort and even flourishes in relatively dependent environments and falters when she is on her own, essentially isolated. Being partially reliant on others is not portrayed as restrictive, but rather as a positive force that seems to facilitate well-being and productivity, at least in her case.

In Robert's case, similarly, his drive for success and wealth through increasing capital seems to do him more harm than good, and it also conflicts with his natural desires for love and belonging. When he and Caroline are at Hollow's cottage together, he is forced to go out on business and leave her behind. His need for accruing capital is a top priority (much like the British

merchants Brontë finds so vile), because he has to continue to contend with other businesses in order to stay competitive within the economy. But one can see that his leaving the ones he loves behind for the purposes of bettering his work conflicts with what he really wants, which is to be with Caroline. He says that, "If I were of Louis's calling, I might stay at home and dedicate this morning to you and your studies; whereas I must spend it in Sykes' wool-warehouse" (63). He would actually "dedicate" (63) his morning to her but realizes that he "must" (63) spend his time working. Robert makes it clear the he feels forced to do what he is doing. Why does he feel this way, exactly? After all, no one is physically forcing him to leave. No one literally mandates that he own and maintain a business instead of staying home every day. It appears, though, that the demands of the society that he lives in push him to spend his time and energy trying to achieve superficial prosperity by improving his economic prospects, so much so that it actually makes him feel like he is being forced to do it. Of course, this drives him to focus solely on his own financial and economic condition while he would rather be spending his time with Caroline. Caroline does, however, remind him as he is leaving in an attempt to raise his spirits, that at least "you will be making money" (63). But it seems that he does not even believe that to be the case. He simply replies, "more likely losing it" (63) and then leaves the cottage. It appears that industry is portrayed not as beneficial, and not even as serving its purpose, but actually as a barrier between people and their true goals, with Robert seeing neither an emotional nor a monetary benefit coming from his work. This is not to say that the novel condemns all work, or that the suggestion is that industry is detrimental all together. But it does seem to be bringing into question a certain narrow, self-centered type of industry, one that drives people to only be concerned with superficial aspects of their conditions, which inevitably leads them into isolation and discontentment.

The types of issues that have been discussed up to this point seem to eventually take a backseat in the novel to the concerns for women and their potential roles within society. As already mentioned, it seems that the novel is built around "a bundle of loosely connected—sometimes unconnected—themes" (Briggs 72). But the one constant that reappears time and again is the portrayal of independence and how it contrasts with interdependence, with Brontë seeming to converge the romantic and political plots. Near the book's end, a few of the primary characters, including some of the wealthiest ones, get married, which I believe to one of the more significant events in the story. To be clear, I do not wish to suggest that all independence is lost through marriage, or that it is the antithesis of individualism, but that its function in this text seems to be a symbolic acceptance of the benefits of a type of dependence, as these characters vow to share their lives with others. Robert Moore finally decides to think of someone other than himself, and Caroline is finally paired with the

person who has been forced to leave her so many times because of his ties to business—his motivation to better his economic circumstances. Shirley, who is the novel's most independent female character by far, also marries, giving up some of the individualism that she has throughout the earlier portions of the book to join in wedlock a man of a lower socioeconomic class.

The given setting on the day of these marriages is also symbolically significant, particularly in how it contrasts with the more despondent environments described earlier in the book:

> It is August: the bells clash out again, not only through Yorkshire but through England: from Spain, the voice of a trumpet has sounded long: it now waxes louder and louder; it proclaims Salamanca won. This night is Briarfield to be illuminated. On this day the Fieldhead tenantry dine together; the Hollow's mill work people will be assembled for a like festal purpose; the schools have a grand treat. (541)

In this depiction, members of different socioeconomic classes are united; men and women of different social standings are brought together; the working class people celebrate, as well as the bourgeois class, and a trumpet sounds as though there has been a great victory. Compare this with the dark, dreary settings of the revolts that take place at the mill, or the number of days during which Caroline, among other characters, is isolated or shut away while storms are raging outside. The contrast could not be more evident. And, along with the setting more generally, Robert Moore's mill is described in a different light after these marriages take place. Caroline says, "the other day I passed up the Hollow, which tradition says was once green, lone, and wild…there I saw a mighty mill…" (541). The juxtaposition of these two events presents an interesting image to the reader. With the description of the day of the weddings alongside this powerful image of the mill, Brontë associates the two. When there is an acceptance of interdependence, the mill is shown to the reader in a different light. A loss of self-reliance through wedlock is aligned with this "mighty" (541) and "ambitious" (541) center of industry—the most positive and powerful illustration of it in the entire novel. Success, victory, and beauty are all paralleled not with independence or the embracing of uncompromising individualism but rather with a revelation that pure self-reliance does not create a path to happiness.

With many interpretations of *Shirley* focusing primarily on the larger movements of Chartism and Luddism as wholes and placing focus on how Brontë seems to be adding a perspective to the woman question discussion of the 19th century, it is easy to overlook or just simply dismiss the existing elements of an ideological interrogation and the way that Charlotte treats many of Smiles's central beliefs and ideas. Nonetheless, it can be said that novel's

criticism of the individualist ideology does not stop with *The Professor*, and that it makes its way into *Shirley* as well. This is evidenced through Caroline's longing for a nurturing companionship and her questioning of the self-centered attitude of Robert Moore and even her own mother, reflecting some of Charlotte's own concerns about England becoming "a nation of shopkeepers" (Eagleton 64); through Robert's prizing of the every-man-for-himself mindset, and the disorder that it and his drive for personal gain creates amongst the common people; and through the associating, through various characters' marriages, a kind of loss of autonomy with victory and power—a sense of triumph captured in full with the final image of Moore's mill. These various aspects of the novel seem to be part of a bigger suggestion by Brontë that Smiles's praise of the purity of self-guidance and self-governance is taken a bit too far when he writes, for example, that the best way to help a person in need is to "leave him free to develop himself and improve his individual condition" (1). She seems to declare that self-reliance is not the answer to a person's or a society's problems and that sensible collectivity can be much less destructive than an environment created by a society filled with people concerned only with individual interests.

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Joshua Williams is a senior at Missouri State University pursuing a bachelor's degree in secondary education with an emphasis in English. After graduation, he hopes to begin teaching while earning a Master's degree in English literature. In his spare time, Joshua enjoys playing guitar, singing, and avidly following the Kansas City Chiefs.