

SOUND POLITICKS

Undergraduate Journal
of Political Science



IN THIS ISSUE:

Food in Prisons: An Examination of the Complicated Food Systems in Pennsylvania Correctional Facilities
by Jordan Andrews, Samiza Palmer, and Antonia Alakija

From the Sixties to Today: Free Speech in the American Media through Text-Mining
by Rebecca Heilweil

Variations in Economic and Social Development after Successful Insurgencies in Nicaragua and Burundi
by J.D. Papanikolas

Breaking a Stalemated War: The Case of the Korean Armistice Agreement
by Jamie Seah

An Interview with Professor Marie Gottschalk
Conducted by Ariela Stein and Michael Torcello

Senior Honors Thesis Abstracts

**May the first principles of Sound Politicks be fix'd
in the minds of youth.**

—Benjamin Franklin

Proposals Relating to the Education of Youth in Pennsylvania (1749)

Sound Politicks

Undergraduate Journal of Political Science

Volume XXIII

Spring 2018

Editor-in-Chief

Michael Torcello

Editorial Board

Gabriel Barnett

Corey Berman

Aaron Fishkind

Ashley Min Joo Kim

Orly Mintz

Caroline Sambuco

Annabel Singer

Ariela Stein

Adriel Williams

Copy Editors

Joshua Charap

Stephen Damianos

Isabella Fierro

Francesca Reznik

Marketing and Publicity

Samuel Hefter

Sophie Raffel

TABLE OF CONTENTS

6

Food in Prisons: An Examination of the Complicated Food Systems in Pennsylvania Correctional Facilities

Jordan Andrews, Samiza Palmer, and Antonia Alakija

17

From the Sixties to Today: Free Speech in the American Media through Text-Mining

Rebecca Heilweil

32

Variations in Economic and Social Development after Successful Insurgencies in Nicaragua and Burundi

J.D. Papanikolas

43

Breaking a Stalemated War: The Case of the Korean Armistice Agreement

Jamie Seah

51

An Interview with Professor Marie Gottschalk

Conducted by Ariela Stein and Michael Torcello

58

Senior Honors Thesis Abstracts

SOUND POLITICKS is the official undergraduate journal of political science at the University of Pennsylvania. It is published annually and covers a wide range of political topics. The journal accepts submissions year-round from undergraduates of any major. Applications for positions on the editorial board are also available. All submissions and inquiries should be addressed to UPenn.SoundPoliticks@gmail.com.

Cover images: https://commons.wikimedia.org/wiki/File:Eastern_State_Penitentiary_-_Philadelphia_-_Pennsylvania_-_07.jpg; https://commons.wikimedia.org/wiki/File:Boston_Free_Speech_rally_counterprotesters_2.jpg; https://commons.wikimedia.org/wiki/File:Carolus_Magnus_Schule-Burundi.jpg; https://commons.wikimedia.org/wiki/File:Korean_War_Peace_talks_Kaesong_Korea_-_NARA_-_292619.jpg.

LETTER FROM THE EDITOR

Politics, according to Max Weber, is “a slow, powerful drilling through hard boards.” His maxim rings true today, in a time when political questions often seem frustratingly intractable. As a discipline, however, political science offers us the opportunity to begin discussing these questions—and perhaps even to make some progress toward solving them. In that spirit, I am proud to present the 2017–2018 edition of *Sound Politicks*, the undergraduate journal of the Penn Political Science Department. The articles within demonstrate the extraordinary breadth of political science scholarship, analyzing diverse topics such as prison reform, free speech, post-civil war development, and peace negotiations. This volume also highlights the technical range of the discipline, including works quantitative and qualitative, historical and modern. Most importantly, all of the authors critically engage with relevant political issues, thereby helping to realize the hopes that Benjamin Franklin expressed more than two and a half centuries ago.

In our first article, *Food in Prisons: An Examination of the Complicated Food Systems in Pennsylvania Correctional Facilities*, Jordan Andrews, Samiza Palmer, and Antonia Alakija examine food access and quality in the Pennsylvania prison system. Their work reveals that state guidelines and the use of private contractors have failed to guarantee nutritious food for inmates. They also expand on their analysis by looking at other countries that provide higher quality food in their prisons, offering potential models of reform for the United States to consider.

The next piece is Rebecca Heilweil’s *From the Sixties to Today: Free Speech in the American Media through Text-Mining*. Meticulously analyzing a database of *New York Times* articles from the past several decades, she finds no significant relationship between free speech-related Supreme Court cases and media coverage of free speech. This discovery suggests that free speech in the United States is better understood as a sociocultural value than as a purely legal principle.

Our third article, *Variations in Economic and Social Development after Successful Insurgencies in Nicaragua and Burundi*, was written by J.D. Papanikolas. In comparing the aftermaths of these two conflicts, he shows that Nicaragua experienced more rapid economic development, while Burundi found more success in improving access

to health care and education. After examining multiple theories, he concludes that international involvement best explains these differences.

In our final piece, *Breaking a Stalemated War: The Case of the Korean Armistice Agreement*, Jamie Seah focuses on the Korean War armistice negotiations of 1953. Her work demonstrates that domestic coalition shifts in the United States, the Soviet Union, and China had a crucial impact on the final agreement. As a result of these political changes, the various parties were able to resolve the stalemate over the repatriation of prisoners of war, which ultimately allowed the peace process to move forward.

In addition, this volume features abstracts from the senior honors theses of several Penn political science majors. The thesis process is a yearlong endeavor that requires significant research and writing and tremendous dedication. By including these abstracts, we hope to showcase some of the outstanding scholarship that Penn students have produced over the past year. Congratulations to all of the seniors who completed this process!

There are a number of people to thank for helping to make this edition of *Sound Politicks* possible. First, thank you to the entire Penn Political Science Department for promoting undergraduate research by providing a platform for these works. We are especially grateful to Dr. Eileen Doherty-Sil, our faculty advisor, for her invaluable guidance and encouragement throughout the year. We would also like to express our appreciation to Professor Marie Gottschalk for graciously taking the time to speak with us and share her insight. And thank you to each of our authors for their patience and diligence throughout the editing process.

Finally, I would like to thank all of the members of our board for their tremendous dedication and hard work this year. Their efforts have produced an outstanding edition of *Sound Politicks* for your enjoyment. I hope it provides an informative read, as well as an opportunity for intellectual engagement with pressing political issues.

Sincerely,

Michael Torcello
Editor-in-Chief

FOOD IN PRISONS: AN EXAMINATION OF THE COMPLICATED FOOD SYSTEMS IN PENNSYLVANIA CORRECTIONAL FACILITIES

by **Jordan Andrews, Samiza Palmer, and Antonia Alakija**

INTRODUCTION

While food insecurity is a pertinent issue for different communities all over America, one underserved population that is rarely discussed is state prisoners. Protected in theory by state guidelines for food access and quality, incarcerated people in the United States have varying interactions with food. One key factor that determines their experience is whether a private contractor or the Department of Corrections is responsible for purchasing and logistics. This paper focuses specifically on Pennsylvania state prisons (as food services in at least twenty-six of its total facilities are currently privatized as of 2017) and argues that neither quality guidelines set by the state nor the service provided by private food contractors ensure equitable access to nutritious food for inmates in Pennsylvania prisons.¹ By broadening its analysis to other countries' models, this paper also argues that inequitable food access is a systemic characteristic of American prisons. Our conclusion will offer potential ways to ameliorate this larger issue at the local level.

This first section explores the three main channels by which Pennsylvania inmates are given access to food: traditional mealtimes, food available in commissary, and food provided in solitary confinement. In reference to mealtimes, we will examine prison meal budgets and the process that inmates go through to access these daily meals. Then, we will evaluate the quality of prison food by nutritional value, menu variety, freshness,

religious accommodations, and rations. Next, we will look at the options available on the commissary list and examine how private corporations implement biases in supplying prison meals. Lastly, we will explore how food is used as punishment in solitary confinement.

In the next section, we zero in on Aramark, the largest food service provider to Pennsylvania state prisons. We compare its history of food safety issues and scandals to the Pennsylvania laws governing health and nutrition in state prisons. Since Aramark is a new contractor for Pennsylvania, we will use journalistic coverage of incidents in other states to draw conclusions about the company's ability to responsibly handle inventory and food provisions for carceral facilities. Moreover, we will determine if its practices in other states would violate Pennsylvania's code. In doing so, we will make predictions for how the contract will affect incarcerated people in Pennsylvania state prisons.

In the final section, we comb through journalistic literature, administrative reports, and write-ups to examine the penal systems of countries around the globe against the backdrop of food and its unhealthy relationship to the prison industrial complex in the United States. By looking at other Western nations with vastly different food programs in their correctional facilities, we will show just how broken the food system is in US prisons. In addition, we present evidence as to why this system must be undone and reformulated with greater regard for human life and personhood.

ACCESS TO FOOD

There are twenty-five state prisons in Pennsylvania. Together, these prisons hold 47,318 inmates, a number that steadily increases each year.² These inmates are fed seven days a week, three times a day. The processes and mealtimes are similar in each correctional facility, which are mandated by the Department of Corrections (DOC). *PennLive*, an online news site, visited Coal Township Pennsylvania state prison (COA) and recorded John Snyder, the food service manager, as he detailed the daily mealtime process at this Pennsylvania state prison. Snyder explained that each inmate receives three meals every day. Breakfast starts at 6:30 a.m., followed by lunch at 11:00 a.m. and finally supper at 4:15 p.m. Each meal is served in a rotation system of two hundred inmates per period and every period lasts twenty minutes. Snyder continues that the rotation system “is done intentionally to avoid long lines and the tensions that can arise from having to wait for food. The inmates eat in a utilitarian-looking cafeteria vacant of everything except for dozens of tables with four attached seats. As each inmate enters the cafeteria, they scan their inmate ID as a means of identifying who is eating and making sure that an inmate does not double back and try to grab a second meal—as there are no seconds allowed in prison. In the serving line, officers pay close attention to ensure that each inmate is served the accurate ration of food and that inmates with dietary needs are fed accordingly.”³

Pennsylvania’s food prison program has an annual budget of \$61.8 million for its 47,000 inmates. This means an annual food budget of about \$1,314 per inmate.⁴ According to the USDA’s low cost monthly food budget, this budget would only last the average American about five months.⁵ Jan Murphy, a commentator on Pennsylvania state prison policy, shares that “the average cost of a meal served in state prisons is \$1.12.”⁶ Many inmates have voiced their aversion to the prison meal system by taking legal action against DOC Food Services. These inmates claim that it serves extreme-

ly small portions and low quality food. For instance, in 2013, Schuylkill County prison inmates filed a federal civil rights suit because they felt that they were not being given enough food and inmates were losing weight.⁷

However, Marcia Noles, the incumbent Chief of the Food Services Division for the Pennsylvania Department of Corrections (PADOC), has stressed that food served in Pennsylvania prisons stringently adheres to the Academy of Nutrition and Dietetics’ diet to ensure that every inmate is getting enough nutritious food to eat. According to this diet, all Pennsylvania prison menus offer about 2,500 calories a day over the three meals. The menu runs through a four-week cycle and is changed every six months.⁸ A typical Pennsylvania state prison dinner meal might consist of beef meatloaf, potatoes and gravy, sweet peas, three slices of bread, margarine, an orange, and a kosher beverage.⁹

In addition to complaints about small portions, Pennsylvania inmates have complained about the poor quality of prison food. Murphy shares, “in 2011, hundreds of federal prisoners at a high-security federal prison northeast of Scranton became sick

“The average cost of a meal served in [Pennsylvania] state prisons is \$1.12.”

after eating salmonella-contaminated chicken, resulting in dozens of poisoning-related lawsuits.”¹⁰ This is why Noles ensures that all meals strictly adhere to PADOC food policies. These food policies were created with the intent of “ensuring compliance in maintaining the highest professional standards of security, sanitation, physical hygiene, food handling practices, and safety.”¹¹ For instance, a tray of food from every mealtime is time-stamped and put in a freezer for 72 hours. Therefore, if any issue arises that is blamed on the food, it can be tested. Noles claims that after testing, “it always comes back that it’s not anything we have done.”¹²

Although the prisons maintain that the food they are serving does not cause illness, they cannot assure that it is the same quality of food that civilians eat outside of prison. For example, Aramark—which we will discuss in detail later—is a private food service provider that supplies 380 million meals in US correctional facilities annually. Aramark’s food service distribution

channels range from schools to arenas and stadiums.¹³ Although the variety of private vendors' distribution channels should ensure that prisons get the same freshness of foods as other channels, a food services manager at Coal Township Pennsylvania prison comments, "a lot of people from the vendors on down think, it's prison food, what does it matter...So if I'm a produce vendor and have a new skid of potatoes and an old skid, I'll send the old skid to corrections because it's jail."¹⁴ The manager addresses an interesting national debate on whether prisoners deserve to be treated worse than non-incarcerated Americans. An article from *USA Today* explains, "the argument goes that if a convict does something bad enough to send him to prison then anything that happens to him while behind bars is no one's fault but his own."¹⁵ This attitude towards prisoners can be used to justify sending lower quality foods to prisons.

In addition to eating during meal times, inmates can receive food through the commissary list. The commissary list is a catalog of toiletries, foods, and electronics (for example, radios and televisions) that inmates can purchase while in prison. The foods are mainly snack foods and quickly prepared meals. Commissary is a privilege that is often taken away for infractions. The list offers packaged desserts, ramen, sugary drinks, and sugary cereals, all of which are not on the nutrition plan served in the cafeteria. Prices for these items range from \$3.43 for Nabisco Wheat Thins to \$0.28 for a ramen package.¹⁶ Although these prices seem affordable, Pennsylvania inmates only earn from \$0.19 to \$0.54 per hour at their prison jobs.¹⁷ With limited hours, an inmate could be saving up for weeks to purchase one package of Wheat Thins. Families and friends can deposit an unlimited amount of money in an inmate's commissary fund, but there is a \$70.00 per week limit on commissary spending.¹⁸ It is difficult to subsist on only commissary food for two main reasons. First, the commissary list does not offer fresh foods, only packaged and processed foods. Therefore, mealtimes are necessary because it is impossible to maintain a diet with wholesome foods from only the commissary list. Second, the average inmate makes only \$18.00 a month.¹⁹ Unless one's family and friends put money into his or her commissary fund, it is extremely difficult for an inmate to spread that small sum of money over a month.

Lastly, Pennsylvania state corrections facilities were notorious for using food as a punishment device, although this has now been discontinued. When a prisoner incites unrest in prison, they can be sent to solitary confinement where they are unable to attend meals with the rest of the inmates. During this time, prisoners were often given "Nutraloaf" during mealtimes. In Pennsylvania state prisons, Nutraloaf is a "behavior-modifying meal" that is "made with milk, rice, potatoes, carrots, [and] cabbage."²⁰ Although correctional officers have stressed that Nutraloaf is a wholesome nutritious substitute for a full meal, many civil rights advocates have protested against serving inmates a brick-shaped meal, even in response to bad behavior. Marcia Pelchat, a physiological psychologist at the Monell Chemical Senses Center in Philadelphia, argues that humans need a variety of food. She explains that "having to eat the loaf over and over again probably makes people miserable. They might be a little nauseated by it, they're craving other foods...And it can sometimes stop prisoners from eating altogether. It's very difficult to consume enough calories to keep your weight up if you're on a boring diet."²¹ The use of Nutraloaf has since been discontinued in Pennsylvania and New York.²² Jan Murphy, a commentator on the Pennsylvania prison system, shared, "instead of the food loaves, inmates will now receive bagged meals. The bagged behavior-modifying meal contains a protein source, such as hard-cooked eggs, peanut butter and jelly or cheese, along with fruit or fruit juice, a vegetable, bread and milk."²³

By exploring food options in prisons, we found that traditional meal times are necessary for prisoners to receive balanced meals and sustain themselves. However, the freshness and quality of the food that they are served is not guaranteed by private vendors due to biases. In addition, the commissary list can be used as a supplement to mealtimes, but prison wages are often too small for inmates to fully provide for themselves on commissary alone. Lastly, the termination of Nutraloaf in Pennsylvania prisons shows that the state has acknowledged that it is unfair to limit an inmate's access to food by using monotonous, unappetizing food as punishment.

FOOD CONTRACTORS: ARAMARK'S RECORD AND PREDICTIONS FOR PENNSYLVANIA

As we have seen, regardless of state guidelines or basic standards set out in terms of food access for incarcerated people, daily food consumption can vary by facility and is dependent on the individual contractor.²⁴ Currently in Pennsylvania, the biggest food contractor in prison facilities is Aramark Correctional Industries LLC, a subsidiary of the larger service-provider Aramark Corporation. Awarded in early 2017 with a three-year contract worth \$154 million, Aramark is in charge of food purchasing, logistics, and inventory for the Pennsylvania Department of Corrections. As a result, the only publicly-handled aspects of the food process in state prisons are menus and labor.²⁵ While the state's ability to craft menus relieves Aramark of the burden of setting health and safety standards, it does not absolve Aramark of all responsibility, as the aforementioned variation by facility can take the form of major scandals and safety concerns.

The standards themselves are clearly designated in Pennsylvania law. Under 1 Pa. Code § 93.12 (also known as Pennsylvania's Prisoner Medical Services Program), "Every institution will establish procedures to permit incarcerated people to have access to healthcare professionals, prescribed treatment for serious medical needs, appropriate nutrition, exercise and personal hygiene items."²⁶ Although this code seemingly addresses medical care, it is notable that appropriate nutrition is listed under the requirements. This section establishes Pennsylvania's recognition that proper nutrition is vital to the health and survival of inmates. While "appropriate nutrition" is not defined in this code, the Pennsylvania Department of Corrections further outlines the importance of healthy food in DC-ADM 610. While "healthy" is a complex label, as activists, lawmakers, and food corporations debate what constitutes healthy, this policy defines the term by federal guidelines. State prisons must "produce healthy meals that satisfy the nutritional requirements of the facility population, as identified by the National Research Council Food and Nutrition Board Dietary Reference Intakes and the Department's Food Services Procedures Manual."²⁷ By drawing the definition of healthy from standardized

findings, Pennsylvania law avoids the debate by placing value on research. By touching on the need for prisons to provide religious and medically-prescribed diets, this policy statement shows that nutrition and food accommodation are well defined for state correctional facilities in Pennsylvania. The policy sets a de jure standard to which its food contractor, Aramark, must adhere.

While Aramark is relatively new to Pennsylvania—incorporating itself into the first of the twenty-six planned facilities in February 2017—juxtaposing journalistic articles written about Aramark's food scandals in other states with Pennsylvania state law paints a negative picture of what is to come for inmates.²⁸ Despite having over 500 state and federal contracts in other facilities around the country, Aramark's national track record includes multiple accusations of misconduct, including maggots and rocks found in food it claims to have inspected.²⁹ Some of the worst cases are from Michigan, a state that no longer uses Aramark as a contractor in its prison system.³⁰ In July 2014, the group Progress Michigan filed a Freedom of Information Act request that gained them access to emails about an incident between an Aramark employee and an inmate. According to the email, after seeing an inmate on the kitchen staff throwing away cakes that had been chewed on by rats, an Aramark employee ordered the inmate to cut off the parts that were visibly chewed on and serve the cakes anyway. Knowledge of this exchange outraged Progress Michigan and the story soon broke as a statewide scandal.

While no further investigation was done at the public level, an Aramark spokesperson dismissed this as a "special interest" case. This incident represents a potentially dangerous health code violation and the lack of response implies negligence that could have caused illness.³¹ Journalists covering the story spoke to formerly incarcerated people from Michigan and the neighboring state of Ohio (where Aramark also contracts), finding consistent disapproval of Aramark as a food contractor.³² Nevertheless, these exposés helped journalists build a convincing case against Aramark and called into question the trustworthiness of Aramark employees in charge of ordering and delivering unprepared food.³³

Many states turn to private food contractors as a cost-saving measure. Pennsylvania taxpayers, for

example, are expected to save almost \$17 million over the next three years as a result of Aramark's contract.³⁴ According to a study done by the Prison Policy Initiative, however, outsourcing contracts does not always equal lower costs and can jeopardize nutritional value.³⁵ In 2007, Prison Legal News published an audit of Florida's Aramark contract, which concluded that feeding rates declined and performance did not meet state objectives.³⁶ This audit and the associated journalistic analyses point to evidence that Aramark cut costs by substituting inventory items (for example, beef for less-costly turkey) and overcharging the state, causing fewer incarcerated people to eat.

A similar analysis by Prison Voice Washington argued that menu interpretation leaves incarcerated people vulnerable to highly processed foods and unnatural filler ingredients.³⁷ Further, Aramark controls inventory for prisons in which its employees do not serve the food. States that follow this model, like Pennsylvania, do not provide their prisoners with the opportunity to interact with buyers or give feedback on quality concerns. Even with controlled menus, an analysis by Prison Policy Initiative emphasizes that meals can be prepared in ways that compromise nutrition and preserve longevity. This could be the root cause of a preparation problem when DOC cooks have limited inventory before the next food order.³⁸ This can lead to the use of potentially rotting produce and forced deviation from standard menus, further accentuating the lack of access to nutritious options. Given these troubling statistics, some incarcerated people have begun to organize around improving their food quality. A group from the Schuylkill County Prison in Pennsylvania filed a federal civil rights lawsuit based on the claim that their portion sizes were "not even enough to fill a five-year-old child."³⁹ However, prisoners have not had much success in lawsuits since the Prison Litigation Reform Act of 1996 created rigorous

procedures for prisoners wanting to sue their prisons.⁴⁰

One can anticipate dismal results for the Pennsylvania state system based on the numerous journals reporting negative findings about Aramark. Supporters of privatization argue that the onus should not be on the Department of Corrections to manage health concerns, as specialization often affords intelligence and expertise that the government cannot be expected to have.⁴¹ While this argument recognizes a real challenge to ensuring safety, the past failures of the highly

“The past failures of [Aramark] indicate that private corporations cannot always be trusted to provide food that meets the state nutritional standards for the continued health of incarcerated people.”

specialized Aramark Correctional Industries indicate that private corporations cannot always be trusted to provide food that meets the state nutritional standards for the continued health of incarcerated people.

RESPECT, FOOD, AND PRISONS: THE ALTERNATIVE

Now that we have seen the intricate and often problematic relationship between food and US state prisons, it becomes important to study alternatives to this system. We know that the US has the highest incarceration rate in the world and is the only Western nation with this increased prevalence rate.⁴² In this regard, a comparative case study of Norway, Denmark, South Africa, and Brazil highlights both the similarities and immense differences between these international incarceration systems and the US system. In addition, the case study highlights the possibilities that these alternative carceral systems represent for the future of the US prison industrial complex.

NORWAY

A distinct alternative to the American system of penal incarceration exists in Norway. It is a system that allows “prisoners [to] feel like people” and where staff “pay attention to you [the prisoners] as human

beings.”⁴³ Bastøy, a prison situated on an island 46 miles southeast of Oslo (the Norwegian capital), offers a facility where rehabilitation and respect are of the utmost priority to prison administration. In this facility, the incarcerated individuals are given a sense of autonomy and responsibility through their access to well-paying and highly skilled jobs to help the prison run more efficiently. For instance, inmates at the prison drive the ferry boat that brings in visitors from the mainland to the island prison itself. They also have jobs in the laundry room, and bicycle repair shop that pay “the equivalent of £6.00 (approximately 10 to 12 dollars) a day.” Norway offers a stark contrast to American prisons where inmates are paid meager wages for low skilled and often backbreaking work.⁴⁴

In Norway, food is not used as a form of punishment, but rather as another tactic and method for teaching and reinforcing sentiments of independence and responsibility among Bastøy’s incarcerated population. In this country, the prisoners grow much of their own foods in sustainable gardens. Inmates are required to eat one meal in the dining hall and are given enough resources and autonomy to cook their own meals for breakfast and dinner in their four to five men bungalows. Their

“food allowance each month is around £70.”⁴⁵ The unhealthy relationship with food and punishment that exists in American prisons is absent. Even maximum security prisons in Norway, like Skien, have resources like “televisions, computers, integral showers, and sanitation” that would be seen as amenities and “cushy” in accordance with US standards.⁴⁶ In this case, we see how the alternative possibility can flourish and produce low recidivism rates (16 percent). Norway highlights what the primary purpose of prisons should be: to rehabilitate offenders so that they will not commit the same crimes that sent them to jail in the first place and help inmates reintegrate into society seamlessly.

DENMARK

Since the 1970s and 1980s, the Danish prison system has ushered in an onslaught of reforms that dramatically changed the food culture of their prisons.⁴⁷ Much like the Norwegian system, they incorporate food systems that integrate and deal with the prisoners as actual humans and not just bodies moving through a system. They have food programs like “institutional catering, self-cook kitchens, prison grocery shops and cooking



Interior of a prison in Larvik, Norway

classes” that have drastically contributed to the uptick in prisoner perspective on food systems as well as morale in correctional facilities.⁴⁸ While their remand prisons (more like the jail system of the US) have a similar prison food system to the US (and feedback from inmates reflects the overwhelming dissatisfaction that permeates through most US prisons), their actual prisons paint a completely different picture. Here, they have communal kitchens where prisoners have full access to amenities to create their own meals.⁴⁹ Prisoners are free to buy whatever food supplies (using funds awarded to them by the government as a base) they need in the prison shop or to order supplies from the internet if their dietary restrictions are beyond what the shop can provide.

In this system, autonomy and support from the administrative system has been essential in creating a satisfied prison population that is not only eating better but also seeing greater reintegration in society. While outsiders might be skeptical about the continued safety of prisons if inmates have access to potentially dangerous kitchen utensils, studies have shown that these risks are low and the potential boosts to morale and prison culture are great.⁵⁰ Some might think that prisons are harbingers of violence and hypermasculinity, but these kitchens have the ability to not only mitigate the contentious relationships that can form between prisoners across demographical lines (gender identity, sexual orientation, race and ethnicity, religion, etc.), but also boost a sense of self-worth and solidified identity that is unavailable to incarcerated individuals otherwise.⁵¹ Overall, the prisoners in this system feel as though they are being reintegrated into society. The results of the intentional humanization of incarcerated citizens showcase the benefits of an institutional investment in individuals that once existed at the margins of society.

SOUTH AFRICA

South Africa provides an important international case because it sets the comparison against a historical backdrop in a time when the human rights violations of apartheid were under intense international criticism and scrutiny. In completing a case comparison to Mandela’s perspective of Robben Island during his near two-decade imprisonment to the typical US prison, the Marshall Project highlighted some disturbing realities in their exposé of injustice. Regardless of the metric that corresponds to the quality or standards of life for prisoners,

the “harsh” or “iron-fisted” conditions that Mandela outlined in his memoirs are identical to or better than the conventional US jail or prison.⁵² For instance, in regards to manual labor, prisons in many southern states have

“In [Denmark], autonomy and support from the administrative system has been essential in creating a satisfied prison population that is not only eating better but also seeing greater reintegration in society.”

forced prisoners to complete slave field labor on former plantations.⁵³ In regards to solitary confinement, Mandela’s three to four day stretches in solitary confinement pale in comparison to the three to four decade confinements that have been documented in some US prisons.⁵⁴ The food culture is no different. On both Robben Island and in US prison systems, food is used as another form of punishment, comprised of measly options that leave prisoners underfed, undernourished, and dehumanized. Mandela noted one major difference in the two food cultures: while the conditions of his incarceration were deplorable, they eventually improved due to significant reforms and court cases brought about by former prisoners.⁵⁵ There is no such improvement in sight for the current US counterpart. The American prison industrial complex has seen bipartisan support and the aforementioned Prison Litigation Reform Act hinders such court cases. In essence, even when compared with one of the most maligned and notoriously criticized correctional facilities in the world, the US still continues to best its counterparts in the lack of respect,

support, and regard for its citizens under carceral supervision and their access to a need as basic and intrinsic to life as food.

A SIMILAR ALTERNATIVE: BRAZIL

Much like the US and unlike the other countries described in this international case study, the Brazilian penal system utilizes a similar model to the US model (especially in regards to their food distribution and access). In addition, the condition of their correctional facilities highlights the immense flaws of this convoluted system. Prisoners received “minimally adequate food rations” and some prisoners (the “sheriffs”) were awarded better food rations than the general, non-powerful prisoners.⁵⁶ While there were fewer complaints about food quantity and the lack of distribution among prisoners, the sentiments among Brazilian prisoners were the same: corruption overruled their entire penal system and the food system within their correctional

facilities suffered immensely. It is also important to note that despite the overwhelming brokenness of the Brazilian penal system, there are still instances in which its relationship to food and its prisoners were less harsh than US correctional facilities. In Brazilian facilities, families were able to bring their loved ones food, and some prisons allow inmates to self-cook hot meals, an unthinkable action in any US correctional facility.⁵⁷

CONCLUSION

Incarcerated people in Pennsylvania prisons do not always enjoy equitable access to nutritional food, sometimes as a result of negligence or budget concerns by private food contractors. Moreover, the issue of food in prisons is larger than just the states we used for comparison. Our comparison with the conditions in other countries revealed a flawed system in the US that does not value nutritional education or food safety. These concerns underscore flaws in American public policy.



Robben Island Prison in South Africa

Better regulation of food handling in prisons and more comprehensive nutrition laws for food providers would allow for more humane treatment.

Although these problems exist at a national level, one other issue surrounding the privatization of food contractors specifically in Pennsylvania is big businesses shutting out small farmers. Before the spike in privatization, many state facilities used to source from their own gardens and buy from local farmers. Now, companies like Aramark have select providers who grow at low cost. Dealing with these economies of scale, a news piece several months after the announcement of Pennsylvania's new contract shed light on the fact that the contract threatens business for local food and dairy farmers.⁵⁸ While Aramark has pledged to buy 63 percent from Pennsylvania-based companies, the dairy contract is unavailable because Aramark's chosen Texas-based company has distribution centers in Pennsylvania.

Given the added concern about the preservation of small industry in the face of big prison food contractors, one policy intervention that could significantly improve the quality of life for incarcerated people in Pennsylvania would be to provide subsidies to Aramark

for using local producers. This would ensure that they were supporting small businesses in the area. The food would also be fresher and more nutritional since small farms do not always have the same commitments to genetically modifying produce. Another policy intervention could be to codify standards for local purchasing in carceral facilities. This would add legal weight to Aramark's pledge to buy local and further valorize nutrition at the state level. Systemic issues in Pennsylvania state prisons or prisons across the country cannot be addressed overnight, but with concrete steps lawmakers can help us progress toward a more equitable future.

As a whole, this international case study has one major conclusion: in the US, the penal system and its treatment of food is clearly broken. These alternatives highlight that the US is not only dehumanizing and degrading its prisoners, but also unnecessarily producing high recidivism rates and non-rehabilitated former prisoners. With these cases in mind, it is critical at this point in time for policymakers and lawmakers alike to truly assess the status of US prison systems and restructure it for a purpose that would benefit our society and not just private corporations and their bottom lines.⁵⁹

NOTES

1. Harold Brubaker, "Aramark Wins Contract for Pa. Prisons," *The Philadelphia Inquirer*, February 15, 2017, <http://www.philly.com/philly/business/Aramark-wins-Pennsylvania-prison-food-contract.html>.
2. "Monthly Population Report," *Commonwealth of Pennsylvania Department of Corrections*, November 27, 2017, <http://www.cor.pa.gov/About%20Us/Statistics/Documents/Current%20Monthly%20Population.pdf>.
3. Jan Murphy, "Not Just Bread and Water: A Look at Pa.'s \$61.8M Prison Food Program," *PennLive.com*, October 6, 2015, www.pennlive.com/midstate/index.ssf/2015/10/inmates_given_a_taste_of_home.html.
4. Ibid.
5. Shannon Clark, "How Much Should You Spend on Groceries? Chart of Average Food Costs Per Month 2017," *Affording Motherhood*, <https://growingslower.com/how-much-should-you-budget-for-groceries>.
6. Murphy, "Not Just Bread and Water."
7. Chris Parker, "Schuylkill Inmates Sue over Food," *Times-News*, July 1, 2014, <https://www.tnonline.com/2014/jul/01/schuylkill-inmates-sue-over-food>.
8. Murphy, "Not Just Bread and Water."
9. "Federal Bureau of Prisons' 2012 menus, FY 2012 Certified Food Menu," *Federal Bureau of Prisons*, https://www.bop.gov/foia/certified_food_menu.pdf.
10. Murphy, "Not Just Bread and Water."
11. "Policy Statement: Food Services," *Commonwealth of Pennsylvania Department of Corrections*, December 7, 2016, <http://www.cor.pa.gov/About%20Us/Documents/DOC%20Policies/610%20Food%20Service%20Policy.pdf>.
12. Murphy, "Not Just Bread and Water."
13. "Services: Food Services," *Aramark*, <http://www.aramark.com/services/food-services>.
14. Murphy, "Not Just Bread and Water."
15. E.J. Montini, "Reasons Why We Should Treat Prison Inmates Like Dogs," *AZCentral.com*, September 10, 2014, <https://www.azcentral.com/story/ejmontini/2014/09/10/green-acre-animal-abuse-sheriff-joe-arpao-aclu-arizona-prisons-law-suit/15399755/>.
16. "Commissary: Male General Population," *Commonwealth of Pennsylvania Department of Corrections*, <http://www.cor.pa.gov/Inmates/Commissary%20Catalogs/Male%20General%20Population.pdf>.
17. Murphy, "Not Just Bread and Water."
18. "Commissary Documents and Outside Purchases," *Commonwealth of Pennsylvania Department of Corrections*, <http://www.cor.pa.gov/Inmates/Commissary>.
19. Randy Ludlow, "Inmates Seek Food Outside Cafeteria," *The Columbus Dispatch*, August 31, 2014, <http://www.dispatch.com/content/stories/local/2014/08/31/inmates-seek-food-outside-cafeteria.html>.
20. "Prison to Serve Visitors a Tasting of Inmate Meals," *New York Daily News*, June 7, 2013, <http://www.nydailynews.com/life-style/eats/prison-serve-visitors-tasting-inmate-meals-article-1.1366173>.
21. "Food As Punishment: Giving U.S. Inmates 'The Loaf' Persists," *NPR*, January 2, 2014, <https://www.npr.org/sections/thesalt/2014/01/02/256605441/punishing-inmates-with-the-loaf-persists-in-the-u-s>.
22. Murphy, "Not Just Bread and Water."
23. Jan Murphy, "Food Loaves Dropped from the Menu in Pa. State Prisons," *PennLive.com*, November 25, 2016, http://www.pennlive.com/politics/index.ssf/2016/11/food_loaves.
24. Erika Camplin, *Prison Food in America* (Lanham: Rowman & Littlefield Publishers, 2016).
25. Brubaker, "Aramark Wins Contract for Pa. Prisons."
26. Pennsylvania Code § 93.12. Prison Medical Services Program, <https://www.pacode.com/secure/data/037/chapter93/s93.12.html>.
27. "Policy Statement: Food Services."
28. Jerry Gual, "Aramark Wins Food Services Contract for Prisons; Pa. Says Deal Saves Taxpayers \$16 Million," *Philly Voice*, February 15 2017, <http://www.phillyvoice.com/aramark-awarded-food-services-contract-prisons-pa-says-deal-saves-taxpayers-16-million/>.
29. Kamala Kelkar, "Prison Strike Organizers to Protest Food Giant Aramark," *PBS.org*, January 8, 2017, <https://www.pbs.org/newshour/nation/prison-strike-protest-aramark>.
30. Alan Pyke, "Michigan Ditches For-Profit Prison Food Provider, But Not Because It Fed Inmates Rat-Eaten Trash," *ThinkProgress*, July 17, 2015, <https://thinkprogress.org/michigan-ditches-for-profit-prison-food-provider-but-not-because-it-fed-inmates-rat-eaten-trash-32363245726c/>.
31. Ibid.
32. Kelkar, "Prison Strike Organizers to Protest Food Giant Aramark."
33. Gual, "Aramark Wins Food Services Contract for Prisons."
34. Ibid.
35. Wendy Sawyer, "Food for Thought: Prison Food Is a Public Health Problem," *Prison Policy Initiative*, March 3, 2017, <https://www.prisonpolicy.org/blog/2017/03/03/prison-food/>.
36. Office of the Inspector General, "Cost-Value Analysis: Aramark Food Service Contract C1927," *Florida Department of Corrections*, January 10, 2007, https://www.prisonlegalnews.org/media/publications/fl_fdoc_audit_of_aramark_contract_2007.pdf.
37. Ibid.
38. Sawyer, "Food for Thought: Prison Food Is a Public Health Problem."
39. Alysia Santo and Lisa Iaboni, "What's in a Prison Meal?," *The Marshall Project*, July 7, 2017, <https://www.themarshallproject.org/2015/07/07/what-s-in-a-prison-meal>.
40. Jaecah Lee, "Why Is It So Hard for Inmates to Sue Prisons?," *Mother Jones*, July 1, 2016, <https://www.motherjones.com/politics/2016/06/inmates-sue-prisons-prison-litigation-reform-act/>.

41. Kimberly Leonard, "Privatized Prison Health Care Scrutinized," *The Washington Post*, July 21, 2012, https://www.washingtonpost.com/national/health-science/privatized-prison-health-care-scrutinized/2012/07/21/gJQAgs70W_story.html?utm_term=.c09b0e971c8c.
42. Michelle Ye Hee Lee, "Yes, U.S. Locks People up at a Higher Rate than Any Other Country," *The Washington Post*, July 7, 2015, https://www.washingtonpost.com/news/fact-checker/wp/2015/07/07/yes-u-s-locks-people-up-at-a-higher-rate-than-any-other-country/?utm_term=.2bf46205ed44; Peter Wagner and Josh Begley, "States of Incarceration: The Global Context," *Prison Policy Initiative*, June 16, 2016, <https://www.prisonpolicy.org/global/2016.html>.
43. Erwin James, "The Norwegian Prison Where Inmates Are Treated Like People," *The Guardian*, February 25, 2013, <https://www.theguardian.com/society/2013/feb/25/norwegian-prison-inmates-treated-like-people>.
44. Ibid.
45. Ibid.
46. Ibid.
47. Amy B. Smoyer and Linda Kjær Minke, "Food Systems in Correctional Setting: A Literature Review and a Case Study," *World Health Organization for Europe* (2015), 11.
48. Ibid.
49. Ibid., 3.
50. Ibid., 7.
51. Smoyer and Minke, "Food Systems in Correctional Setting," 7; Suzannah Hills, "Violent and Dangerous Prisoners are Allowed to Cook Their Own Food as a 'Perk' for Good Behaviour," *DailyMail.com*, August 19, 2013, <http://www.dailymail.co.uk/news/article-2397011/Violent-dangerous-prisoners-allowed-cook-food-perk-good-behaviour.html>.
52. Ken Armstrong, "United States Prison vs. South African Prison," *The Marshall Project*, July 14, 2015, <https://www.themarshallproject.org/2015/07/14/united-states-prison-vs-south-african-prison>.
53. Ibid.
54. Ibid.
55. "Prison Conditions In South Africa," *Human Rights Watch*, <https://www.hrw.org/reports/1994/southafrica/1.htm>.
56. "Behind Bars in Brazil: Physical Conditions," *Human Rights Watch*, <https://www.hrw.org/legacy/reports98/brazil/Brazil-06.htm>.
57. Ibid.
58. Daniel Moore, "Food, Dairy Companies Supplying State Prisons Unhappy with Contract Changes," *Pittsburgh Post-Gazette*, May 30, 2017, <http://www.post-gazette.com/news/state/2017/05/30/aramark-pittsburgh-Food-dairy-companies-supplying-state-prisons-unhappy-with-contract-changes/stories/201704230011>.
59. *13th*, directed by Ava DuVernay (London: DogWoof Pictures, 2016).

Images:

Page 11: "Prison in Larvik, Vestfold, Norway," July 17, 2007, https://commons.wikimedia.org/wiki/File:Comfortable_prison_in_Larvik.jpg.

Page 13: "Robben Island Prison," August 18, 2013, https://commons.wikimedia.org/wiki/File:Robben_Island_Prison.jpg.

FROM THE SIXTIES TO TODAY: FREE SPEECH IN THE AMERICAN MEDIA THROUGH TEXT-MINING

by **Rebecca Heilweil**

INTRODUCTION AND THEORETICAL FRAMEWORK

Despite its vagueness and abundance of theoretical interpretations, discussion of free speech, both the constitutional right and the cultural expectation, is imperative for the study of American press history. Text-mining is an effective way to study the relationship between free speech and the American press over time. This study has two main objectives. First, the project aims to demonstrate that text-mining the Corpus of Historical American English (COHA) database can be used to analyze how and when topics are covered by the American media. Second, it aims to identify when free speech has been reported on throughout the latter-half of the twentieth century. Based on my initial hand-coding of *New York Times* articles for an earlier part of this project (for the purposes of creating an efficient phrase dictionary, which will be explained later in the article) and secondary sources, I expected that the results would show that American media's coverage would significantly diverge from a jurisprudence-based history of American free speech. My hypothesis is that coverage of free speech is not primarily driven by major First Amendment cases, despite free speech's origins as a fundamentally *legal* concept. As will be elaborated, my results provide evidence that the American media is mainly interested in covering free speech issues when significant members of the public believe that a group or individual has employed their First Amendment right incorrectly or immorally, or when it is unclear if a person or institution is deserving of free speech rights.

This result diverges from the notion that Americans

primarily see free speech as a legal or constitutional construct. Instead, newspapers tend to emphasize free speech as a cultural concept, debated in public spaces, with some basis in the law (though Americans' understanding of those laws may not be accurate). This result also negates the notion that American media is primarily interested in reporting on censorship, or perceived violations of First Amendment rights. Moreover, the articles identified by the text-mining project support a notion that free speech in the United States is covered by newspapers as more of a cultural or social construct than a legal or constitutional principle.

Importantly, historians often rely on a close analysis of primary sources relevant to their topic, which is then informed by secondary sources. Historians of free speech have explored topics similar to the questions approached in this paper—or ones that overlap with events that were noted by the text-mining program—although there has not been extensive study of newspaper coverage of free speech specifically. Most of the traditional historical studies of this topic have focused on either the Free Speech Movement (FSM) in the 1960s or specific legal controversies.¹

However, several papers reveal what scholars have so far concluded about free speech and free speech-related issues in the United States, in the context of newspaper coverage. In 2010, Megan Elizabeth Fromm researched newspaper coverage of eight free speech-related Supreme Court cases, specifically focusing on legal controversies involving students. Fromm questioned the framing of these cases while evoking a “grounded theory approach” and “textual analysis.”² Ultimately,

she concluded that newspapers tended not to classify student speech and press controversies as censorship issues.³ Matthew Eshbaugh-Soha and Jeffrey Peak studied local newspaper coverage of President George W. Bush and found that community support for a president has a significant impact on how newspapers cover his or her politics.⁴ Alexandra Yanus conducted a study of coverage of court cases which determined that case facts, media characteristics, and judicial characteristics significantly impact if and when a case receives news coverage.⁵

Much of the writings on free speech have primarily looked at Supreme Court cases and jurisprudence, assuming that these legal interpretations of free speech impact cultural conceptions of free speech. For instance, Geoffrey Stone's twentieth century history of free speech only cites Supreme Court cases.⁶ Meanwhile, the Foundation for Individual Rights in Education (FIRE), a prominent pro-free speech center, has created a Free Speech Timeline meant to highlight important events in American free speech history. Almost all of its entries focus on important legal decisions and laws concerning free speech.⁷ The prevailing notion appears to generalize that free speech is a legal, and not cultural, concept.

Still, Mark Miller and Julie Andsager, in "Free Speech in the Twenty-First Century," offer a more media-based understanding of the First Amendment.⁸ They argue that coverage of the First Amendment, hate speech, and political correctness hit an unprecedented high in the 1990s during the bombing of the Murrah Federal Building in Oklahoma City and the Million Man March in Washington, DC, in 1995.⁹ They argue that at the time, the American public began wrestling with the reality of an unchecked First Amendment, where hate speech, with the potential to incite violent events, was considered protected. Simultaneously, debates over political correctness as a useful social principle grew more popular in the media. A study by D.

Charles Whitney and Ellen Wartella found that the term "political correctness" appeared close to 4,000 times in 1991, compared to only 631 times in 1990. Similar to public discourse, coverage of college-campus discourse surrounding free speech and political correctness filled newspapers. The authors comment that campus-based free speech debates became "big" stories that provided the popular press an opportunity to vent its anti-intellectualism.¹⁰ They add that while readership declined, publications realized that reporting on political correctness allowed them to play on the "deepest fears of white-middle-class Americans." They commented that "increasing pressures to diversify the journalist workforce may have indirectly caused threatened editors to play up political correctness."¹¹

Importantly, while the theoretical battles surrounding free speech might not arise within the texts of newspaper coverage of free speech, controversial legal and ideological questions can potentially hint at why coverage of free speech manifests when it does. So, while the intricacies of hate speech's relationship to the First Amendment could often be uninteresting to the layman, this question might very well explain reaction to the Nazis in Skokie, Illinois, in 1977.

Most commonly, public outrage regarding free speech controversies represents a break in the supposed "obviousness" of the First Amendment as a legal and cultural norm. When the public is unsure that someone should have been barred from saying something potentially objectionable, discussion and outrage ensue. In our age's discourse over free speech, safe spaces, and political correctness, even condemning hate speech can be perceived as a violation of the sacred tradition of free speech for someone on the right, while lack of censorship of certain ideas might appear to someone on the contemporary left to jeopardize the safety of marginalized groups

Meanwhile, lawyers and the court system

“Most commonly, public outrage regarding free speech controversies represents a break in the supposed ‘obviousness’ of the First Amendment as a legal and cultural norm.”



The 1995 Million Man March in Washington, DC

approach questions of free speech almost completely divorced from these contemporary conversations (this, of course, does not prevent individuals from invoking constitutional principles, whether correctly or not, in defense of a more cultural notion of free speech). Yet still, political opinions are fundamentally a mix of information and predisposition, or political awareness and political values. Americans' understanding of free speech is thus influenced by how the media defines it, beyond simply its legal realities.¹² This analysis supports the notion that media plays a prominent role in how the public conceives of free speech, as both a purveyor of information and a medium for transmitting elite discourse.

We can understand general values and purposes behind various cultural or societal arguments for free speech. First, one viewpoint might purport that free speech rights are simply an extension of larger sentiments of political equality. One could argue that all "ideas" deserve an equal chance at uptake and distribution and the government ought not favor or interfere in

the distribution of any particular idea. Accordingly, any prohibition of speech cannot be based on content. Employing this principle, it may be reasonable to ban political advertisements on children's television networks, but unreasonable to ban only Republican political advertisements (and not Democratic political advertisements) on that same network. Alternatively, free speech can also be understood as a social tool required for democratic, public discourse: we have access to all ideas in order to come to the best societal consensus, the famous "free market of ideas."¹³ Generally, the justifications for free speech rights, especially those that depart from legally-founded and First Amendment jurisprudence, are diverse and plentiful.

METHODOLOGY

This study's methodology involves three primary steps: first, testing the efficiency of a phrase dictionary meant to measure Free Speech Orientation (FSO); second, testing for the presence of these phrases across a

set corpus of texts; and third, analyzing the results and establishing conclusions.

The use of text-mining as a historical tool is still a question of burgeoning research. Historians are currently grappling with how to optimize the use of text-based data in their studies. While scholars have been able to confirm what is already known through text-mining, academics are still struggling to use data to create new historical knowledge. John Mohr and Petko Bogdanov have surveyed current methods in topic modeling and text-mining and outline a new method of humanities research that allows scholars to automate the process of “building a topic” within a text corpus.¹⁴ Essentially, topic modelling moves backwards, as compared to traditional historical research. Rather than choosing an initial set of ideas or topics, and then searching through a set of texts to discover them, topic modelling allows researchers to identify a number of topics represented within a corpus. Specifically, a computer algorithm identifies topics by finding words and phrases that often appear together.

Fundamentally, this system is premised on the relationship between meanings of various phrases and assumes their historical significance. Naturally, phrases topically related to other phrases will frequently appear near each other across a distribution of texts, potentially producing trends worthy of further study. While topic modelling is an innovative approach, it is perhaps too complicated and potentially inappropriate for the research questions explored in this paper. First, topic modeling typically investigates a multitude of topics, while this project focuses on only one. Second, as this research is focused on the way newspapers cover “free speech” issues, study of phrases that happen to be correlated with free speech oriented phrases over time are somewhat irrelevant (as we are looking for explicit historical coverage). Third, while word-based topic modelling has been relatively easy to automate, phrase-based topic modelling is more challenging. Fourth, the validation processes (exemplified in this paper) will hopefully largely mitigate many of the concerns topic model users have with “traditional” historiographic analysis (such as historians taking their own preconceived notions of correlated ideas for granted, without validating them within a corpus).

Justin Grimmer and Brandon Stewart described

a research method similar to the one this project employed. Their project analyzed the best way to balance the benefits of large scale text-mining on political texts databases with detailed human study.¹⁵ Specifically, the authors outlined the process of using “dictionaries,” a relatively simple method of automating text-mining processes. Before text-mining through a database, phrases are studied in order to denote a various tone or state (in the case of this project, free speech orientation).¹⁶ The occurrences or frequency of these phrases is then used as a measure for how much or how often this tone or state is produced. Importantly, Grimmer and Stewart argue that dictionaries cannot be produced solely by authorial presumption. Instead, dictionary sets must be validated among sample sets of a text corpus.¹⁷ Additionally, the authors encourage scholars to use binaries when using dictionaries as text-mining tools (to simplify following validation methods).

While tracking the temporal changes of free speech coverage is important, I had to first verify the accuracy of the study’s phrase dictionary. A text-mining dictionary is a set of phrases and words that are highly correlated with free speech orientation. The project aimed to develop a highly predictive dictionary that would eventually permit text-mining within large sets of historical newspapers.

Part of the challenge of this project is choosing the particular phrases that ought to be employed within the search, what we would call a “dictionary.” The words chosen in this project represent a preparative study of *New York Times* texts that sought to test the “efficiencies” of various phrases at predicting Free Speech Orientation. The project tested phrases thought to be directly associated with free speech, as well as free speech related “topic” phrases. The former set included “Free Speech,” “Free Expression,” “First Amendment,” “Speech Freedom,” “Speech Freedoms,” and “Speech Rights,” and the latter set included “Supreme Court,” “Campaign Finance,” “Censorship,” and “Press Freedoms.” Twenty-one thousand text-files of *New York Times* articles from three time periods, June 1990, June 1997, and June 2003, were then searched via the Python program that was developed. If an article had any of the phrases listed in the initial dictionary, it was marked as having Free Speech Orientation. Overall, this program created over

237,000 observations, testing for each phrase in each article. Articles related to free speech constituted just 1,230 of the *New York Times* articles, representing a mere 0.5 percent of total coverage of world events. This initial rate illuminates how infrequently free speech is covered by the *New York Times*, and likely other publications as well.

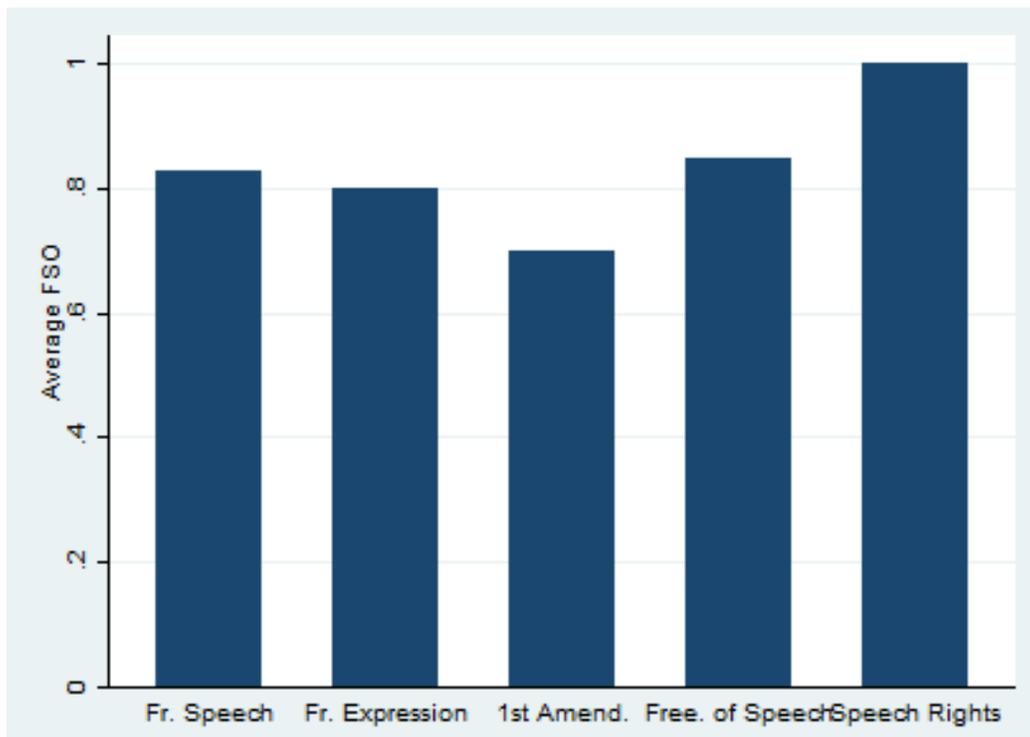
After the program yielded 1,230 “positive” results, each article was hand coded to determine whether any articles had yielded false positives. The concern regarding false positives was especially important for the topic-based phrase, which could potentially be loosely related to but not specifically about free speech.

Most of the phrases initially included were significantly helpful at predicting free speech orientation. Still, “Free Speech,” “Free Expression,” and “Speech Rights” are significantly better at predicting FSO than “First Amendment.” “First Amendment’s” lower success rate at predicting free speech orientation is due to the First Amendment’s broader protections than simply “Free Speech.” “Censorship” and “Free Expression” had strong relationships with Free Speech Orientation. “Campaign Finance” also had a correlation with Free Speech Orientation, while “Supreme Court” was not

effective at predicting Free Speech Orientation. Below is an image that provides a sense of how “good” and “bad” each phrase was at predicting Free Speech Orientation. Because “Speech Freedom” and “Speech Freedoms” were not found during the dictionary testing phase, they were omitted from later data analysis.

The program used a Python program to mine, and Excel to transform and chart, the data. Unlike the initial dictionary test, the meta-data, including the date and publication type, was not attached to actual text within each article so the program, as an initial step, attached the date of every article’s publication to its text. Importantly, the basic design of the program determines how many times a single word or phrase appears in article. Thus, if “Free Speech” appeared in an article four times and “Free Expression” appeared in an article once, the program would note “five hits” but would mark two different unique words, or hits, per the one article. These basic results are then processed for alternative presentations.

Once I compiled a final phrase dictionary for the project using the test documents in the *New York Times* database, I sought a larger database that could handle a larger-scale search. I then employed another



Free Speech Orientation in Initial Dictionary Phrases

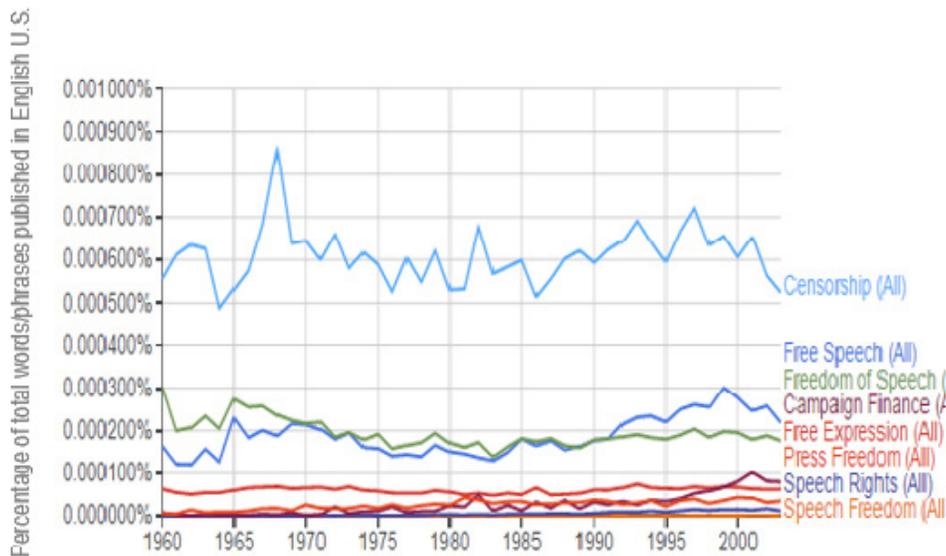
text-mining program created in Python—similar to the initial dictionary-verification program—that was more suited to a larger COHA database. The program was altered to aggregated data over a monthly basis, and to account for the changes in articles published month-to-month in the COHA database.

It is important to note that there may not be a perfect corpus for text-mining through American newspapers. Every database currently available has a different approach to sampling texts in order to produce the most “accurate” representation of linguistic trends (which is the primary goal of such databases), and none can truly claim to be entirely inclusive. Those that do claim to be inclusive, such as Google Books, over-represent texts that are presently available, but have no way to adjust for materials that may constitute a larger portion of texts than their representation in a corpus would imply. For several reasons, I chose COHA in order to study this topic, as it provides a balanced representation of several “genres” of material, as well as the full text of those documents. COHA contains more than 400 million words of text that range from the 1810s to the 2000s, which, according to its scholars, makes “it 50-100 times as large as other comparable historical corpora of English.”¹⁸

The COHA database is divided by genre, which allowed me to specifically search through news and media documents. The Google Books N-gram service does

not have a function for distinguishing between different genres of documents and would therefore produce results too broad for the purpose of this project. I selected COHA for this project because it is highly respected, while more popular services like Google Books suffer from systemic problems. For instance, Penechick, Danforth, and Dodds have explained some of the problems with services like Google Books, illuminating some of the challenge of selecting and using the data from a linguistic database for the purpose of a project like this one.¹⁹ They argue that while Google Books has a tempting “frequency trend” function, the service potentially claims to do more than it does.²⁰ Google Books functions as a “library, containing only a single copy of a single text. They explain that using this approach, “A single, prolific author is thereby able to noticeably insert new phrases into the Google Books lexicon, whether the author is widely read or not.”²¹ Moreover, the authors worried that the introduction of scientific texts in the Google Books service causes it to overstate the prominence of terms only popular within strains of academia.²²

The Google Books N-Grams is also not appropriate for this project, as it focuses on literature, not the press. Still, the results of a Google N-Grams test can provide some useful information regarding the popularity of various terms chosen for the ultimate dictionary. The image below shows what a Google Books-based N-Gram produces in regard to the dictionary. From



Google N-Gram of Free Speech Related Phrases from 1960 to 2003

these results, we can see that “censorship” is utilized at a much higher frequency than the other phrases employed in this study. Moreover, we can tell that there are clear trends in the use of various words over time, with strong upticks and downward trends.

RESULTS

This results section employs both a quantitative and qualitative analysis. First, I will analyze the results of the text-mining project, looking at the highs and lows in Free Speech Orientation and comparing them to highs and lows in Supreme Court activity on the issue of free speech. Second, I will look at the texts from the various time periods to investigate what issues and stories caused newspapers to cover free speech.

Ultimately, I searched through 16,148 articles, testing each one for six selected phrases, constituting 96,888 observations. Just over 200 articles had positive results for one of the phrases ultimately selected for inclusion in the dictionary.

In order to find trends, the data was treated several different ways (see appendix for graphs). Graph 1 represents the total number of articles searched by the COHA database and is meant to illuminate the uneven density of articles available in the COHA, which varies depending on the month. Graph 2 represents the total number of “hits,” our measure of FSO, per month. A “hit” was “earned” when an article included one of the several phrases set out in the final phrase dictionary. Graph 3 represents the hit count ratio in relation to the total volume of articles published within that month. The decimal numbers represent the number of hits (FSO, or one phrase found per article) divided by the number of articles in the COHA database for that month. Graphs 4 and 5 represent free speech case decisions over time. Graph 4 is based on a free speech case list constructed by the Foundation for Individual Rights in Education, a prominent First Amendment advocacy center.²³ Graph 5 is based on a free speech-related list constructed by the First Amendment Center, a project of the Newseum in Washington, DC, and the John Seigenthaler Center at Vanderbilt University.²⁴ These are both meant to contextualize “highs” in Supreme Court free speech cases, which can be compared to the results

of the COHA text-mining results.

Importantly, these graphs are incredibly sensitive. While an elevation in hit count might seem like evidence of high free speech coverage spread throughout several articles, it also potentially represents a single, longer article. For instance, a score of seventeen might represent a single article, or it could represent seventeen articles each with a single mention of a free speech oriented phrase. However, from this graph we can see that there are clearly times when free speech is covered more often than others.

Graph 6 represents the number of unique phrases per article. This number is not sensitive to one word repeating several times within an article (e.g. “Free Expression” appears seven times), but is incredibly sensitive to two different phrases appearing, in which case this number would double for one article (“Free Speech” and “Free Expression” both appear). This method, while partially reflective of the way the program text-mines, has the benefit of weighting in favor of an author using a diversity of phrases all related to free speech. An author using several cognates is more likely discussing free speech than one using one singular phrase. Ultimately, this measure leans in favor of an author, for a single article, using several of the phrases, but gives no weight to whether an author has used the same word multiple times. Importantly, this measure also arbitrarily prefers the conventional cutoffs for decades and does not account for whether more articles were written in one decade than another. While the years 1960–1970 and 1970–1980 could potentially show similar representation of free speech, it is quite possible that 1965–1975 has much higher free speech coverage than either of the decades it straddles. The aggregation interval here may still be too large. This table provides an important, complementary view of free speech throughout the decades based on unique words within an article. This viewpoint does not rely on an article’s hit count, which is heavily influenced on one phrase’s repetition within an article.

ANALYSIS

The analysis of the data is explained in two ways. First, the trends are examined as a whole. Then, the trends (the highs and lows) are analyzed within

historical contextualization, analyzing which historical events might have inflated or deflated coverage. This approach allows for both a theoretical description of how and why free speech is covered, as well as a more qualitative description of when free speech experienced highs and lows in coverage, and the topics that pushed free speech closer to the center of conversation.

Graphs 4 and 5 reveal that the time period studied in this project saw a significant number of free speech cases reach the Supreme Court. However, judging whether a case is “about” free speech is also subjective. For instance, one could wonder whether the Supreme Court affirming the decision of a lower appellate court to reject a First Amendment-based objection to a ruling on free speech grounds would be notated as a free speech-related case.

In most years, only one free speech case would be considered by the Supreme Court. We can see, however, that while such cases were generally uncommon in the early 1960s, they were very common between 1964 and 1974, reaching a high of five cases in 1969. In the 1970s and 1980s, free speech cases in the Supreme Court were less common. The early 2000s then saw another slight uptick, with the Court deciding five cases in 2003. Though the timeline of cases included in the First Amendment Center database differs slightly from the FIRE database, it affirms the same trends. Graph 3, which standardized the hit count, or FSO, based on the number of articles searched by COHA, reveals highs in coverage in the early 1960s, relatively stable coverage until a period of high coverage in the late 1970s, and then a lull until about 1994, whereafter there is a high amount of coverage until 2003.

It is difficult to decipher any significant trend between Supreme Court decisions related to free speech and free speech coverage, as measured by this project. When FSO was high in the early 1960s, there were relatively few major Supreme Court decisions. While there were more Supreme Court cases between 1964

and 1974, there were fewer compared to other years’ coverage of free speech. Despite a high in free speech coverage in the late 1970s, there was no corresponding high in free speech-related Supreme Court cases. A new wave of high free speech coverage began in 1994, which included an increase in Supreme Court cases that began in 2000 and ended in 2003.

These results show that determining a clear relationship between coverage of free speech and Supreme Court cases is a challenge. Both have had a constant presence since the 1960s, but have seen highs at vastly different times. This result leaves questions remaining about why free speech is covered in the United States if

“Many [early 1960s] articles focused on how far free speech extends, especially when an individual’s speech is violent, incendiary, or morally abhorrent.”

it is not inspired by legal challenges to the First Amendment, the legal foundation for free speech in the country. A closer investigation of these highs and lows in FSO potentially reveals which topics motivated this coverage, if not necessarily major Supreme Court decisions.

The 1962 peak in coverage is somewhat surprising given that the Free Speech Movement did not truly accelerate until 1964.²⁵ Newspapers were certainly not covering a major US Supreme Court case, either. The last major free speech case had been resolved in 1959, when the US Supreme Court upheld the conviction of a college professor who had refused to testify before the House Un-American Activities Committee in *Barenblatt v. United States*.²⁶

To investigate further, I sampled articles that produced positive Free Speech Orientation scores in the early 1960s. Many articles focused on how far free speech extends, especially when an individual’s speech is violent, incendiary, or morally abhorrent. One 1961 article in COHA explored the right of an American Nazi to make a public speech. Another story is a letter to the editor in the *New York Times* following an editorial about free speech. Another reported article from the same era featured a discussion of Justice Hugo L. Black and the Supreme Court’s view of libel and its relationship to free speech and the First Amendment.²⁷ Finally,

an additional letter to the editor chided the American public for objecting to the statements of a public figure after criticizing the FBI.²⁸

Unlike the 1960s, the 1970s had significantly more frequent and prominent Supreme Court cases. In the 1974 case *Miami Herald Publishing Co. v. Tornillo*, the Supreme Court invalidated the state law requiring newspapers to give space for politicians to respond to criticism produced by editorial boards.²⁹ In that same year, the Supreme Court made one of the most important campaign finance decisions in its history. *Buckley v. Valeo* found that the Federal Election Campaign Act of 1976, which established limits for expenditures to political campaigns, was in violation of the First Amendment. Other free speech cases also got attention from the Supreme Court that year, including *Hudgens v. National Labor Relations Board*, *Young v. American Mini Theatres*, *Virginia State Board of Pharmacy v. Virginia Citizens Consumer Council*, and *Nebraska Press Association v. Virginia*. Significant cases followed, including *Abod v. Detroit Board of Education* and *FCC v. Pacifica*. However, it is not clear that the abundance of Supreme Court coverage was responsible for the increase in coverage.

NSPA v. Skokie was another example of a Supreme Court case that received a lot of coverage.³⁰ Yet to attribute an uptick in media coverage to the Supreme Court's involvement would ignore the other compelling reasons reporters found for covering the story. Skokie received coverage as a free speech debate in large part because it was controversial, flashy, and remarkably complicated, providing reporters access to several multiple angles. Importantly, the Nazi group announced over six months before the march that they planned the event, providing ample time for increasing tensions to surround what became a media frenzy. This longevity gave reporters ample time to research with detail, produce several follow-up stories, and to head to Illinois for on-the-ground reporting. The Illinois Digital Archives, operated by the Illinois secretary of state, provides a view into the diversity of stories written about the march. Articles covered the court cases that ranged from local court rulings granting the group the right to march, to opinion pieces, to covering the internal politics of the Jewish community in Skokie, home to almost 7,000 Holocaust survivors at the time. The story

gave journalists a chance to cover controversy through legal, cultural, and historical lenses, while also promising a long enough timeline to allow reporters to return multiple times to the same story. For instance, one small Illinois paper ran a letter pleading for minimal coverage of the Nazi march.³¹ Still, the story routinely made national news, creating an endless cycle of scandal.³²

Even beyond Skokie, free speech was constantly a topic explored when socially stigmatized ideological groups—namely, the Ku Klux Klan, Communists, fascists, and Nazis—were using it to rile the public in the mid to late 1970s. One 1975 article generally discussed fascist and Communist countries, U.N. representation, and the importance of democratic free speech.³³ Another piece was an op-ed condemning the American Civil Liberties Union for defending the KKK, angrily writing: “Where is the support for the A.C.L.U. ‘s position from minority people in this country? It is easy for white people to be sanguine about free speech for the Ku Klux Klan.”³⁴

The 1980s, continuing until the mid-1990s, did not see as much coverage of free speech. To rule out whether this is correlated with a dearth of Supreme Court cases, it is worth reviewing what decisions were written in the 1980s. During this period, the Supreme Court considered several important free speech cases, including *Central Hudson Gas & Electric Corporation v. Public Service Commission*, *New York v. Ferber*, *Board of Education v. Pico*, and *Bethel School District v. Fraser*.

Yet not many of the 1980s articles found within the COHA database concerned the Supreme Court. Instead, these articles focused on the regulation of cable content. Mentions of free speech were common in broader discussions of “freedom.” These concerns harken back to the view of Noam Chomsky, who saw regulation of the media by the state as one of the reasons it can neither defend, nor enhance, the free speech culture necessary for a democratic society.³⁵ There was also discussion of whether prayer in school was some form of protected speech or constituted a recognition of a religious establishment.³⁶

The late 1980s also saw little coverage of the Supreme Court. Instead, free speech-related stories included discussions of how best to censor discussion of drugs, regulating free speech on television, and the use

of censorship by the Soviet Union. Notably, overall coverage seemed relatively sparse between the late 1970s and the mid-1980s.

The data shows another “high” in free speech from 1993 until approximately 1997. Articles focused on the issue of censorship and commercial advertisements, as well as censorship in Cuba, China, and Iran.³⁷ Others focused on reflecting on the “effect of violent words.” Importantly, free speech regarding pornography and information about abortion access was also covered.³⁸ Because the data did not completely cover the 2000s, it is more difficult to determine a general trend for that decade.

Ultimately, this project provides a view into how the American media has historically covered free speech. Very few of the articles noted as having Free Speech Orientation were primarily focused on free speech, but rather explored free speech as a secondary topic. In many of these articles, free speech was often referred to as a defense for a socially impermissible or societally stigmatized movement. Moreover, free speech, unlike Second Amendment rights, was rarely discussed on its own terms, according to the findings. Instead, First Amendment free speech rights are invoked as a prerequisite or cultural norm that is in some way used to critique—or defend—impermissible action.

Throughout the studied periods, “free speech” was often referenced in order to criticize foreign governments, including China, Cuba, East Germany, and the Soviet Union. Ironically, several pieces explored interest in censoring materials about these regimes, due to fears of normalizing Communism. None of the articles surveyed betrayed any favorable views of Communist thought.

While there were tens of Supreme Court cases with major implications for free speech rights between 1960 and 2009, these cases were not a primary topic in newspaper coverage of free speech. Much of the “legal” coverage that the text-mining program found were related to libel and the protection of commercial speech in subordinate courts. Importantly, this might provide evidence for the argument that, within American media coverage, free speech is primarily understood as a sociocultural value, not a constitutional principle. While free speech—or Congress’s inability to limit it—is

emboldened in the First Amendment, the invocation of free speech as a value, within media, has not stemmed a legal framework. During the Skokie controversy, the Supreme Court decision was not the primary driver of media coverage. Instead, American citizens, through opinion articles, quotes, and public events, were having a larger public debate about incendiary speech, well beyond the specific legal protections guaranteed by the First Amendment.

FUTURE RESEARCH AND CONCLUSION

Like any investigation, this study had several opportunities for error. First, human subjectivity can clearly affect which phrases are initially selected for a text-mining dictionary. Theoretically, the initial phrases I selected for testing could have ignored a potentially effective phrase for predicting Free Speech Orientation. Human bias and error could have also affected my hand-coding of the 1,200 initial *New York Times* articles.

As mentioned, the sources used to test the dictionary’s ability to predict Free Speech Orientation were solely provided by the *New York Times* from three specific time periods. The larger COHA set of texts came from a significantly more diverse set of sources. While the potential benefit of this choice is that there was minimal overlap between the sample set and the ultimate set of texts included, the *New York Times*, like any single publication, has particular political, regional, and rhetorical traits that might distinguish the newspaper from COHA’s more general collection of news media. Importantly, the *New York Times* database included all the articles within the given time period. The COHA database, meanwhile, only selected certain articles in order to foster linguistic balance.

This study was also limited because only a small number of articles mentioned free speech, despite COHA’s breadth. This problem, no matter how the topic is studied, may be unavoidable. Still, this approach gives a large weight to a single article that the program finds. This fact provides an important justification for analyzing the data both in terms of the occurrence of certain phrases contributing to one “hit count,” as well as in terms of frequency of articles written about free speech, without weighing how many times a phrase related to

free speech is mentioned within an article.

This project's conclusions are fundamentally different from a traditional historical study. While a traditional project can easily engage the content of a particular set of primary sources—such as newspaper articles—their analysis cannot encompass the full scope of their topic's primary source material. Conversely, a study like this, which employs a massive number of primary sources, cannot make incisive commentary about individual sources. While I can offer conjectures about what likely “caused” the spike in the 1970s, or the slump in the 1980s, in free speech coverage, there is no easy way to ensure that my analysis is actually correct without an extensive primary source analysis. Thus, we can conceivably use this study to argue that there is a spike in the late 1970s, but proposing what events might have caused that spike is more challenging.

Interestingly, government censorship and state abuse of citizen free speech rights did not arise as a topic. For part of my research, I interviewed Lauren-Glenn Davitian from the Center for Media & Democracy in Burlington, Vermont. Her work primarily involves running a local, public television channel in Vermont. She spoke about free speech as a type of public good and how media networks were responsible for providing young activists with media access to spread their message. She conceptualized public access television as a necessary part of American free speech culture, in addition to the work activists had consistently done to center free speech in their advocacy. The Free Speech Movement in the early 1960s exemplified this long tradition, which continued throughout the civil rights movement and environmental movement. Still, my research produced no linkage between activist communities and free speech. Perhaps this result implies that the American news media has an explicitly non-radical disposition, and did not discuss free speech (the cultural concept) within the context of

progressive activism.

One of the challenges of this study is explaining the observed lack of “height” seen during the Free Speech Movement at the University of California, Berkeley in the 1960s. The implications of a lack of coverage within the text-mining are important, and they delve into questions of historical memory. One explanation is that the Free Speech Movement *should* represent a “high” in free speech coverage according to this study and therefore demonstrates a limitation to the text-mining approach. Alternatively, the text-mining project might show that historical memory is imperfect and that at the time the Free Speech Movement was not extensively “covered” as a free speech issue in the national media.

Looking at Free Speech Movement archives at the University of California, Berkeley, we can get a sense of how these issues were potentially discussed without centering “free speech,” but rather the university's authority. A telling excerpt from an October 2, 1964, *San Francisco Chronicle* article titled

“Tolerance at Breaking Point” explicated: “The broadest possible tolerance for college students who behave like college students customarily shapes the attitude of the general public and of campus authorities, but that

“While there were tens of Supreme Court cases with major implications for free speech rights between 1960 and 2009, these cases were not a primary topic in newspaper coverage of free speech.”

tolerance is being strained to its limit by troublous events at the University of California in Berkeley. A small minority of students—estimated at 400 among 27,500 registrants—is deliberately defying university regulations, and other hundreds, apparently misled by the far-fetched contention that those regulations infringe upon free speech and other civil rights, have joined the defiant mess in sit-ins and mass demonstrations of protest.”³⁹

A survey of headlines from the era reveal the lack of emphasis on free speech. These articles instead prioritized the language of “rebellion” and “radical.” We can get this sense from a brief analysis of newspaper headlines, which included: “U.C. Rebels Await Support from Faculty in Sit-In,” “800 U.C. Rebels March New

All-Night Sit-In,” “U.C. Rebels March on Sproul Hall,” “U.C. Students Gather For Another Sit-In,” “The Big ‘Revolt’ at UC,” “UC ‘Revolt’ Over Ban on Politics,” and “U.C. Students Defy Ban on Politics.”⁴⁰

A closer analysis of newspaper articles written about the Free Speech Movement reveal an important problem with using language within newspapers as a measure of “free speech” coverage. Fundamentally, text-mining programs can only track words that are used within a text. Moreover, text-mining will not identify events that are only later characterized as moments in free speech history if that coverage did originally not include the phrases outlined in the dictionary. It is possible that college students, who seem eternally embroiled within the free speech debate, are covered, but are not represented by this study because they were not *covered*



Mario Savio, a leader of the 1960s Free Speech Movement

in the context of free speech at the time. Importantly, activist groups were generally not covered within the context of free speech. Meanwhile, socially stigmatized hate groups, such as the Nazis and the KKK, received a significant more coverage within the context of free speech.

The study is in no way exhaustive. Future research could analyze more articles if a larger database became available. However, another issue worthy of resolution is the surprisingly variable number of articles available per month in the COHA database and how that could be standardized in a future study.

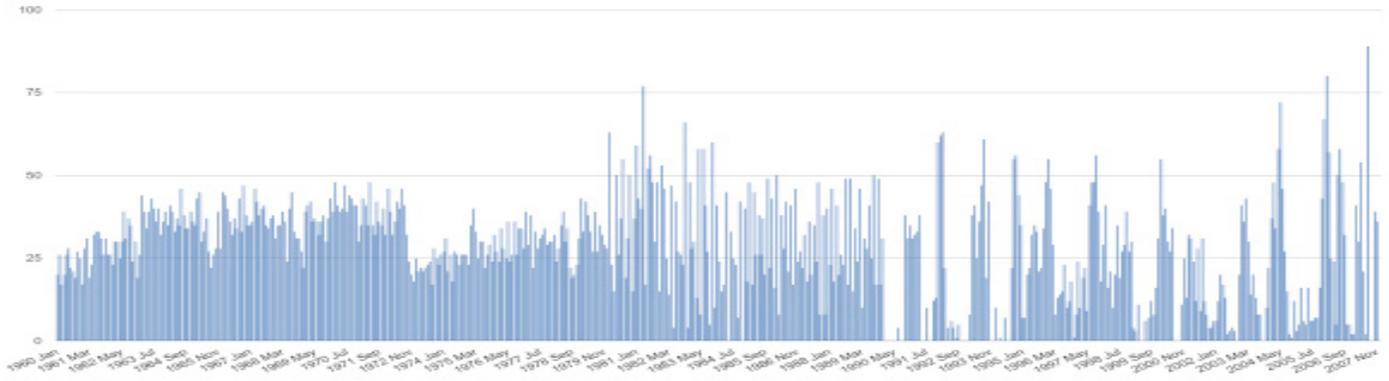
Ultimately, several tentative conclusions can be drawn from this study, though they would require further quantitative and primary source analysis. First, free speech, as covered by US news media, is portrayed more as a cultural construct than a legal one. Second, free speech is rarely covered as a topic on its own terms. Third, free speech is generally covered in the United States when it is not clear whether the subject at hand has covered, or deserves, free speech protection. We see this trend in coverage of subjects including Nazis, libel, Communists, and incendiary speech. When the free speech-related topic is not domestically based, articles seem to be focused on vilifying other nations for not protecting free speech or celebrating the United States for doing so. While the research on this topic is certainly not complete, this text-mining study has given credence to several important perceptions and arguments about the role of free speech in the United States. Ultimately, it provides evidence that Supreme Court and legal conceptions of free speech are not intimately related to cultural conceptions of free speech, at least as affected by media coverage; that free speech is rarely a covered topic on its own grounds; and finally, that cleavages in public consensus regarding free speech rights are more likely to be covered than domestic objective violations of free speech.

NOTES

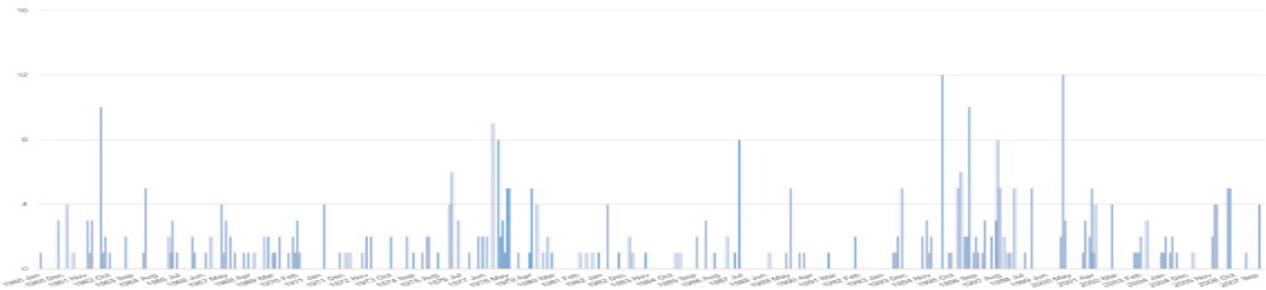
1. Cass Sunstein, "Free Speech Now," *The University of Chicago Law Review* 59, no. 1 (Winter 1992): 255.
 2. Megan Elizabeth Fromm, "Everything but 'Censorship': How U.S. Newspapers Have Framed Student Free Speech and Press, 1969–2008," (2010): Abstract.
 3. Ivan Hare, "Method and Objectivity in Free Speech Adjudication: Lessons from America," *The International and Comparative Law Quarterly* 54, no. 1 (2005): 49–87.
 4. Matthew Eschbaugh-Soha and Jeffrey S. Peake, "The Presidency and Local Media: Newspaper Coverage of President George W. Bush," *Presidential Studies Quarterly* 38, no. 4 (December 2008): 609.
 5. Alixandra B. Yanus, "Full-Court: An Examination of Media Coverage of State Supreme Courts," *The Justice System Journal* 30, no. 2 (2009): 181.
 6. Geoffrey Stone, "Free Speech in the Twenty-First Century: Ten Lessons from the Twentieth Century," *Pepperdine Law Review* 36, no. 2 (2009): 273.
 7. "The History of Free Speech," *Foundation for Individual Rights in Education*, <https://www.thefire.org/first-amendment-library/timeline/the-history-of-free-speech/>.
 8. Mark Miller and Julie Andsager, "Protecting the 1st Amendment: Newspaper Coverage of Free Speech," *Newspaper Research Journal* 18, No. 3/4 (1997): Abstract.
 9. Ibid.
 10. Ibid.
 11. Ibid.
 12. Ibid., 6.
 13. Ibid.
 14. Petko Bogdanov and John Mohr, "Topic Models and the Cultural Sciences," *Poetics* 41, no. 6 (2013): 1–40.
 15. Justin Grimmer and Brandon Stewart, "Text as Data: The Promise and Pitfalls of Automatic Content Analysis Methods for Political Text," *Political Analysis* 21 (2013), 267–297.
 16. Ibid., 274.
 17. Ibid.
 18. "Corpus: Coha," <http://corpus.byu.edu/coha/>.
 19. Eitan Pechenick, Christopher Danforth, and Peter Dodds, "Characterizing the Google Books Corpus: Strong Limits to Inferences of Socio-Cultural and Linguistic Evolution," *PLoS One* 10 (10), <http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0137041>.
 20. Ibid.
 21. Ibid.
 22. Ibid.
 23. "First Amendment Center," <http://www.newseuminstitute.org/first-amendment-center/>.
 24. Ibid.
 25. Richard Gonzales, "Berkeley's Fight for Free Speech Fire up Student Protest Movement," *NPR*, October 5, 2014, <http://www.npr.org/2014/10/05/353849567/when-political-speech-was-banned-at-berkeley>.
 26. *Barenblatt v. United States*, <https://www.oyez.org/cases/1958/35>.
 27. Article 722498 (In order to cite specific articles from the COHA database, articles will appear as their meta-data ID tag).
 28. Article 72256; Article 72261.
 29. *Miami Herald Publishing Company v. Tornillo*, <https://www.oyez.org/cases/1973/73-797>.
 30. *National Socialist Party of America v. Village of Skokie*, <https://www.oyez.org/cases/1976/76-1786>.
 31. Joseph Barr, "Deny Nazis Publicity," *The Skokie Citizen*, <http://www.idaillinois.org/cdm/ref/collection/skokiepo001/id/203>.
 32. Jim Szczepaniak, "A Classic Case of Protection of 'Repulsive' Beliefs," *The Skokie Review*, <http://www.idaillinois.org/cdm/ref/collection/skokiepo001/id/201>.
 33. Article 731713.
 34. Article 73301.
 35. Edward S. Herman and Noam Chomsky, *Manufacturing Consent* (New York: Pantheon Books, 1988), 28.
 36. Article 735588.
 37. Article 600240.
 38. Article 615364.
 39. "Tolerance at Breaking Point," *San Francisco Chronicle*, October 2, 1964, Berkeley Free Speech Movement archives.
 40. Berkeley Free Speech Movement archives.
- Images:
- Page 19: "Million Man March," October 16, 1995, https://commons.wikimedia.org/wiki/File:The_million_march_man.jpg.
- Page 28: "Mario Savio," <https://commons.wikimedia.org/wiki/File:MarioSavio.JPG>.

APPENDIX

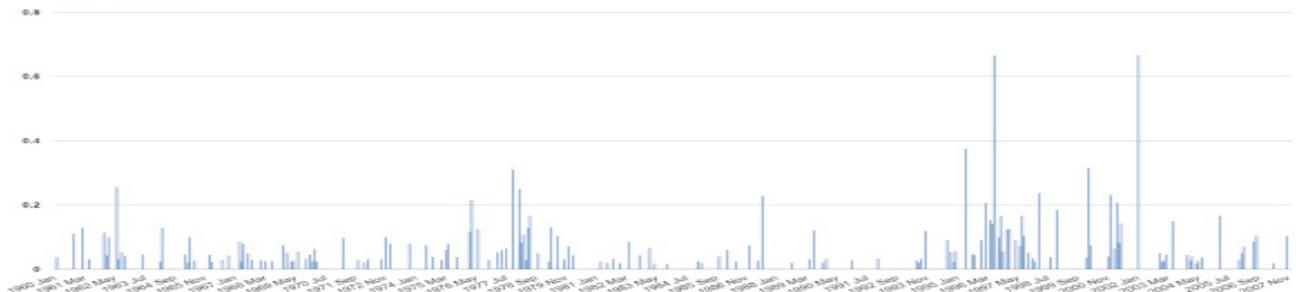
Graph 1: Articles in COHA Database per Month



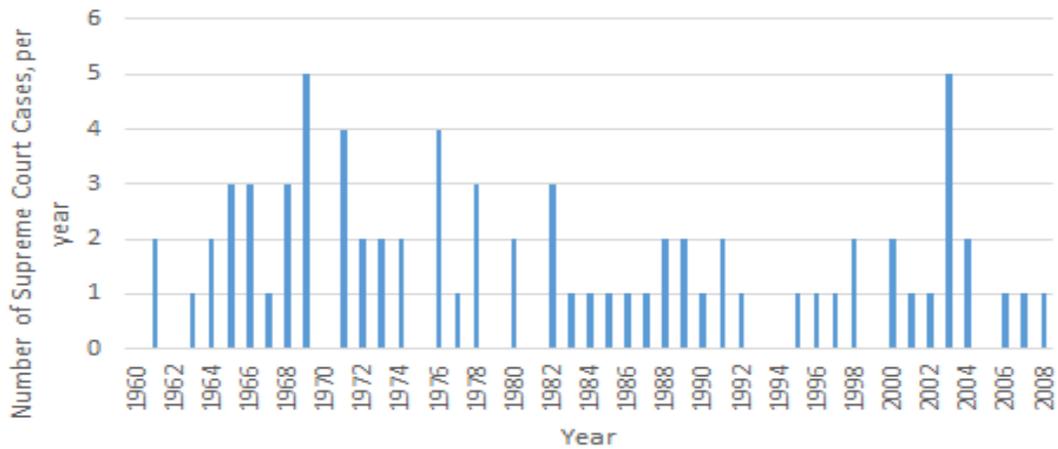
Graph 2: Free Speech-Related Phrases Published per Month



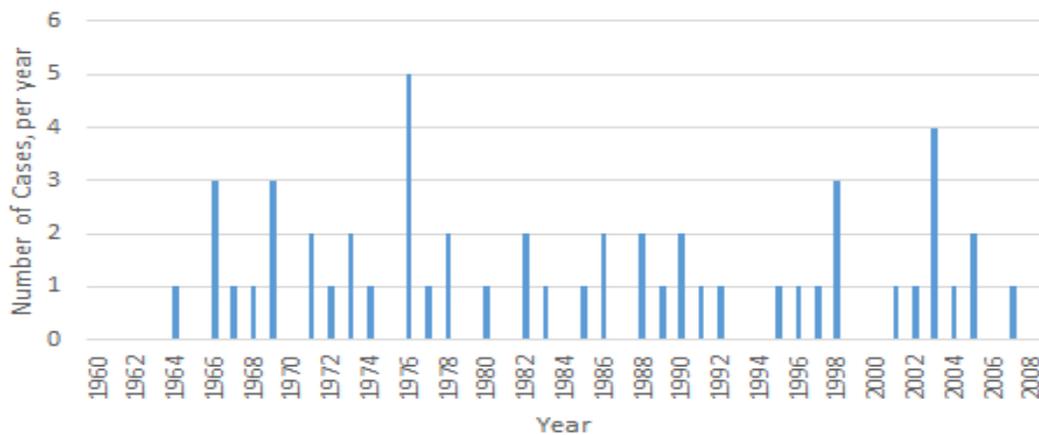
Graph 3: Free Speech Phrases Published per Month, Adjusted for COHA Database Density



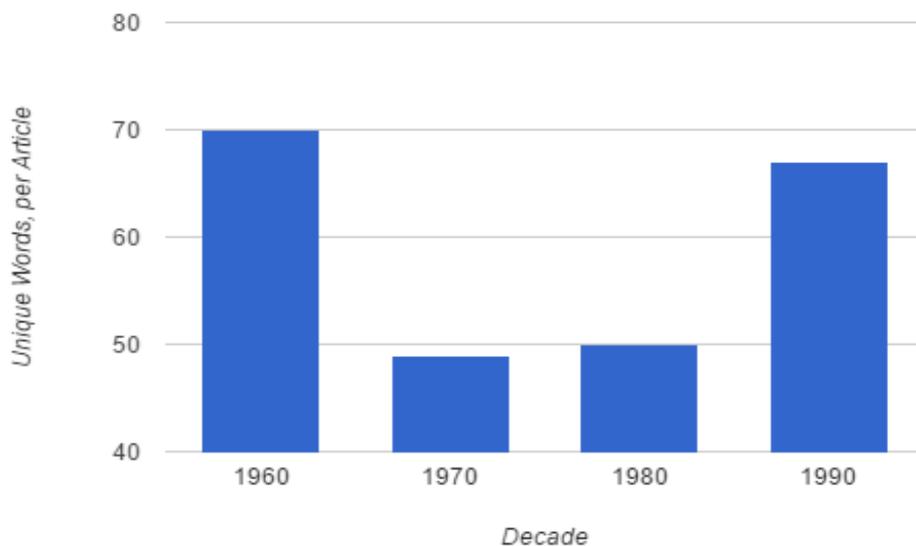
Graph 4: Free Speech-Related Cases, Based on the FIRE Database



Graph 5: Free Speech-Related Cases, Based on the First Amendment Center Database



Graph 6: Unique Words per Article, per Decade



VARIATIONS IN ECONOMIC AND SOCIAL DEVELOPMENT AFTER SUCCESSFUL INSURGENCIES IN NICARAGUA AND BURUNDI

by **J.D. Papanikolas**

INTRODUCTION

Regardless of how or why a civil war starts, the ultimate goal of insurgent groups is almost always to produce some form of social, economic, or cultural change in their country through the means of rapid political change. Of the insurgencies that have grown large enough to be considered civil wars, a number have successfully achieved regime change and a restructuring of the country's political system. However, turning political and/or military victory into positive social and economic development is much more difficult than it may seem. Furthermore, many new governments struggle to achieve the widespread changes they initially sought. In this paper, I will work to identify the key features of the politically successful insurgencies that explain the varying levels of success in sparking social and economic progress in the aftermath of civil war. To do so, I will analyze the specific successful insurgencies of the Contras in Nicaragua and the National Council for the Defense of Democracy (CNDD) in Burundi. Despite the fact that both civil wars ended in a similar fashion, with a negotiated peace settlement and insurgent group victory in free elections, Nicaragua was able to rebuild and grow their economy much more rapidly and effectively than was Burundi. On the other hand, Burundi achieved much more human development, specifically in the areas of health and education. A number of different elements could have played significant roles in causing these differences in progress between the two countries, including the pre-war economic and social conditions, the length and severity of the war itself, and

the policy focus of the new government. Through an in-depth analysis of both civil wars and their outcomes, I argue that the primary reason why Nicaragua experienced more economic development while Burundi experienced more human development is the difference in the nature and focus of international involvement in the two countries. Specifically, international interveners in Nicaragua were focused solely on facilitating economic growth and contributing financial and political assistance, while foreign actors in Burundi were much more focused on peacekeeping and providing humanitarian aid and infrastructure.

BACKGROUND

The Nicaraguan Contra War of the 1980s and the Burundian Civil War of the 1990s and early 2000s are both solid models of civil wars that led to varying degrees of success in development. They are ideal cases to analyze because they are similar enough to remain comparable, but distinctive enough to reveal the factors that led to such different social and economic outcomes. In order to properly study the causes of these different outcomes of civil war, it is important to have an understanding of the wars themselves.

The outbreak of the Contra War in Nicaragua was a direct result of the outcome of the civil war that immediately preceded it, the Sandinista Revolution of the 1970s. The Sandinistas were a left-wing revolutionary group who, after a ten-year military and political campaign, successfully overthrew the dictator Anastasio Somoza in 1979, took control of the Nicaraguan

government, and instituted radical, socialist reforms. While the Sandinistas' rule garnered a great deal of public support, marginalized groups, such as ethnic minorities from Nicaragua's isolated and underrepresented Caribbean coastal region and former national guard members who still claimed loyalty to the Somoza regime, banded together and ignited the *Contrarrevolución* (in English, "counter-revolution"), or "Contras," for short. The Contras received a significant amount of covert military and financial aid from the United States, as President Ronald Reagan and the CIA believed that the socialist Sandinista regime was a threat to capitalism and democracy in the Central American region. In 1989, after nearly a decade of fighting, the two sides agreed upon a negotiated peace agreement called the Tela Accords, which called for the demobilization of both military forces and the implementation of free and fair elections. Thanks to political support from the Bush administration, the Contras, now called the National Opposition Union (UNO) defeated the Sandinistas in the 1990 Nicaraguan general elections and successfully took control of the government.¹

Despite drastically different beginnings, the Burundian Civil War ended in a similar manner to the Contra War in Nicaragua, which makes it easier to isolate specific factors that may have led to the differences in development in the two countries. Unlike the insurgency in Nicaragua, which began with a previous civil war, the Burundian Civil War began with the country's first free, multi-party presidential elections. In June 1993, after decades of Tutsi-dominated politics, Burundi elected Melchior Ndadaye, a Hutu. However, just four months later, Tutsi extremists assassinated him and his ministers, and civil war broke out between the two ethnic groups. The Tutsis regained control of the government, while the Hutus formed rebel militia groups, the largest and most powerful of which being the CNDD. Violence continued for over a decade until 2005, when the UN helped negotiate a peace agreement which included free and fair parliamentary and presidential elections.² With the Hutus making up roughly 85 percent of the population of Burundi, the CNDD dominated the elections and took control of the government in a similar manner to the Contras.³

Although many political scientists, including

Monica Duffy Toft, only refer to a civil war ending in a victory when one side achieves complete military victory and routs the opposing side,⁴ both the Contras in Nicaragua and the CNDD in Burundi were able to gain the political victory and total governmental authority they sought through negotiated settlement and free elections. Given that both insurgent groups turned new governments were successful politically, we can now analyze which factors caused the rapid political change to translate into social and economic change at such different degrees of success in each country.

POST-WAR ECONOMIC DEVELOPMENT

Because the economies of Nicaragua and Burundi were and still are centered on agriculture, their respective civil wars had devastating effects on both countries. As William Leogrande shows in his article, "Making the Economy Scream: U.S. Economic Sanctions against Sandinista Nicaragua," the United States' efforts to weaken the Sandinista government during the war caused significant collateral damage to the Nicaraguan economy. In 1984, President Reagan authorized CIA agents to plant explosive mines in key commercial ports, which caused serious physical and material harm.⁵ Additionally, Reagan enacted strict financial sanctions against Nicaragua throughout the war, including a trade embargo, the elimination of multilateral development assistance funds, and the blocking of commercial credit "both from private commercial banks and multilateral lending agencies like the World Bank and the Inter-American Development Bank."⁶ In addition to US efforts, the Contras themselves targeted the Nicaraguan economy in their war efforts. According to Leogrande, "the contras preferred to attack lightly defended farms and villages rather than Sandinista military posts" and "their episodic raids severely curtailed agricultural production."⁷ Nicaragua's economic wellness depended heavily on cash crop exports—primarily coffee, bananas, and sugarcane—and just before the Contra War broke out in 1979, international trade consisted of 70.16 percent of the GDP.⁸ These US and Contra actions during the war devastated Nicaraguan trade, and by 1987, trade had dropped from the lofty pre-war figures to just 25.53 percent of the GDP.⁹ The

entire economy suffered as a result, and the GDP per capita fell by 67.10 percent, from \$740.34 per person at the onset of the war in 1981 to \$243.56 per person at the end of the war in 1990.¹⁰

The civil war in Burundi had a catastrophic effect on the economy as well, not because actors targeted trade or agriculture like in Nicaragua, but because of the massive scale of the conflict and the terrible amount of civilian casualty and displacement. According to CIA estimates, over 200,000 people died over the course of the thirteen-year civil conflict, roughly 3 percent of Burundi's population.¹¹ Additionally, more than 48,000 refugees fled the country and 140,000 Burundians were internally displaced.¹² Because over 90 percent of the population relied on subsistence farming, and agriculture made up over 40 percent of the nation's GDP,¹³ the agriculture industry and the economy as a whole were rocked by the violent conflict, mass casualties, and displacement. While Burundi was by no means a wealthy country before the conflict, their GDP per capita fell by 23.35 percent, from \$183.72 per person before the conflict started in 1992 to \$140.82 per person near the end of the war in 2005.¹⁴

As evidenced by these statistics, both Nicaragua and Burundi were hurting economically by the end of their civil wars. And despite their similarly agriculture-focused economies, the new Contra-led government in Nicaragua was able to rebuild and grow their nation's economy much more quickly and effectively than the CNDD in Burundi.

Figure 1 (right) demonstrates that Nicaragua experienced a much greater economic collapse during their civil conflict, but also a much greater period of economic growth and development in the immediate post-war period. Newly elected president Violeta Chamorro and her Contra-backed ruling political party immediately focused on privatizing the Nicaraguan economy and undoing the socialization of the previous left-wing

government. In his 1996 article, "The Nicaraguan Revolution: Six Years after the Sandinista Electoral Defeat," Gary Prevost evaluates the state of the Nicaraguan economy in the post-conflict period and reports that the Chamorro administration, through "large cuts in public spending, tight controls on credit to producers, and big devaluations," had successfully stabilized prices and currency, reduced inflation, and significantly reduced the public deficit in just the first few years of governance.¹⁵ He notes that a large reason why Nicaragua was able to recover from the economic wounds suffered during the Sandinista regime and Contra war is that the

“Nicaragua experienced a much greater economic collapse during their civil conflict, but also a much greater period of economic growth and development in the immediate post-war period.”

United States provided significant financial aid for economic recovery through the USAID program. The United States used the economic development in Nicaragua as the perfect model of counter-reform strategy in the

post-Cold War period. According to Prevost and data from the World Bank, "between 1990 and 1994, Nicaragua received the highest per capita foreign aid of any developing country: \$182 annually."¹⁶ Through neoliberal economic policy and a huge influx of foreign aid, especially from the United States, Nicaragua was able to stabilize its economy and grow past even pre-war levels of economic development.

While Burundi's economy followed a similar pattern of decline during civil conflict, then recovery and growth post-conflict, its economic progress was far less successful than that of Nicaragua. The GDP per capita did increase over the first five years after the CNDD gained political control, but it did not make the same leap forward that was observed in post-conflict Nicaragua. Figure 1 demonstrates that while Nicaragua's GDP per capita increased by 268.58 percent in the first five years after the successful insurgency, Burundi's GDP per capita increased by a still significant, yet more modest, 55.31 percent over the same five-year post-war period.¹⁷ Both Olivier Basdevant and Floribert Ngaruko note that the new CNDD-led Burundian government

and bureaucracy created an unfriendly environment for business, which in turn prevented private corporations from stimulating and growing the economy. Basdevant demonstrates this hostile national climate for businesses by citing a 2008 World Bank study, “Doing Business,” in which Burundi was ranked 124th out of 178 countries for ease of starting a business and 174th out of 178 for ease of doing business.¹⁸ Basdevant directly links this problem to Burundi’s slow pace of economic development, as he states that without government support for private corporations, it is “difficult to secure the private investment needed for sustained growth.”¹⁹ Ngaruko points out that a number of the bureaucracy’s “predatory practices” caused large international corporations to avoid conducting business in the country and prevented local businesses from growing too powerful and successful. These practices included corrupt rent collection, constant arbitrary changing of rules and regulations, and the concentration of the nation’s wealth in the public sector.²⁰ Basdevant and Ngaruko both show that while Burundi was able to climb out of the economic hole created during the civil war, they faced significant barriers to true economic development due to a corrupt bureaucracy and unfriendly business environment.

With small, relatively poor, agriculture-based economies, Nicaragua and Burundi experienced similar economic arcs during and immediately after their successful insurgencies. However, it is clear both through economic data from the World Bank, as well as reports from various scholars, that the Contras in Nicaragua were able to achieve much more economic development after their political victory than the CNDD in Burundi.

POST-WAR SOCIAL PROGRESS

While Nicaragua may have experienced more economic development than Burundi in the years following its successful regime change, it experienced far less social or human development, especially in the areas of health care access and education. Before and during the Contra war, the Sandinista-controlled government focused much of its efforts on creating a truly universal health care system. It tripled government spending on health care, created more than 400 new health clinics, and built several new hospitals throughout the country. However, President Chamorro and the UNO, in their neoliberal crusade against the Sandinista reforms, re-privatized the national health system, which

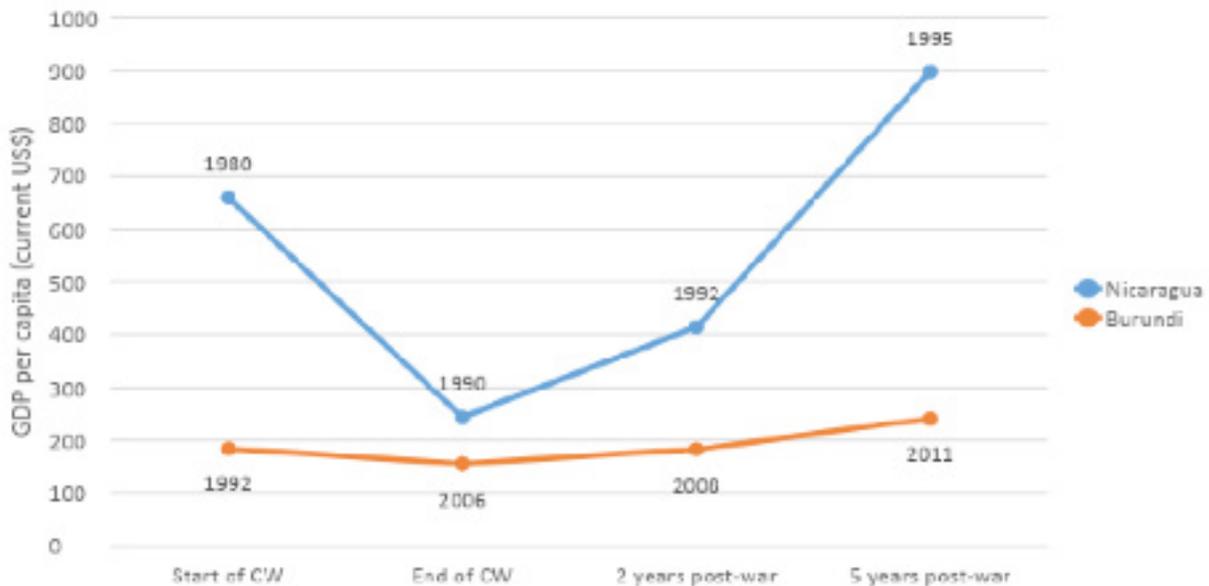


Figure 1: Effect of Successful Insurgency on GDP per Capita



President Violeta Chamorro and her predecessor, Daniel Ortega

weakened it significantly. Prevost notes that while visiting a doctor in a public hospital remained free, “all other services, including diagnostic tests and medicines involved significant charges, usually beyond the means of the majority of the population.”²¹ Additionally, these doctor visits were not guaranteed due to the extremely limited hospital and clinic availability as a result of huge government spending cuts. The overall budget of the Ministry of Health was cut from \$130 million during the end of the Sandinista regime in 1989 to just \$70 million under Chamorro and the UNO in 1994.²² While the privatization of health care was beneficial to Nicaraguan elites, it had a terrible effect on the majority of the population who could not afford expensive medical costs and private doctors, and it took a serious toll on public health. Prevost cites statistics from the Office of Nutrition of the Ministry of Health, which show that the number of children receiving nutritional attention in government health centers dropped from 40,000 under the Sandinistas in 1988 to 7,000 under the UNO in 1996. Additionally, the infant mortality rate “increased from 62 deaths per 1000 live births in 1987 to 107 in 1994.”²³

As Burundi is much poorer than Nicaragua, its

health care is far less developed, but at least its system progressed, rather than digressed, after its civil war. During the war, all basic health needs in Burundi were met through externally financed NGOs and humanitarian aid workers. And while aid from foreign governments and NGOs still made up 76 percent of Burundi’s total healthcare spending during the first five years after the war, the new Hutu-led government began to put more money into the Ministry of Health and build up the country’s health infrastructure.²⁴ As a result of generous amounts of humanitarian aid and increased government healthcare spending, Burundi’s public health statistics shot up across the board. The number of hospital beds per 1,000 people spiked by 171.43 percent, from 0.7 at the end of the war in 2006 to 1.9 in 2011, and the mortality rate of children under five dropped by 21.51 percent, from 120.9 deaths per 1,000 live births to 94.9 in 2011.²⁵

Education is another area in which Burundi made more social progress after its successful insurgency than Nicaragua. In a similar manner to health care, the new Nicaraguan regime emphasized decentralization and privatization, cut education spending drastically, introduced a much more conservative, “Civic Morals”

based primary school curriculum, and reversed many of the advances the previous Sandinista government had made. These changes, according to Robert Arnove, decreased not only the quantity of students and teachers, but the quality of education as well.²⁶ Because of the efforts of the Chamorro administration to undo the actions of the Sandinistas, in 1993, just three years after the Contras insurgent group took power, there were already half a million more illiterate Nicaraguans than at the war's onset in 1980.²⁷ In Burundi on the other hand, the post-war peace allowed the government to invest more resources in education, at the primary, secondary, and university levels. Government support for education increased significantly under the new CNDD government, as public spending on education had gone from just 2.65 percent of the GDP at the height of the war in 2000 to a peak of 6.79 percent of the GDP in 2010.²⁸ Leonce Ndikumana notes two reasons for the improvements in education in Burundi: the state was more efficient in resource allocation, and the expansion of private universities relieved pressure on the public system, allowing it to grow and improve.²⁹

While health care and education are not the only components of human development statistics, they are important factors, and thus Burundi experienced much more overall human development over the first few years after their successful insurgency than did Nicaragua. Nicaragua's Human Development Index (HDI) increased from 0.479 in 1990 to 0.501 in 1995, a 4.59 percent increase,³⁰ while Burundi's HDI increased from 0.290 in 2005 to 0.385 in 2010, a 32.76 percent increase.³¹ This data from the UN Development Programme shows that despite Nicaragua's much greater economic growth and expansion, Burundi recovered from the conflict and made social improvements at a faster rate than its Central American counterpart.

HYPOTHESES FOR VARIATION IN DEVELOPMENT

Both the Contra War in Nicaragua and the civil war in Burundi ended with a negotiated peace settlement, free and fair elections, and political victory for the insurgent group. Yet despite the similarities, Nicaragua was shown to make much more economic progress, while Burundi experienced greater gains in social progress and human development. A number of factors could be the primary cause of this variation, but I will focus on three particularly strong hypotheses and influential

features: the nations' pre-insurgency states of development, the length and severity of the civil wars themselves, and the influence of international actors. While the first two factors do certainly play roles in the success of post-war development,

“Despite Nicaragua’s much greater economic growth and expansion, Burundi recovered from the conflict and made social improvements at a faster rate than its Central American counterpart.”

these hypotheses do not always hold true in the cases of Nicaragua and Burundi. The third hypothesis, that the difference in the role of international interveners in the two countries is the primary reason behind the variations in developmental success, is supported by empirical analysis of the successful insurgencies in Nicaragua and Burundi.

The first hypothesis, relating to the pre-war developmental states of each nation, is tied closely to the economic theory of convergence. This theory of convergence states that countries with lower GDP per capita will “catch up” to wealthier countries as all nations around the globe converge on the same GDP per capita figure. The theory has been proven to be generally true not just for economies and GDP per capita, but for the social development of countries as well, as Wen-Yi Chen recently proved that healthcare spending and quality has shown signs of convergence over the past fifty years in several countries around the globe.³² Therefore, a reasonable hypothesis for explaining the variation in countries' development after successful civil wars is that countries that began the war with less

developed economies and social structures will experience more post-war development due to the catch-up effect. For this to hold true for the cases of Nicaragua and Burundi, Burundi would have had to make more progress economically and socially than Nicaragua, due to the fact that it began with a much smaller economy and far less human development.

The convergence hypothesis certainly holds true for the area of human development, as Burundi started with less developed health care and education systems than Nicaragua and experienced far more progress in those areas. Chen found that in the eight Organisation for Economic Co-operation and Development (OECD) countries he studied, their healthcare spending rates were all converging on the United States' amount of spending over the period from 1960 to 2009.³³ While Chen studied eight relatively wealthy countries, his findings on healthcare spending convergence apply to Nicaragua and Burundi as well. As discussed in the previous section, the new Burundian government increased healthcare spending and improved both the access and quality of medical care during their first five years in power,³⁴ while the new Chamorro administration actually cut Nicaragua's healthcare spending by nearly \$60 million per year, causing public health to suffer.³⁵ The catch-up hypothesis also applies to variations in education development between the two countries. Nicaragua entered the war with a robust public education system thanks to advancements made by the leftist Sandinista government, but made serious cuts and reversed much of that progress under their post-war administration.³⁶ On the other hand, Burundi, which started with much lower education completion and literacy rates than Nicaragua, spent more resources and improved its primary, secondary, and tertiary schools during the peaceful post-conflict period. And in the overall area of human development, Burundi, while starting with a much lower UN HDI score, made a much greater increase in its score over the first five years following its successful insurgency than Nicaragua.³⁷ This analysis of Burundi's more rapid social advancements despite its lower overall levels of human development shows that the convergence effect certainly played a role in causing the variations in the success of post-conflict development in the two countries, but how large that role truly was in

the countries' overall development is still up for debate.

However, the convergence theory does not hold true when applying it to Nicaragua and Burundi in its original form, that of GDP per capita. According to traditional economic theory as defined by *The Economist*, "In any period, the economies of countries that start off poor generally grow faster than the economies of countries that start off rich. As a result, the national income of poor countries usually catches up with the national income of rich countries."³⁸ If this theory held true during the post-conflict periods in Nicaragua and Burundi, then Burundi would have experienced much more economic growth, as it started with a much lower GDP per capita. In reality, the opposite occurred, as Figure 1 shows Nicaragua's GDP per capita soared by 268.58 percent over the first five years under the new government, while Burundi's GDP per capita increased, but only by 55.31 percent over the same time period.³⁹ Because of this evidence against convergence theory, it is clear that a factor other than the catch-up effect is chiefly responsible for their differences in developmental success.

Another strong hypothesis is that the duration and severity of the civil war itself are the primary determinants of post-war reconstruction success. This is found to be true in studies by Paul Collier in his article "On the Economic Consequences of Civil War," and Laia Balcells and Stathis N. Kalyvas in their piece "Does Warfare Matter? Severity, Duration, and Outcomes of Civil Wars." Collier shows that, according to his data on all civil wars since 1960, "after long civil wars the economy recovers rapidly, whereas after short civil wars it continues to decline."⁴⁰ Balcells and Kalyvas separate civil wars into two categories, conventional and irregular, with irregular wars being much longer and less severe on the battlefield than conventional wars. They argue that these irregular civil wars lead to greater amounts of social change after the war.⁴¹ While their arguments are not identical, Collier, Balcells, and Kalyvas all assert that longer civil wars are generally better for post-war development than shorter conflicts. As Nicaragua's civil war lasted only ten years, from 1980 to 1990, compared to the Burundian Civil War's sixteen years, from 1990 to 2006, Burundi should have experienced greater economic development and social progress in order for this

hypothesis to be true.

Just like convergence theory, this length and severity hypothesis holds true for the difference in social progress and human development between Nicaragua and Burundi. Balcells and Kalyvas state that their findings “point to the specific contribution of irregular war to both state building and social change.”⁴² They note that this correlation is likely due to the fact that longer, less explosive wars do not destabilize civil society in the way that shorter wars do, allowing for more rapid social recovery and progress once the war is over. While both Nicaragua and Burundi would likely be categorized as irregular wars due to their length and lack of traditional battlefield warfare, Burundi’s war lasted six years longer and therefore can be considered more irregular than Nicaragua for the purposes of this comparison. Balcells and Kalyvas’s assertion that longer wars lead to more social change certainly applies to the difference in

development in this case, as Burundi experienced much more progress in social areas such as health care, education, and overall human development.

However, just like convergence theory, the hypothesis that longer, less explosive civil wars lead to more progress is not seen in the difference in economic development between post-war Nicaragua and Burundi. Collier, in his argument that longer civil wars lead to more rapid economic recovery, asserts that “if the war has been sufficiently long the capital stock will have adjusted to a level below that desired in post-war conditions. In this case capital reparation enables the economy to grow more rapidly.”⁴³ This is not the case when comparing Nicaragua and Burundi, as the civil war in Burundi lasted six years longer, yet experienced much slower economic growth in the years following the successful regime change. This length and severity hypothesis may apply nicely to the disparity in post-conflict



Burundian medical officers working in a pharmacy in Somalia

social improvement, but because it (like the convergence theory) also does not explain why Nicaragua grew their economy more rapidly than Burundi, it cannot be the primary reason behind the differences in post-war development.

My final hypothesis is that the difference in international involvement in Nicaragua and Burundi is the primary factor behind the variation in success of their post-war reconstructions. In her book *Explaining Post-Conflict Reconstruction*, Desha Girod argues for this theory of international involvement being the driving force in post-war reconstruction. Girod asserts that the type of reconstruction that occurs in countries in need of international aid is largely determined by the donor nations, as they are much more likely to donate if the reconstruction efforts are to their liking.⁴⁴ Girod's theory is correct when applied to this case comparison, as Nicaragua experienced much more economic development because of heavy US involvement in and support for the privatization and growth of the economy, while Burundi experienced more social development due to the international community's focus on developmental aid and support for health and education infrastructure.

In Nicaragua, US involvement during both the war and its aftermath drove the nation to experience significant economic growth at the expense of social progress. During the war, the United States took deliberate actions to hurt the Nicaraguan economy, such as imposing strict economic sanctions and a trade embargo against the country and laying explosive mines in their commercial shipping ports.⁴⁵ Due to these actions, Nicaragua's economy collapsed during the war and was in need of a great amount of recovery and growth during post-war reconstruction. After the war, the United States wanted to use Nicaragua as an example to the rest of the world of a country experiencing an economic boom after switching from a socialized economy to a privatized, capitalist economy. To do this, the United

States, along with the Inter-American Development Bank and the World Bank, provided an average of \$164 per capita per year to Nicaragua between 1991 and 1993.⁴⁶ This was the highest aid flow to any developing country at the time, and the Nicaraguan state developed a dependence on US aid money. Due to the Nicaraguan government's reliance on financial assistance from the United States, Washington was able to influence policies and drive the government to focus on the privatization of the economy rather than on health care or education. One example of the United States using aid funding to control the direction of the Nicaraguan government was when President Chamorro decided to retain former Sandinista Humberto Ortega as chief of the army. The US, in its mission to eradicate all traces of left-wing influence in Central America, temporarily

suspended its aid funding to Nicaragua and did not renew it until Ortega was removed from his position.⁴⁷ In fact, the United States' tunnel vision focus on eradicating the

“The primary factor that caused the variation in post-war reconstruction was the difference in the focus of international actors who provided aid funding for Nicaragua and Burundi.”

Sandinistas and stimulating the Nicaraguan economy through privatization caused the state to ignore other important areas for development, including health care and education spending. Jenny Pearce points out that the United States “had deprived the state of some of its most skilled and highly trained personnel, most of whom were Sandinistas dismissed in the purges of the public sector that took place in the first wave of neo-liberalism.”⁴⁸ The case of Nicaragua's reconstruction after the Contra War is strongly supportive of Girod's argument and the international involvement hypothesis, as it shows that the new Nicaraguan government allowed the US to dictate policy and developmental goals due to their reliance on aid funds.

The example of Burundi's post-conflict reconstruction also supports Girod's theory, as Burundi relied on international aid primarily from NGOs and global health initiatives, which earmarked funds specifically for social infrastructure, rather than economic

development. For example, the World Health Organization reported that in 2007, just one year after the end of the civil war, Burundi received \$415 million in official development assistance, of which \$120 million was designated specifically for the health sector through global health initiatives such as the Global Fund, GAVI (the Vaccine Alliance), and PEPFAR (the US President's Emergency Plan for Aids Relief).⁴⁹ Mirroring what Girod states in her argument, the newly elected Burundian government was in dire need of international funding after the war, and so it allowed reconstruction efforts to be dictated by these international organizations, most of whom wanted to focus on public health and disease control. As a result of this influence from international actors, Burundi experienced much more social and human development than Nicaragua, but not nearly as much economic growth.

CONCLUSION

Both the Contras in Nicaragua and the CNDD in Burundi were motivated to rebel against their states largely because of a desire to create change in their nations. The two countries experienced very similar ends to their civil wars, as both were resolved by a negotiated peace settlement, open elections, and the political victory and assumption of power by the insurgent group as a result of the elections. Despite these similarities, the

two countries experienced very different levels of success in post-conflict reconstruction. Nicaragua boomed economically, but actually regressed in the areas of health care and education, while Burundi experienced significant human development and social progress, but far less rapid of an economic recovery. I analyzed three different hypothesis to explain why the countries varied so much in development: first, the traditional economic theory of convergence—that countries that start with less development will experience more rapid growth and “catch up” to more developed countries; second, Collier, Balcels, and Kalyvas's theory that longer, less explosive civil wars lead to more economic and social development during post-war reconstruction; and third, Girod's theory that countries rely so heavily on foreign aid in the aftermath of a civil war that foreign actors essentially decide the focus and direction of the countries' development efforts. All three factors proved to contribute to Burundi's greater rate of human development, but only Girod's international involvement argument held true when applied to the varying levels of economic development between Nicaragua and Burundi. Because of this and the causal relationship between foreign aid and the development efforts in the two countries, it is clear that the primary factor that caused the variation in post-war reconstruction was the difference in the focus of international actors who provided aid funding for Nicaragua and Burundi.

NOTES

1. Uppsala Conflict Data Program, "Government of Nicaragua: Contreras/FDN," *Uppsala University*, <http://ucdp.uu.se/#/state-based/742>.
2. Uppsala Conflict Data Program, "Government of Burundi: CNDD-FDD," *Uppsala University*, <http://ucdp.uu.se/#/state-based/597>.
3. The World Factbook, "Burundi," *Central Intelligence Agency*, January 12, 2017, <https://www.cia.gov/library/publications/the-world-factbook/geos/by.html>.
4. Monica Duffy Toft, "Ending Civil Wars: A Case for Rebel Victory?" *International Security* 34, no. 4 (Spring 2010): 7.
5. International Court of Justice, "Summary of the Judgment of 27 June 1986," *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)*.
6. William M. Leogrande, "Making the Economy Scream: US Economic Sanctions against Sandinista Nicaragua," *Third World Quarterly* 17, no. 2 (June 1996): 332.
7. Ibid.
8. World Bank, "World Bank Open Data," *The World Bank Group*, April 27, 2017, <http://data.worldbank.org>.
9. Ibid.
10. Ibid.
11. The World Factbook, "Burundi."
12. Ibid.
13. Ibid.
14. World Bank, "World Bank Open Data."
15. Gary Prevost, "The Nicaraguan Revolution: Six Years after the Sandinista Electoral Defeat," *Third World Quarterly* 17, no. 2 (June 1996): 311.
16. Ibid.
17. World Bank, "World Bank Open Data."
18. Olivier Basdevant, "IMF Working Papers: How Can Burundi Raise Its Growth Rate? The Impact of Civil Conflict and State Intervention on Burundi's Growth Performance," *International Monetary Fund* (January 2009): 3.
19. Ibid.
20. Floribert Ngaruko and Janvier D. Nkurunziza, "An Economic Interpretation of Conflict in Burundi," *Journal of African Economies* 9, no. 3 (October 2000): 385–396.
21. Prevost, "The Nicaraguan Revolution," 317.
22. Ibid.
23. Ibid., 318.
24. "Interactions Between Global Health Initiatives and Global Health Systems: Evidence from Countries," World Health Organization, *The Maximizing Positive Synergies Academic Consortium* (June 2009): 10.
25. World Bank, "World Bank Open Data."
26. Robert F. Arnove, "Education as Contested Terrain in Nicaragua," *Comparative Education Review* 39, no. 1 (February 1995): 51.
27. Prevost, "The Nicaraguan Revolution," 317.
28. World Bank, "World Bank Open Data."
29. Leonce Ndikumana, "Distributional Conflict, the State and Peace Building in Burundi," *The Round Table* 94, no. 381 (September 2005): 425.
30. United Nations Development Programme, "The Rise of the South: Human Progress in a Diverse World," *Human Development Report 2013*.
31. United Nations Development Programme, "Human Development for Everyone," *Human Development Report 2016*.
32. Wen-Yi Chen, "Does Healthcare Financing Converge? Evidence from Eight OECD Countries," *International Journal of Health Care Finance and Economics* 13, no. 3/4 (December 2013).
33. Ibid.
34. "Interactions Between Global Health Initiatives," 10.
35. Prevost, "The Nicaraguan Revolution," 317.
36. Arnove, "Education as Contested Terrain," 51.
37. World Bank, "World Bank Open Data."
38. "Economics A-Z Terms Beginning with C," *The Economist*, <http://www.economist.com/economics-a-to-z/c#node-21529531>.
39. World Bank, "World Bank Open Data."
40. Paul Collier, "On the Economic Consequences of Civil War," *Oxford Economic Papers* 51, (1999): 168.
41. Laia Balcells and Stathis N. Kalyvas, "Does Warfare Matter? Severity, Duration, and Outcomes of Civil Wars," *Journal of Conflict Resolution* 58, no. 8 (2014): 1412.
42. Ibid., 1390.
43. Collier, "Economic Consequences of Civil War," 181.
44. Desha Girod, *Explaining Post-Conflict Reconstruction* (Oxford: Oxford University Press, 2015), 5.
45. Leogrande, "Making the Economy Scream," 332.
46. Jenny Pearce, "From Civil War to 'Civil Society': Has the End of the Cold War Brought Peace to Central America?" *International Affairs* 74, no. 3 (July 1998): 605.
47. Prevost, "The Nicaraguan Revolution," 311.
48. Pearce, "From Civil War to 'Civil Society,'" 607.
49. "Interactions Between Global Health Initiatives," 10.

Images:

Page 36: "VioletaBcOrtega," <https://commons.wikimedia.org/wiki/File:VioletaBcOrtega.jpg>

Page 39: "Burundi OPD," March 4, 2013, [https://commons.wikimedia.org/wiki/File:2013_03_04_Burundi_OPD_d_\(8550301459\).jpg](https://commons.wikimedia.org/wiki/File:2013_03_04_Burundi_OPD_d_(8550301459).jpg)

BREAKING A STALEMATED WAR: THE CASE OF THE KOREAN ARMISTICE AGREEMENT

by **Jamie Seah**

The Korean Armistice Agreement was signed on July 27, 1953, at Panmunjom, North Korea, marking the conclusion of the three-year Korean War and a two-year period of armistice negotiations.¹ Negotiations at Kaesong, and later at Panmunjom, were conducted between a Chinese/North Korean negotiating team and a UN/US negotiating team. Generals Deng Hua and Xie Fang represented the Chinese People's Volunteer Army, while General Nam Il represented the Korean People's Army.² The UN Command side was led by Vice Admiral Charles Turner Joy.³ While in-person talks formed a crucial component of the negotiations, various Chinese, Soviet, and American leaders also played key roles in influencing the progress of the discussions. For example, the Chinese negotiating team, under Chairman Mao Zedong's instruction, wielded most of the negotiating power vis-à-vis the North Korean delegation.⁴ A key item on the eventual five-part agenda was the repatriation of prisoners of war (POWs), which held up the armistice negotiations for seventeen arduous months. Inter alia, this analysis of the talks will focus on conflicting Chinese/Soviet and American positions on POW repatriation.

The resolution of the POW issue and conclusion of the armistice agreement can best be explained by a series of individual domestic coalition shifts (within the Chinese, Soviet, and American governing coalitions), which enabled the development of an overlapping bargaining space. The primary theory of domestic coalition shifts in the breaking of a stalemated war was first propounded by Elizabeth A. Stanley, who tested her bargaining model using the Korean War. I intend

to summarize and build on her arguments by bringing in supporting evidence and using a secondary theory to explain the negotiating process and outcomes. This secondary theory is James Fearon's theory of audience costs, which accounts for the United States' inability to compromise on the POW issue before the interaction of the domestic coalition shifts. I also explore the utility of Elizabeth Saunders's theory of democratic elites in understanding the Truman and Eisenhower administrations' foreign policy decision-making processes.

DOMESTIC COALITION SHIFT THEORY

A "domestic coalition shift" entails either a "consequential change in the identity of the decision makers" or "a substantive change in the type of government."⁵ The former is most relevant to the discussion at hand. In the standard Bayesian model of bargaining, at least one side has to change expectations about the cost and benefits of war in order for the cessation of hostilities to occur, and this change in expectations is attributed to a change in leaders' attitudes.⁶ Stanley argues that this change in attitudes is unlikely due to three main obstacles to peace: preference, information, and entrapment obstacles.⁷ The domestic coalition shift theory proposed by Stanley, however, posits that the overlapping bargaining space necessary for a war to end develops when the composition of the governing coalition changes to "include members with more appropriate expectations."⁸ Such a change would be termed an endogenous shift, while an event such as the death of a leader would be considered an exogenous shift.⁹ For example,

in the case of the armistice negotiations, Soviet leader Joseph Stalin's death in March 1953 was a key exogenous shift that enabled the Communists to offer crucial concessions that would precipitate a convergence of positions on the POW issue and the conclusion of the Korean Armistice Agreement.¹⁰ Since Stanley theorizes the impact of domestic political changes on the crisis bargaining at the international level, she is building on well-established literature identifying Robert Putnam's "two-level game"¹¹ as a model for understanding how wars end.

GENERAL INTERESTS OF PRIMARY PARTIES

There were five major parties involved over the course of the Korean War, but for the purposes of this paper only three key powers—the United States, the Soviet Union, and China—are instrumental to the

eventual completion of the agreement. While North Korea was keen on an expeditious conclusion to the war, and South Korea desired more prolonged fighting, neither party possessed the political and military wherewithal to intervene during action.¹² Hence, this discussion will assume that they had negligible influence on the "international-level bargaining process," as postulated by Stanley.¹³ While the United States operated its negotiating efforts through the UN and UN Command, the interests of the United States will be given foremost priority over those of other countries involved in various stages of the UN negotiations.

American interests in the Korean War dovetailed with the nation's larger strategy of Containment—aimed at preventing the spread of Communism worldwide—which was first articulated in George Kennan's Long Telegram and "X" article dissecting Soviet ideology and behavior. Historians have also interpreted



Panmunjom, North Korea, the site of the armistice negotiations

North Korea's belligerence in June 1950 as a key turning point for President Harry Truman's decision to use force to secure American interests in Korea and beyond, marking the militarization of America's Containment strategy throughout the Cold War.¹⁴ Essentially, the United States wanted to promote its national security interests in Asia and reduce Soviet influence globally.

Chinese strategic interests in the lead-up to the Korean conflict and armistice negotiations primarily revolved around physical security interests and greater international recognition and influence, with an aim at reshaping the power balance in East Asia should a North Korean victory occur.¹⁵ For the Soviets, Stalin viewed a stalemated war (which ensued from June 1951) as beneficial to the Soviet Union, given that such a stalemate would serve Soviet interests of draining US military and economic resources and gathering intelligence on US technology in Korea.¹⁶ Since Soviet troops were not deployed in ground attacks against UN Command troops, the Soviet Union did not have to bear any direct war-related casualties; as such, given a favorable cost-benefit calculation, there was no need to end the war that soon.¹⁷

CONFLICTING POSITIONS ON THE POW ISSUE AND UNDERLYING INTERESTS

By June 1951, fighting between Chinese/North Korean troops and UN Command forces had yielded somewhat of a stabilization of the battle line near the 38th parallel.¹⁸ This was followed by the commencement of armistice negotiations in Kaesong on July 10, 1951.¹⁹ A five-point agenda soon crystallized, with agenda item four (the repatriation of prisoners) remaining the sole issue requiring resolution by March 1952.²⁰ By the first half of 1952, the situation on the Korean Peninsula was that of a military stalemate.²¹

Ironically, Chinese leaders did not anticipate that such major disagreements over the repatriation of POWs would arise. Given that the United States had been principally responsible for Article 118 of the Third Geneva Convention of 1949, which called for the immediate repatriation of POWs following the termination of active warfare, the Chinese had not expected the US to put forth such a position refusing the exchange of

POWs.²² The first major dispute occurred in mid-December 1951, when both the Communist and US negotiators exchanged name lists of POWs. The United States realized that only 25 percent of American POWs were being accounted for, while Chinese and North Korean negotiators queried why 44,000 names from an earlier list had been removed.²³ The latter's suspicions pertaining to the US's intentions to keep possession of POWs were validated when US and UN negotiators formally proposed a policy of non-forcible repatriation on January 2, 1952.²⁴ This was vehemently rejected and criticized by the Communists, who labeled non-forcible repatriation as a "political question" that should have been left out of military negotiations.²⁵ The introduction of the non-forcible repatriation policy in January 1952 would mark the United States' uncompromising position on POW repatriation, which would hold up the negotiations for the subsequent months. The initial policy was then followed by a "final package proposal" on April 28, 1952, that rejected forcible repatriation and reduced the number of Chinese and North Korean POWs to be repatriated from 116,000 to 70,000.²⁶

In May 1952, members of the Chinese negotiating team concluded that the United States' position on the POW issue (articulated on January 2, 1952) had been "aimed to achieve a politically superior position," a belief which was contrary to the Truman administration's intention to "launch an Anti-Communist propaganda offensive" should significant numbers of Communist POWs decide against return to Communist territory.²⁷ In response to a US/UN proposal to increase the number of repatriated Communist POWs from 70,000 to 83,000 on July 12, 1952, Li Kenong and other negotiators seriously considered accepting it, given that the figure of 83,000 was close to the Chinese team's bottom line of 90,000.²⁸ However, since Mao insisted that no compromise on the POW issue should be considered before Beijing "occup[ied] a more politically and military favorable position," Chinese negotiators rejected the proposal on July 18, 1952.²⁹ In his analysis of the Chinese response to US-proposed voluntary repatriation of POWs, Alfred D. Wilhelm Jr. argues that the Chinese were "psychologically assaulted by the news that a large percentage of Chinese prisoners held by the UN command were unwilling to return home."³⁰ While

this discussion does not give much consideration to the psychology of negotiations, future analyses could look into how cultural and linguistic differences, along with social preferences (especially with Chinese concerns about establishing general principles and maintaining equality of status in negotiations), could have interacted with or influenced domestic coalition shifts in explaining the outcome of the armistice talks.

At the outset of armistice negotiations, the United States had in fact been keen on a one-for-one POW exchange policy, which was supported by Secretary of State Dean Acheson against the advice of the Department of Defense, which had articulated a preference for voluntary repatriation.³¹ Voluntary repatriation was touted by the Army's psychological warfare chief as preferable in light of the "humanitarian and propaganda benefits" that would accrue with the widespread defection of Communist soldiers.³² Crucially, Truman's personal intervention and Acheson's policy reversal (after hearing about Truman's October 29, 1951, comments to Acting Secretary of State James Webb that he would only accept "an all-for-all prisoner swap if the UNC received 'some major concession that could be obtained no other way'"³³) cemented the administration's consensus on voluntary repatriation. In doing so, the Truman governing coalition ignored "possible evidence that its decision could mean stalemate and significantly prolong the war," including mixed reactions from its Western allies.³⁴ Thus, throughout the armistice talks, Truman's staunch insistence on voluntary repatriation based on moral and humanitarian principles made it difficult for his advisors to argue against him, underscoring the influence he wielded in formulating the administration's position.³⁵ This policy was fundamentally different from other agenda items in the negotiations because it was designed to articulate the ideological motivations of the administration's containment policy.³⁶ For example, in a press statement on May 7, 1952, Truman argued that forcible repatriation of POWs under UN Command would be "repugnant to the fundamental moral and humanitarian principles which underlie [the United States'] action in Korea" and that his government would "not buy an armistice by turning over human beings for slaughter or slavery."³⁷ The Truman administration's interests in advocating non-forcible

repatriation thus revolved around humanitarian, moral, and ideological concerns.

AUDIENCE COST THEORY AND THE TRUMAN AND EISENHOWER ADMINISTRATIONS

Fearon's study of how audience costs factor into a state's crisis bargaining considerations is especially pertinent in understanding the decision-making processes of the Truman and Eisenhower administrations. He notes that while leaders face both international and domestic audience pressures, domestic audience costs generate more influence than those of an international audience, since a government's legitimacy and authority is largely contingent on domestic political developments.³⁸ In analyzing the governing coalition's internal dynamics, it is apparent that key members of the Truman administration realized that they faced significant domestic and international costs should they back down from championing the voluntary repatriation policy. For example, in response to two proposals to modify the POW policy—one from the Progressive Party, the other from Mexico's president—Secretary of Defense Robert Lovett told Truman that responding to them would indicate "weakness" that "would un-do much of the



President Harry Truman and then-General Dwight Eisenhower in 1945

advantage currently being gained by increased military pressure.”³⁹ Subsequently, over the course of meetings with his advisors in September 1953, Truman articulated his support for increased military pressure to conclude armistice negotiations.⁴⁰ On October 8, 1953, Chinese and North Korean negotiators rejected three variants of the non-forcible repatriation proposal and UN negotiators announced an indefinite recession of the armistice talks.⁴¹ Acheson then delivered a statement at the ensuing press conference underscoring the administration’s resistance to compromise over non-forcible repatriation and claiming that softening such a position would be tantamount to “an abandonment of the principles fundamental to the [United States] and the United Nations.” In linking the “prestige and integrity of the Truman Administration”⁴² with voluntary repatriation, Acheson was cognizant of the (perceived) immense international audience costs the United States faced should it choose to compromise.

Fearon’s theory further posits that every crisis possesses a “unique horizon—a level of escalation after which neither side will back down because both are certainly locked in, making war inevitable.”⁴³ In applying Fearon’s concept of a unique horizon to the situation in October 1953, it is arguable that the United States had no option but to intensify military pressure given how the insistence on non-forcible repatriation and subsequent recession of negotiations had locked the Truman administration in. Thus, in October, as the United States stepped up bombing in the wake of the recessed talks, China responded with ground attacks in turn, generating the greatest number of UN Command casualties in a year.⁴⁴

In terms of domestic audience costs, the American public’s support for continuing negotiations had been falling since late 1951, with most of the public calling for “stronger steps” should the Communist side reject a UN-proposed armistice agreement.⁴⁵ Evidently,

Truman could not appear to de-escalate the current political stalemate by compromising on non-forcible repatriation without suffering unfavorable political consequences such as a fall in approval ratings. Conversely, President Dwight Eisenhower assumed office in January 1953 after having campaigned on a platform of bringing the Korean War to an end, his electoral success over Adlai Stevenson largely owing to Truman’s failure to end the war.⁴⁶ In February 1953, Eisenhower enjoyed a 70 percent public approval rating when it came to foreign policy, dwarfing Truman’s 30 percent rating the previous September.⁴⁷

While Fearon’s audience costs theory is also applicable to nondemocratic regimes—such as Communist China and the Soviet Union—he argues that “in authoritarian regimes the

principals often conduct foreign policy themselves,” which reduces the likelihood that such leaders would willingly remove themselves from power after backing down.⁴⁸ This analysis does not consider the domestic audience costs faced by the Chinese or the Soviets, primarily because the two governing coalitions were arguably significantly less constricted by public opinion as compared to the United States.

CHINESE GOVERNING COALITION

The Chinese decision to send troops into the Korean War in November 1950 was influenced by various factors, including Stalin’s exhortation to “give our Korean comrades an opportunity to organize combat reserves under the cover of your troops.”⁴⁹ Chairman Mao Zedong himself was keen on intervention to protect China’s physical and internal security interests, given China’s proximity to the North Korean peninsula.⁵⁰ This was despite the opposition of prominent members of the Chinese Communist Party (CCP) Politburo, including Premier and Foreign Minister Zhou Enlai, who handled responsibilities pertaining to management of

“Domestic audience costs generate more influence than those of an international audience, since a government’s legitimacy and authority is largely contingent on domestic political developments.”

the national budget and military demobilization.⁵¹ As the war effort wore on, the Chinese side incurred significant economic, human, and military costs.⁵² In January 1953, the Chinese government put its first Five-Year Plan into action, focusing its attention on the country's "long-term construction needs."⁵³ This was accompanied by a shift in the composition of the Chinese governing coalition, with key CCP leaders such as Deng Xiaoping, who had hitherto operated in regional posts, assuming important positions and working with officials with economic expertise who had initially opposed intervention, such as Zhou.⁵⁴ This new coalition, with a greater focus on domestic economic considerations, had a fundamentally different cost-benefit analysis of the Korean War and arguably wielded increasing influence in the Mao-headed governing coalition. This change, in conjunction with a dovish Soviet domestic coalition shift, would precipitate crucial Communist concessions on the POW issue.

ENDING THE KOREAN WAR: INTERACTING DOMESTIC COALITION SHIFTS

Three crucial domestic coalition shifts—Stalin's death in March 1953, Eisenhower's inauguration in January 1953, and the change in composition of the Chinese governing coalition as detailed above—were responsible for precipitating eventual agreement on the POW issue.

Stalin's death on March 5, 1953, combined with the assumption of power of a new leadership troika—Lavrentii Beria, Georgii Malenkov, and Vyacheslav Molotov—represented a "dovish" domestic coalition shift. Stanley notes that Beria and Malenkov led the more moderate faction of the Politburo which "advocated more conciliation towards the West."⁵⁵ The troika was also concerned about the Eisenhower administration's potential escalation of the conflict and the use of nuclear weapons.⁵⁶ As with the new Chinese governing coalition, they had a renewed set of policy priorities, with domestic issues at the forefront of their considerations.⁵⁷ After Stalin's death, Malenkov made speeches on March 9 and March 15 signaling a more conciliatory, peaceful tone toward future relations with the United States.⁵⁸ Both Chinese and Russian leaders then moved

in tandem to discuss a solution to the current stalemate, with the Soviet leadership troika and Nikita Khrushchev meeting with Premier Zhou Enlai on March 21, 1953, during Zhou's trip to Moscow for Stalin's funeral.⁵⁹ This generated the Communist consensus that "the Chinese and North Korean side was now in a position to conclude the war on the basis of reasonable compromises with the enemy."⁶⁰ This build-up precipitated Zhou's crucial proposal on March 30, 1953, for both sides to exchange willing POWs and to hand over those unwilling to be repatriated "to a neutral state so as to ensure a just solution to the question of their repatriation."⁶¹ Such a proposal was a major Communist concession because it recognized that there existed two groups of POWs, one of which did not want to be repatriated at that point in time.⁶² Zhou's concession opened the doors for an eventual resumption of armistice talks at Panmunjom on April 26, 1953.

On the American side, Eisenhower's administration arguably assumed a more "hawkish" stance, representing a hawkish domestic coalition shift. It seemed that Eisenhower had shared Secretary of State John Foster Dulles's belief (articulated in the latter's personal notes in December 1952) that the Soviets "expect[ed] the Republican Administration to be tougher and if it [was] not tougher they [would] enlarge their estimate of what they [could] get away with."⁶³ While the new Soviet leadership troika perceived the American coalition shift to be hawkish in nature, the Eisenhower administration also indicated its willingness to escalate military pressure through diplomatic channels.⁶⁴ Similarly, Zhou instructed the Foreign Ministry to analyze Eisenhower's campaign speeches, with the Chinese concluding that Eisenhower would likely adopt a more aggressive policy in Korea.⁶⁵ This bolsters the argument that Communist leaders were paying attention to the signaling behavior of the new administration and that the American coalition shift "influenced the communists' cost-benefit calculations, [leading to a] lowering [of] their demands"⁶⁶ and the eventual concession on POW repatriation. Additionally, while the Eisenhower administration had claimed that "a series of subtle and calculated moves"⁶⁷ had been taken to bolster the threat of nuclear war should an armistice not be signed, various authors have argued against attributing the resolution of the POW

issue to the effectiveness of these nuclear threats.

Chen Jian's study of Chinese foreign policy under Mao during the Cold War identifies Chinese leaders' changing assessments of the situation in Korea as principally responsible for China's softening position on the POW issue.⁶⁸

While he acknowledges that Stalin's death could have influenced such a change, he cautions against attributing the shift in the Chinese position solely to such an event.⁶⁹ It should be noted that

some of the literature on Chinese negotiating strategy during the Korean War maintains that Eisenhower's assumption of power and concomitant policies failed to alter Chinese cost-benefit calculations of the war. Alfred D. Wilhelm Jr. observes that "despite campaign rhetoric, [the Eisenhower Administration did not] change the Chinese view of the situation much."⁷⁰

ALTERNATIVE THEORIES ON DOMESTIC POLITICS

Given the discussion on domestic politics and (stalemated) war, it is useful to consider whether Elizabeth N. Saunders's theory on the importance of democratic elites and concomitant "elite cues"⁷¹ aids in understanding how the Truman and Eisenhower governing coalitions functioned. While Saunders posits the existence of an intermediate game within the two-level game framework to account for the "elite coalition" game, Stanley instead views such elite actors as "political patrons" that circumscribe the actions of the governing coalition.⁷² Earlier discussions of Truman's insistence on non-forcible repatriation against the advice of several advisors seems to indicate that the Truman governing coalition quickly came to a consensus on the POW policy, with individuals such as Acheson even reversing their stance on the issue.⁷³ Thus, in Truman's case, it is not evident that he had to invest significant effort in co-opting domestic critics of the non-forcible repatriation policy.

Since Eisenhower came into office with the support of a Republican Congress (unlike Truman), there was no need for him to "bargain with, accommodate, or co-opt key elites" who would have interfered with his administration's plans in negotiating the armistice. Given that

“A combination of domestic coalition shifts in the Chinese, Soviet, and American administrations precipitated the major Communist concession on POW repatriation that broke the stalemate in negotiations.”

the United States had been pursuing a military solution (rather than political unification), any proposals raised in the Senate to unify the Korean peninsula were given scant attention, providing little incentive

for Eisenhower to accommodate them. Overall, while Saunders's theory of a democratic elite audience adds value to an analysis of domestic politics, in the context of the Korean Armistice Agreement negotiations, the Truman and Eisenhower administrations did not face significant direct or indirect costs from democratic elites that would have constrained their policy options.

CONCLUSION

In the final analysis, a combination of domestic coalition shifts in the Chinese, Soviet, and American administrations precipitated the major Communist concession on POW repatriation that broke the stalemate in negotiations, enabling the successful conclusion of the Korean Armistice Agreement soon after. Future research extensions might include a comprehensive integration of research on Chinese and American negotiation styles and behavior into this discussion of domestic coalition shifts. The value of such research would lie in its contributions towards tracing a historical trajectory of Sino-American negotiating dynamics, which would create a firm foundation for understanding present-day US-China interactions. This understanding is a necessary endeavor, in light of enduring challenges and ongoing conflicts in the Asia-Pacific that concern the security interests of both countries.

NOTES

1. Sydney D. Bailey, *The Korean Armistice* (New York: St. Martin's Press, 1992), 138.
 2. Chen Jian, *Mao's China and the Cold War* (Chapel Hill: University of North Carolina Press, 2001), 99.
 3. Rosemary Foot, *A Substitute for Victory: The Politics of Peacemaking at the Korean Armistice Talks* (Ithaca: Cornell University Press, 1990), 42.
 4. Shu Guang Zhang, *Mao's Military Romanticism: China and the Korean War, 1950-1953* (Lawrence: University Press of Kansas, 1995), 218–219.
 5. Elizabeth A. Stanley, "Ending the Korean War: The Role of Domestic Coalition Shifts in Overcoming Obstacles to Peace," *International Security* 34, no. 1 (Summer 2009): 52.
 6. *Ibid.*, 57.
 7. *Ibid.*, 52.
 8. *Ibid.*, 57.
 9. *Ibid.*, 58–59.
 10. *Ibid.*, 59.
 11. Robert D. Putnam, "Diplomacy and Domestic Politics: The Logic of Two-Level Games," *International Organization* 42, no. 3 (Summer 1988): 434.
 12. Elizabeth A. Stanley, *Paths to Peace: Domestic Coalition Shifts, War Termination, and the Korean War* (Stanford: Stanford University Press, 2009), 74–75.
 13. *Ibid.*, 75.
 14. Walter LaFeber, *The American Age: United States Foreign Policy at Home and Abroad* (New York: W.W. Norton, 1994), 513.
 15. Jian, *Mao's China*, 87–88.
 16. Stanley, "Ending the Korean War," 63–64.
 17. *Ibid.*, 64.
 18. Wada Haruki, *The Korean War: An International History*, trans. Frank Baldwin (Lanham: Rowman & Littlefield, 2014), 171.
 19. Foot, *A Substitute for Victory*, 42.
 20. Stanley, "Ending the Korean War," 62.
 21. Zhang, *Mao's Military Romanticism*, 216–217.
 22. Alfred D. Wilhelm Jr., *The Chinese at the Negotiating Table: Style and Characteristics* (Washington: National Defense University Press, 1994), 142–143.
 23. Jian, *Mao's China*, 108.
 24. Foot, *A Substitute for Victory*, 96.
 25. *Ibid.*, 96–97.
 26. Jian, *Mao's China*, 108.
 27. *Ibid.*, 108–109.
 28. *Ibid.*, 109.
 29. *Ibid.*
 30. Wilhelm Jr., *The Chinese at the Negotiating Table*, 143.
 31. Stanley, *Paths to Peace*, 152.
 32. *Ibid.*
 33. Quoted in *ibid.*, 153.
 34. *Ibid.*, 153.
 35. Foot, *A Substitute for Victory*, 103.
 36. *Ibid.*, 108–109.
 37. Quoted in *ibid.*, 108.
 38. James D. Fearon, "Domestic Political Audiences and the Escalation of International Disputes," *American Political Science Review* 88, no. 3 (September 1994): 579–581.
 39. Quoted in Stanley, *Paths to Peace*, 161.
 40. *Ibid.*, 161–162.
 41. Foot, *A Substitute for Victory*, 149–150.
 42. *Ibid.*, 150.
 43. Fearon, "Domestic Political Audiences," 577.
 44. Stanley, *Paths to Peace*, 162.
 45. *Ibid.*, 162–163.
 46. *Ibid.*, 165.
 47. *Ibid.*, 167.
 48. Fearon, "Domestic Political Audiences," 581.
 49. Quoted in Jian, *Mao's China*, 89.
 50. Stanley, "Ending the Korean War," 71.
 51. *Ibid.*, 70.
 52. *Ibid.*, 71–72.
 53. Foot, *A Substitute for Victory*, 181.
 54. Stanley, "Ending the Korean War," 72–73.
 55. Stanley, *Paths to Peace*, 113.
 56. *Ibid.*
 57. *Ibid.*, 113–114.
 58. Stanley, "Ending the Korean War," 76.
 59. Jian, *Mao's China*, 112.
 60. Quoted in *ibid.*, 112.
 61. Foot, *A Substitute for Victory*, 168.
 62. *Ibid.*
 63. *Ibid.*, 159.
 64. Stanley, *Paths to Peace*, 171.
 65. *Ibid.*, 230–231.
 66. Stanley, "Ending the Korean War," 78.
 67. Quoted in Foot, *A Substitute for Victory*, 177.
 68. Jian, *Mao's China*, 115.
 69. *Ibid.*, 112.
 70. Wilhelm Jr., *The Chinese at the Negotiating Table*, 144.
 71. Elizabeth N. Saunders, "War and the Inner Circle: Democratic Elites and the Politics of Using Force," *Security Studies* 24, no. 3 (2015): 466.
 72. Stanley, *Paths to Peace*, 30.
 73. *Ibid.*, 152–154.
- Images:
- Page 44: "Panmunjom, Korea," November 1, 1951, Edward W. Plummer, https://commons.wikimedia.org/wiki/File:Panmunjom,_Korea,_the_site_of_military_armistice_negotiations_between_representatives_of_the_Communist_forces_fighting_in_Korea,_and_United_Nations_forces_representatives_HD-SN-99-03174.jpg.
- Page 46: NARA, June 19, 1945, https://commons.wikimedia.org/wiki/File:Photograph_of_President_Truman_laughing_and_chatting_with_General_Dwight_D._Eisenhower_at_the_National_Airport_in..._-_NARA_-_199134.jpg.

AN INTERVIEW WITH PROFESSOR MARIE GOTTSCHALK

Conducted by **Ariela Stein** and
Michael Torcello



Marie Gottschalk specializes in American politics, with a focus on criminal justice, social policy, and the presidency. She is a leading expert on mass incarceration and served on the American Academy of Arts and Sciences National Task Force on Mass Incarceration, as well as the National Academy of Sciences Committee on the Causes and Consequences of High Rates of Incarceration. Her work has been widely cited in the media and elsewhere. She appeared in Ava DuVernay's documentary 13th, and US Supreme Court Justice Sonia Sotomayor cited her work in her landmark dissent in Utah v. Strieff.

Professor Gottschalk is the author of, among other works, The Prison and the Gallows: The Politics of Mass Incarceration in America, which won the 2007 Ellis W. Hawley Prize from

the Organization of American Historians, and The Shadow Welfare State: Labor, Business, and the Politics of Health Care in the United States. Her latest book is Caught: The Prison State and the Lockdown of American Politics, which won the Michael Harrington Award from the American Political Science Association for "an outstanding book that demonstrates how scholarship can be used in the struggle for a better world."

She received Penn's Ira H. Abrams Award for Distinguished Teaching in 2017 and was the recipient of the Dean's Award for Innovation in Teaching in 2009.

Professor Gottschalk is a former editor and journalist and was a university lecturer for two years in the People's Republic of China.

Sound Politicks: Was there a moment you knew you wanted to study criminal justice and mass incarceration?

Marie Gottschalk: My first book, which was based on my dissertation, was actually about labor, business, and the problems of the US health care system. As I was finishing up *The Shadow Welfare State* in the late 1990s, the problem of inadequate health care remained such a depressing issue. I didn't feel I had anything more to say about it beyond this book. So that's when I shifted. At the time, articles about mass incarceration were just beginning to crop up in the back pages of newspapers. Virtually no political scientists were looking at the underlying political causes of the unprecedented rise in the US incarceration rate since the mid-1970s. The existing

political explanations appeared wrong or superficial to me.

So I shifted to an entirely new subject, which resulted in my second book, *The Prison and the Gallows*. That's something that junior faculty don't usually do. You are advised not to pick up a new topic that's completely different because you want to get tenure, and there are a lot of startup costs. I never studied criminal justice as an undergraduate, and I never studied it for my doctorate. There might be one common footnote citation between my first and second books.

I like to think that my third and latest book, *Caught*, is not another book on mass incarceration. Rather, it uses the carceral state as a lens to understand the broader pathologies in American politics today that are preventing the country from solving critical, potentially existential,

threats, including climate change, unprecedented economic inequality, and democratic decay.

SP: Within the broad category of criminal justice reform, in your view, what are the most pressing issues in our current political moment?

MG: The first is obviously that the United States is the world's warden, incarcerating more people in absolute and proportional terms than any other country. But we need to move beyond just discussions of mass incarceration to the idea of the prison beyond the prison, which includes the millions of people who are on parole or probation or who are in other ways being watched by the state, including people in immigration detention. Pennsylvania is one of the most punitive states in the country right now. It's third after Georgia and Idaho in the number of people who are in some way being surveilled by the criminal justice system.

So there's mass incarceration, there's the prison beyond the prison, and then there's what I'm increasingly talking about as a carceral democracy. We have such a large penal and law enforcement apparatus that has permeated our politics and our culture and metastasized into the fabric of our institutions. For example, so many people can't vote because of felony convictions or because they're on parole or probation that it has affected electoral outcomes, including the 2000 presidential race and many gubernatorial and Senate contests. Census figures are distorted because we don't count people from Philadelphia as residents of the city if they're housed in a prison outside the city. We don't properly enumerate people in prison for our unemployment figures, for our figures on violence, for our figures on poverty, voter turnout, and education. Because the penal population is so large now, it's distorting our own understanding of ourselves.

“We have such a large penal and law enforcement apparatus that has permeated our politics and our culture and metastasized into the fabric of our institutions.”

We can no longer say—if we ever could—that criminal justice is over here and American politics is over there. In fact, criminal justice is a huge public policy issue that has even larger implications for the general polity. Even if you have never been to prison or jail, even if you have never had an incarcerated family member, you are not six degrees of separation from the carceral state.

The final issue concerns how to think about racial factors and the carceral state. As the racial order continues to invent new ways to target African Americans, it has generated punitive policies and practices that diffuse to other groups in the United States. African Americans continue to be much more likely than whites to

be swept up in the war on drugs. But the racial gap has been narrowing. As the war on drugs has been winding down on some fronts, it has been intensifying elsewhere, notably in rural, predominantly white areas that are

reportedly facing the scourges of methamphetamine and opioid epidemics. Capturing and detaining immigrants has become one of the most dynamic growth areas of the carceral state. Whites are more likely to be swept up in the war on people accused of sex offenses, which has been gaining momentum since the 1990s and has eerie parallels with the war on drugs. In short, the United States would still have an incarceration crisis even if it were locking up African Americans and Latinos at “only” the rate at which whites in the United States are currently incarcerated—or if it were not locking up any African Americans or Latinos at all.

SP: In a 2014 article you referenced the concept of “civil death”—the denial of core civil liberties and social benefits as a result of a criminal conviction. What are the political and electoral implications of disenfranchising such a vast number of Americans? Does it tend to reproduce many of the same policies that have

led to this situation in the first place?

MG: Questions about the fundamental legitimacy and validity of US election results have been centered on the Russian collusion issue. But separate from that, many domestic issues have cast doubt on US elections—including the unreliability of computerized voting machines, the role of big money in politics, and felon disenfranchisement. Wide swaths of the population are not permitted to vote because of their criminal record, and the disenfranchised are disproportionately people of color and people who are poor. As I mentioned earlier, sociologists have calculated that if Florida had not banned an estimated 800,000 people with criminal records from voting in the 2000 election, Al Gore would have handily carried the state and won the White House.

In addition to felon disenfranchisement, we are creating other gradations of citizenship dependent on one's criminal record. Whether you have served ten years in prison or one year or one day—or you have a felony conviction but you didn't serve any time—you walk around with an invisible or maybe not so invisible “F” on your forehead. That “F” not only affects your right to vote in many states, but also can affect your right to live in public housing, receive a student loan, or be licensed in many professions, including hair stylists and barbers, which are popular vocational training programs in many prisons.

SP: Moving from the federal level to the local level, you served on the transition team of Philadelphia District Attorney Larry Krasner. What do you see as the most significant policies he's pursued so far, and where do you see him taking the DA's office moving forward?

MG: We need to look at not only the specific policies but also the politics and rhetorical climate. Krasner has articulated the problems with and consequences of mass incarceration in an impressive way. He has kept them in the public eye and made them understandable to a wider public. He's been willing to take considerable political risks. And he has shown so far that those risks don't necessarily doom you. When he was running for election, he was unwavering in his criticism of civil asset

forfeiture laws. He was steadfastly committed to ending capital punishment. He has put the police on notice that the district attorney's office will no longer take a hands-off approach to police abuses, including possible criminal violations in the case of civilian deaths by police officers. But he has also been creative about these issues. He met this spring with rookie recruits at the police academy to discuss scenarios in which prosecutors might consider criminal charges in cases of police shootings. But he also underscored that he was not seeking to pillory officers for judgments made in the heat of the moment with limited information. He also suggested that the police need to rethink standard weapons training based on shots to the chest or back, which are often fatal, rather than to the arms or legs, as is the practice with armed officers in some European countries.

Krasner's office has already made some important policy shifts, including not prosecuting sex workers and minor marijuana cases and setting a much higher threshold for prosecuting retail theft. This has cleared a whole bunch of people out of the system. Krasner is revitalizing the conviction integrity unit and appears serious about reconsidering closed cases in which there are credible claims of innocence or official malfeasance. He has been adhering not just to the letter but also to the spirit of the three important Supreme Court decisions declaring that mandatory life sentences for juvenile offenders are unconstitutional. His office has taken a refreshing stance on the question of resentencing these juvenile lifers. Krasner is not shy about acknowledging that people who have committed serious crimes, including homicide, but who have paid their dues and no longer pose significant threats to public safety, should be released. He has spoken out about the “bad cops” and the Meek Mill case. Just this week, his office unequivocally declared that Meek Mill should be released and that he deserves another trial.

These are phenomenal changes in the criminal justice environment. The stars have lined up such that Philadelphia is now the epicenter of real criminal justice reform in the United States. This is due to several factors, not just Larry Krasner. They include the city's extensive network of organizations mobilized around these issues, the Meek Mill case, the activism of Malcolm Jenkins and other Eagles, the revitalized local newspapers,

critical support from the MacArthur Foundation and the ACLU, and, of course, the now infamous Starbucks incident.

SP: Aside from outliers such as Krasner, how does the exceptional practice of electing prosecutors and judges in the United States affect mass incarceration?

MG: It has a profound effect. The United States is the only advanced industrialized democracy that largely relies on elections or some other kind of highly politicized process to choose its district attorneys and judges. If I could change one thing in the system—which is probably not going to happen in my lifetime—it would be to magically snap my fingers and say we don't elect judges and we don't elect prosecutors anymore.

If you go back to the origins of the modern criminal justice system, the whole point was to get away from eye for eye justice. The thinking was that victims of crime and their families may be too impassioned and too emotional to determine what's an appropriate punishment or sanction. The rationale was to turn it over to a neutral party, such as the state. But in the US case, most attorneys general, district attorneys, and judges are elected or chosen in some other political manner. The positive side of that is that new groups are now mobilizing to challenge the punitive direction through the ballot box, as we have seen with the election of Krasner and other reform-minded district attorneys, such as Kimberly Foxx in Chicago and John Chisholm in Milwaukee.

SP: In recent years, we've seen some bipartisan movement to condemn mass incarceration, primarily centered around its high financial costs. Do these developments that focus on economic factors offer any hope for change or is it just political posturing?

MG: The economic costs create an opening for the broader conversation. But it took decades to build the carceral state, and it's going to take time to dismantle it. This means you have to have a sustained movement anchored in more than just dollars-and-cents arguments. We have seen the economy go up and down several

times since the 1970s. When it's been down, everyone says we're finally going to turn the corner on mass incarceration. But the incarceration rate continued to escalate. The fact is that true de-carceration will probably cost more money rather than less as cities, states, and communities double down on a commitment to dealing with poverty not by criminalizing it but by providing adequate health care, substance abuse treatment, housing, and jobs programs.

Furthermore, the economic savings from reducing the prison and jail population have been overstated. It costs about \$50,000 a year to keep someone in a state prison in Pennsylvania. But each time someone is released, the state does not end up with \$50,000 to spend on something else. The marginal costs for each incarcerated person are much less. The main costs are fixed ones for the facilities and labor. Unless you start actually closing prisons and laying off people, you're not going to save significant amounts of money. And for all this talk about how prisons cost so much money, the \$7 billion a year spent on the federal prison system is incidental compared to the size of the whole federal budget. In states, spending on corrections has been among the fastest growing budget items, second only to health care. But in total amounts spent, it's still very far behind education and health care. States still spend on average about twice as much on highways as they do on prisons.

SP: How do you think the prison industrial complex and the prevalence of private prisons contribute to the political calculus around mass incarceration?

MG: The argument about privatization and the prison industrial complex is a popular one, with many people saying we got mass incarceration because there was money to be made. But when you actually examine the origins of the prison boom, it is difficult to conclude that the main cause was money and economic interests. That said, the factors that initially propelled mass incarceration may not be the same ones that sustain it today. Now that we've created this massive penal system, there are hugely powerful economic interests vested in that system. These economic interests have become much nimbler political players. Through campaign donations,

lobbying, and repositioning their companies for new markets, they are able to sustain not only mass incarceration but also the prison beyond the prison. The major prison companies are acutely aware that pressure is mounting to reduce the number of people in prison and jail. So they've been investing more in electronic monitoring, privatized probation and parole, and immigrant detention. They are not necessarily diverting people out of the criminal justice system but rather inventing new kinds of surveillance and control as they update their business model. If left unchecked, these developments will fortify the carceral state over the long term.

SP: For the average Penn student who might not be that knowledgeable on this topic, where do you think they should start? Is there a particular book or anything else that can make this issue more accessible?

MG: Many students are drawn to this issue by Bryan Stevenson's *Just Mercy*, which I assign in my courses. Students often say at the end of the semester that they plan to pass their copy of this book on to a sibling or parent or friend. The other key book is obviously Michelle Alexander's *The New Jim Crow*, which many students have encountered in high school or just picked up on their own.

Stevenson is a gifted writer, and he chooses compelling individual cases to focus on. Students also identify with Stevenson's personal story. Like many undergraduates today, as a young man he wondered about how he was going to make his mark in the world. He writes about how he had an existential crisis early on at Harvard Law School. This propelled him to go to the South to work on capital punishment cases and eventually establish the Equal Justice Initiative. Students can relate to that personal story of struggle and to his gripping individual stories of people who have been wronged by the system because of racial and economic factors.

“The stars have lined up such that Philadelphia is now the epicenter of real criminal justice reform in the United States.”

Today, we see Bryan Stevenson as this charismatic speaker who's won all these awards and is a national figure in criminal justice reform. We assume that there was a straight line to get him where he is now. But *Just Mercy* recounts in mournful detail the heartbreaks, anguish, self-doubts, setbacks, and serendipity that are all key parts of his story. I see so many undergraduates who feel like life is a chess game. If I just make the right move here and the right move there, eventually I'll get to checkmate. The idea that serendipity and fate play central parts in their lives is harder to accept.

SP: In recent years, there's been increased media attention and political attention to police brutality and police shootings. You were featured in the documentary film *13th*, and you also mentioned well-known works such as *The New Jim Crow*. Do you think the level of popular engagement with criminal justice issues is changing?

MG: There's definitely more engagement. If you said the term “mass incarceration” fifteen years ago, most people had no idea what you were talking about. Now, I would say it's almost become a household word. When I used to talk about how extraordinarily high the US incarceration rate is, even very educated people, even colleagues of mine here in the department, had a raised eyebrow. We are now in the second stage of this discussion, with the growing use of the terms carceral state and carceral democracy. I wanted to use the term carceral state in the subtitle of my latest book. But my editor and others said it was too academic, it's too mysterious. My students said it sounds too much like cancer. So I settled on “prison state” instead. But I think the term carceral state has finally arrived now that popular commentators like Ta-Nehisi Coates regularly invoke it.

SP: In addition to your work on criminal justice, you offer both undergraduate and

graduate courses on the American presidency. Has the Trump administration changed your approach to teaching the presidency as an institution?

MG: Every new president changes the course somewhat. One of my students said in class the other day, “Well, Trump is not a normal president.” And I had to say, “Well, what is a normal president?” Students want to treat Trump as an exception and decontextualize him from the wider political, institutional, economic, and political factors that gave us President Trump.

I spent two years teaching in China shortly after the official reckoning about the Cultural Revolution. The Chinese Communist Party decided that the “Gang of Four” was primarily at fault. Chairman Mao was not officially considered part of that Gang of Four, but he was deemed to be about 70 percent good and 30 percent bad. Many of my friends and students in China would hold up five fingers when they said Gang of Four. The fifth finger was Chairman Mao. But it was harder to get my students in China to understand, what was it in the system that allowed these four or five people to do what they did? Characterizing Trump as this exceptional figure, this super freak president, obscures the deeper political and other factors that we’ve been tracking for a number of years that make his emergence less surprising. When I went to revise my first lecture for the presidency course in the spring term following the election, I discovered that most of the main themes I had previously outlined did not have to change radically to explain Trump’s ascent to the presidency.

The other important piece related to teaching the presidency is that many students—as well as the general public—are inclined to put halos over Trump’s immediate predecessors. Barack Obama looks even more wonderful. George W. Bush, who was in the low 30s in

public opinion polls when he left office, is now in the low 60s, and his biggest gains have been with Democrats. It is harder for students to step back and critically evaluate Bush and Obama and to see important continuities between their administrations and the Trump presidency.

SP: To that point, this past week, many legislators and commentators criticized the president for launching air strikes against Syria without congressional approval. To what extent is President Trump’s use of executive power a new development and to what extent is it the continuation of a historical trend in the realm of foreign policy?

MG: How is it different from the missile strikes that Clinton launched against Iraq? Against a pharmaceutical company in Sudan? In Afghanistan? Clinton was waging a not so covert air war against Iraq long before George W. Bush’s invasion. And what about Obama and the US intervention in Libya? The US war in Libya raised the same troubling issues about war and executive power that Trump’s Syrian missile strikes did.

SP: Do you think there will be any lasting institutional effects on the presidency after Trump leaves office?

MG: Trump may have reawakened the public to the framers’ dark and dire warnings about the threat of concentrating excessive, unaccountable power in one person without significant institutional constraints. The framers had expected Congress to exercise that constraint. They didn’t give much of a place for the public to directly exercise those restraints. The framers warned that even the best patrician president—bright, educated, cosmopolitan, nonpartisan, from the right rung of

“Trump may have reawakened the public to the framers’ dark and dire warnings about the threat of concentrating excessive, unaccountable power in one person without significant institutional constraints.”

society—is a threat if you give him (and they were all expected to be him) unchecked power. As the framers elaborated, such leaders will have big egos. They will not be immune from using war as a means to consolidate their powers and political position. So you have to make them accountable and to control them through legitimate institutions, beginning with Congress. Maybe that message will come home stronger now that Trump is in power.

This was harder for people to see in the case of Obama because he spoke in a more measured way and seemed more intelligent. Nonetheless, Obama concentrated executive power and engaged in military and police actions, such as the drone war, the war in Libya, and the National Security Agency’s massive warrantless surveillance of people in the United States, in ways that would have made the framers gasp.

SP: The Mueller investigation is obviously an ongoing affair, but what is the likelihood that his findings will have significant political or legal consequences—possibly including impeachment—for the president himself?

MG: I’m not a forecaster, but I think Mueller is a great example of where Congress doesn’t want to take responsibility. After we had the Clinton impeachment debacle, we basically threw out the independent counsel law. Instead of fixing the problems with it, Congress tossed it. That’s what helped get us into the current mess. After the Clinton impeachment, the United States did not have a meaningful national conversation about when impeachment is truly justified in the country. It was “Oh, never mind” as we went into the 2000 election.

Bipartisan legislation has been proposed in Congress to forbid the firing of Mueller without just cause. But the Republican leadership is not permitting it to move forward. Sen. Charles Grassley says such legislation is not necessary because firing Mueller would be tantamount to political suicide for Trump. The framers would have balked at such a faith-based check on power. They likely would have supported more formalized institutional checks, such as well-crafted special prosecutor legislation.

After the 2018 midterms, we may be in a situation similar to the Democratic comeback after the 2006 midterms. The Democrats’ eyes were then turned to the 2008 election. They did not seriously consider impeachment, even though polls showed that a majority of the public supported impeachment if it were true that intelligence findings had been manipulated to sell the US war against Iraq. Are the Democrats going to pursue impeachment if they become the majority party in Congress after the 2018 elections? Probably not.

As for Trump and the Republican Party, maybe I’ve been watching too much *Homeland*, but I can’t help feeling like at some point, Vice President Pence may begin quietly canvassing sympathetic cabinet members to collect the necessary votes to invoke the Twenty-fifth Amendment and ease Trump aside. If the 2018 midterms are a bloodletting for the Republicans, Pence’s hand may be stronger to do so without invoking the wrath of Trump’s base. Pence has deep ties to social conservatives and evangelicals, as well as to the corporate sector and leading oligarchs, most notably the Koch brothers. He also has close ties with congressional Republicans, having served several terms in the US House and as chair of the House Republican Conference.

SENIOR HONORS THESIS ABSTRACTS

**Strategic Restriction Theory:
International Domain-Specific Regulation and
the Global Governance of the Air and Outer
Space Domains of Warfare**

Alexis Montouris Ciambotti

In response to the inconsistent regulation of domains of warfare and the insufficiency of extant theories of international law, international relations, and arms control to explain the circumstances under which states create domain-specific regulation to govern the prosecution of warfare in a given domain, this thesis posits a new theory: strategic restriction theory. Strategic restriction theory argues that states create international domain-specific regulation to restrict the strategic flexibility of other states operating in a given domain of warfare. More than any other framework of international security law, domain-specific regulation allows states to ‘freeze’ what warfare means in a given domain. Strategic restriction theory argues that an innovation, as defined by Horowitz, that fundamentally changes the value of warfare in the domain triggers states’ creation of domain-specific regulation and their desire to actively ‘freeze’ the strategic flexibility of other states. To assess the theory’s explanatory power, this thesis applies strategic restriction theory to the regulations states created for the air and outer space domains, through The Hague Rules Concerning the Control of Wireless Telegraphy in Time of War and Air Warfare of 1923 and the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (hereinafter the “Outer Space Treaty”) of 1967 respectively. This thesis examines the development of technology related to the domain and assesses the development of regulation up to the domain-specific treaty, examining primary source correspondences between government officials involved in the development of the regulation (via archival research), the plenary meeting minutes and comments of delegates to the regulatory conferences and

commissions, and the regulation itself.

**Democracy Under Siege:
An Examination of Russia’s New Threats to
Western Democracy**

Adam deLisle

Russia has had strong motivations to undermine the United States’ global standing since the beginning of the Cold War but has only had an opportunity and the tools to do so recently. Moscow’s goal during the 2016 US presidential elections was primarily to sow discord and chaos in the American political system. Americans trust their government and anyone who disagrees with them politically far less than they did just a few decades ago, a problem that is exacerbated by the fragmented state of news outlets and social media’s impact on news consumption. Lowered trust provided a vulnerability for Moscow to exploit. Russia leveraged key features and algorithms in social media to reach as large an audience as possible and have the best chance of influencing those it reached. Though it is impossible conclusively to prove that Russia had a significant effect in the election, its efforts were clearly successful in many measures, inciting Americans to politically charged, and occasionally violent, actions. So far, Russia has seen few repercussions for its actions because the international community is poorly equipped to respond to this sort of information warfare, the American government has not enacted significant concrete policy, and social media platforms have been unwilling to put precautionary measures in place. Potential resolutions to this new era of information warfare face their own difficulties in distribution and acceptance, but will be necessary to preserve democracy.

Politics of Basic Science Research Funding

Richard Diurba

The field of science policy studies the intersection of political science, public policy, and basic science. Most

researchers focus on the benefits of government research funding after governments approve the funding. Instead, this thesis analyzes the political processes that modulate the distribution of funds absent of the scientific output that funds produce. By combining a quantitative study on distributive resources and a short qualitative study on Congress challenging the Superconducting Super Collider and the James Webb Space Telescope, I develop a complete picture of how politics governs the distribution of science funds. The study found that the prestige of an NSF grant winner statistically significantly raises the value of the NSF grant and that the best indicator for NSF budget increases rest in the budget request the agency makes itself. Politically, the only variable that contains the most definitive increase in NSF grant funding lies in the partisan lean of the congressional district of the NSF grant recipient. For Big Science projects, I concluded that Congress acts apolitically in regulating these projects and that most of a struggling project's success or termination rests on intrafield support and the timeline of the project.

**Woman Protective Arguments in
the Anti-Abortion Movement:
A Survey of the National Right to
Life Committee**

Courtney Dougherty

Much of current scholarship studying the anti-abortion movement argues that the movement has increasingly adopted a woman protective anti-abortion argument (WPAA) instead of a fetal protective approach. A WPAA refers to any argument that opposes abortion due to the apparent harms and risks it has for women. Contrarily, a fetal protective argument opposes abortion because it harms an “unborn child.” However, there has not been a significant shift in the anti-abortion movement's usage of WPAA's, and this argument strategy actually remains a tangential approach in comparison to fetal protective arguments. Looking at the National Right to Life Committee and its newsletters from both its initial years and the modern day, this paper concludes that the quantity of WPAA's and the expression and form of WPAA's have remained consistent since the movement's creation in the late 1960s.

**Gendered Development:
Evaluating Barriers to India's Female Labor
Force Participation**

Gabrielle Harrigan

The transfer of women's work from unpaid work within the household to paid work outside the household is one of the most fundamental transformations of economic development and gender equality. As an economy expands and industrializes, women join the labor force due to higher educational levels, reduction in fertility rates, and diversified employment opportunities. However, the traditional relationship between women's participation in the labor market and broader development outcomes has an important outlier: India. Despite significant developmental advancements and steady GDP growth, the second most populous country exhibits one of the world's lowest female labor force participation rates. This thesis examines the paradox of declining female labor force participation in India even as education and incomes rise. It first examines India as a “deviant case” study and tests two overarching hypotheses: the sectoral composition of economic growth and cultural and social norms. The second section presents a “most similar case” study between the Indian state of West Bengal and Bangladesh. Controlling for culture and income, the case draws on the earlier analysis and tests the causal influence of the earlier identified independent variables on the regions' disparate female labor force participation rates. My results suggest that economic growth in itself is not sufficient for superseding cultural norms and increasing female labor force activity. Rather, the sectoral composition of growth is a central consideration in elevating the value associated with female socioeconomic contributions. India's economic policies at the state and national level have largely failed—unlike Bangladesh—to 1) incentivize inclusive growth in employment intensive industrial sectors and 2) generate demand for female labor in substantial numbers.

**Administrative Structures and
District Election Officials:
A Survey of Poll Workers in Pennsylvania**

Phoebe Henninger

Because so much of the work in US elections falls on a single day, local election officials rely on over a million temporary, non-professional workers to manage the in-person voting operation. Fair, accurate elections and voter confidence in the electoral system depend on poll workers' interactions with voters and their ability to carry out electoral procedures. As critical as their role is, however, little is known about these temporary government agents, and even less is known about the impact of local administrative structures on their performance. This study contributes to our understanding of the poll worker's role by examining the behavior of Pennsylvania's District Election Officials in the context of three administrative structures: 1) the methods by which they are selected, 2) the partisan anatomy of the District Election Boards on which they serve, and 3) their formal training requirements. I find little evidence to connect these administrative variables to poll workers' attitudes about ballot access, their use of discretion in determining voter eligibility, or the problems that arise at their polling place. The data for this analysis come from an original survey of poll workers in three Pennsylvania counties. It serves as a pilot for future surveys of the poll worker population.

**Western Right-Wing
Populism and Automation:
A Story of Modern and Future Politics**

Justin Hopkins

This piece seeks to demystify the enigma of right-wing populism, by illustrating its qualities, its causes, and how it resulted in varying Western electoral successes. Particular among the catalyzing forces of right-wing populism, this paper sought to conduct research on the cause of automation, both because of the lack of research on this subject presently and because of the massive likely impact of automation hereafter. Using a cross-section of economic and political data and using the case studies of Donald Trump in the United States

and Marine Le Pen in France, this paper argues that an apparent correlation exists between automation and the electoral success of right-wing populism. Specifically, and with more research available about the United States, right-wing populist leaders prevailed disproportionately in areas with the highest automation per capita, with higher shares of routine jobs, where job growth was the most lackluster, where earnings were lower, and where unemployment was higher. Notably, although these phenomena are indeed established, this paper argues that right-wing populists, rather than contending against automation directly, instead consistently employ the scapegoat of "the other," i.e., the foreigner, as the rhetorical reason for this economic strife. As this paper illustrates, automation should become increasingly prevalent in the coming decades, potentially mechanizing tens of millions of jobs without replacement. This likely scenario underscores the need to generate awareness about automation as a legitimate force in politics and the economy alike, and underscores the need to outline potential policy prescriptions that could safeguard against the underestimated economic and political power of automation—especially related to future right-wing populist success. Structurally, this discourse will illuminate the following insights: compose a specific, coherent definition of right-wing populism based on scholarly input and analysis; broadly highlight the worldwide and domestic factors incubating it in the United States and France; dive deeply into automation as a phenomenon and as a catalytic cause; illuminate the relevant machinations of the American and French political and electoral systems; analyze the populist attributes of Trump and Le Pen and their employment of rhetoric responding specifically to automation concerns; reflect upon the United States and France presidential elections of 2016 and 2017 comparatively; illustrate the projected impact of automation in terms of the future electorate's economic opportunities; and discuss policy prescriptions that could be instituted to mitigate automation's potentially growing influence on right-wing populist movements in the future. Among motivational factors, this paper will particularly focus on the present and future impact of automation, as it relates to these manifested right-wing populist leaders, because of its outsized and simultaneously under-studied role in

these movements.

**Media Distrust:
Whose Confidence Was Lost**

Hunter Pearl

The news media is among the least-trusted institutions in the nation, with only 41 percent of Americans reporting a great deal or fair amount of trust in it (Swift 2017). This is a major change from the highly trusted media of the mid-twentieth century, although historically this independent, powerful, and widely respected media establishment is an anomaly. To analyze the causes of media distrust over the last forty years, I have demographically broken down results from a question asked by the General Social Survey since 1972. I tested these results, isolated through a regression analysis, against my predictions of potential sources of media distrust. Among all the factors, only political factors—partisanship and political ideology—were substantially significant, while age and hours of TV watched showed weak significance. This did not clearly support any of my predictions but indicates the preeminence of politics as a determinant of media trust.

**Let's Talk About Sex:
The Role of Interest Groups in Developing
Local Sex Education Policy**

Sophie Raffel

This study considers the impact of interest group activity on sex education policy in two parts. The first offers an analysis of sex education policymaking in the US through considering past research on the issue, as well as the influence of interest groups and key actors. The second part will use frameworks from this analysis to investigate more deeply the events in two different local school districts: Santa Rosa County, Florida, and Broward County, Florida. This paper investigates the strategies interest groups employed in these counties to appeal to the regional demographics, values and personal interests of local residents in order to pass their desired sex education policy. Each case study considers the interactions of these interest groups with local governmental institutions, regional identities, and

national-level trends and movements. The analysis of both sections of this research contribute to an overall understanding of why abstinence-only education continues in many school districts across the country despite lack of empirical evidence for the efficacy of such programs. In addition, this research advances our understanding of how successful interest group organizing can forge and appeals to different types of identity politics in ways that both shape and interact with party politics. Throughout the history of sex education policymaking and on both sides of the argument, we see interest groups developing strategies that engage people as citizens, seeking to influence national and local policy outcomes in ways that speak to their sense of identity and their values.

**The New Normal:
A Study of Chinese (Non-)Interference
on the Korean Peninsula**

Jamie Seah

Chinese interventionism on the Korean Peninsula is rooted in security interests, manifests clearly in Chinese sanction behavior, and ultimately undercuts the rhetoric of non-interference. South Korea's experience with Chinese economic and diplomatic reprisals due to THAAD (Terminal High-Altitude Area Defense) deployment illustrates the characteristics and impacts of contemporary Chinese sanction behavior. With North Korea, China seems to be mounting an increased effort to implement its international sanctions commitments, implying that it is less averse to international sanctions on North Korea as it used to be. Full enforcement, however, is perhaps more contingent on clamping down on border smuggling and illegal trade via maritime channels as well as seeking alternative sources for key commodities traditionally obtained from North Korea. In addition, Chinese public diplomacy rhetoric regarding North Korean nuclear testing behavior has displayed a shift since 2006: while China still consistently communicates its priorities of denuclearization of the peninsula and regional peace and stability, it has taken a firmer stance on North Korean intransigence and articulated a stronger degree of condemnation of North Korea's actions. China has also sought to explicitly emphasize its

commitment to carrying out its international duties, i.e. enforcing UN Security Council resolutions, suggesting that China perceives a need to convey the seriousness with which it takes its international commitments irrespective of the specific context of the matter. These findings on Chinese interference reveal that there are fundamental weaknesses in China's claims to upholding its international obligations, that China is becoming increasingly sophisticated in its use of economic statecraft, and that future prospects for Chinese leadership in conflict resolution remain uncertain but could change for the better.

**Nailing Jell-O to the Wall:
Analyzing the Economic and Security
Tradeoffs of China's Internet
Sovereignty Model**

Stephanie Yuen Tze Tang

In the last few decades, the international community has seen major upheavals in global Internet governance norms that previously argued for total freedom and openness on the Internet. Developments in cybercrimes and cyberattacks have questioned whether self-governance of the Internet is the best model to adopt. In response to these questions, China has in the last decade begun to promote a new concept called Internet sovereignty, which suggests that the principle of state sovereignty extends to the Internet, so governments have the right to regulate the Internet as they wish within their own borders. Scholars generally agree that China's desire to promote this concept internationally is reflective of their desire to be seen as a "great power"; however, they have not examined the domestic effects of China's efforts to implement this model. An examination of key regulatory measures and cases, as well as policy papers and official rhetoric from the Chinese Communist Party has revealed that China's attempts to adopt Internet sovereignty domestically are driven largely by concerns about regime security. However, in their pursuit of regime stability, China's policies have also inadvertently created acute consequences that foreign and domestic firms in China must now face. These consequences threaten to limit China's continued economic growth in three major

ways: through disincentivizing the involvement of foreign firms in China, through constraining domestic firms' attempts to expand abroad, and through creating greater tensions between China and other countries, such as the United States. China's current approach to Internet sovereignty therefore struggles to balance these competing interests between security and economic development; it is uncertain how or whether China's leaders will be able to better manage these issues in the future.

**"Let the People Rule":
The Promises and Perils of
Direct Democracy in the Modern World**

Michael Torcello

Democracy today is widely practiced as a representative form of government. In contrast to ancient democracies such as Athens, the people vote for officials and then hope they will support legislation that aligns with their beliefs. Increasingly, however, empirical evidence suggests that most people's policy preferences have little impact on what the government actually does. Rather than acceding to the will of the people, elected leaders often enact measures according to their own political views or those of special interest groups. In light of this unresponsiveness, direct democracy offers ordinary citizens an opportunity to make their voices heard. This work examines three distinct categories of direct democracy that are prevalent in the modern world: referendums; "local democracy," which includes practices such as participatory budgeting and town meetings; and citizens' assemblies, where people come together to make recommendations on electoral reform or other policies. Each of these instantiations of direct democracy has its own unique strengths and weaknesses, which are examined through case studies from the United States, Brazil, Iceland, and elsewhere. This thesis argues that although referendums improve on representative government in some ways, their democratic potential is limited because they reproduce many of the flaws inherent in elections. Local democracy and citizens' assemblies, on the other hand, tend to increase people's autonomy, encourage productive deliberation, and provide educative benefits.

While they are not perfect mechanisms, they move participants closer to experiencing the freedom of self-rule that direct democracy promises.

Diversity in Urban Refugee Livelihoods: The Case of Somali and Congolese Refugees in Kampala

Shirin Vetry

This study builds on previous research on the diversity of refugee livelihoods by comparing livelihood strategies across time and between two refugee communities. This comparative case study examined Somali and Congolese refugees before arrival, at initial arrival, and six months after arrival in Kampala, Uganda. Interviews and focus group discussions highlighted the importance of centralized aid between refugees of the same national background as well as the high levels of vulnerability among Congolese refugees due to their comparative lack of centralized aid within their community. These results demonstrate the important role refugees play in the creation of an enabling environment for self-reliance in urban settings.

From the Table of My Memory: Shakespeare, Identity, and Political Change in Mexico and Argentina

Helena von Nagy

In Mexico and Argentina, the localization of Shakespeare marks the crystallization of a new nationalist, political identity rooted in a reshaped collective memory. The development of this identity and the role of memory form a new kind of national citizenship. This group citizenship gives an individual a connection to a nation established around the collective memory of events, or what I term the memory-nation. The localization of Shakespeare, then, marks the complete formation of a citizenship in a new memory-nation. In Mexico, the localization of Shakespeare and its use in cinema was part of a larger process of defining post-Revolutionary Mexican political identity rooted in an appreciation for *lo mexicano* (or all things Mexican, from cultural products to people to the landscape) and the egalitarian project of the Revolution. Shakespeare appears in four films that

make distinct arguments in favor of this new national identity: *El peñon de las ánimas* (based on *Romeo and Juliet*), *Enamorada* (based on *The Taming of the Shrew*), *Romeo y Julieta* (based on *Romeo and Juliet*), and *El charro y la dama* (based on the *Taming of the Shrew*). In Argentina, the localization of Shakespeare to protest the dictatorship conveyed a post-dictatorial Argentine identity based on a mandate for memory and a search for justice. It articulated a new kind of non-violent political existence rooted in a search to remember the wronged by achieving justice for them (the disappeared in Argentina were represented by the ghost of Hamlet's father). These emphases came to define political rhetoric, the practice of social accountability, and the expectations placed on the Argentine government. Moreover, the appropriation of Shakespeare serves as the victory of the oppressed over the anglophile oppressive party by claiming the pinnacle of the oppressors' culture as the new vehicle to articulate a non-violent, rights-based vision of citizenship in the nation. In both Mexico and Argentina, Shakespeare is used to illustrate the ideals of the new memory-nation and justify those ideals, transforming the audience's understanding of citizenship. This new citizenship is always non-violent and rights-based.

Protest and Authoritarian Consolidation: Dissent and Demonstration in Post-Coup Egypt

Hani Warith

This thesis proposes a framework for understanding contentious mobilization in Egypt following the June 30, 2013, removal of President Mohammed Morsi. The paper creates a conceptual separation of "statist" and "private" civil society in order to highlight the ways in which contentious mobilization within labor unions and professional syndicates were used as vehicles in order to diminish the role of Islamists within Egyptian society. Using exploratory data analysis and six case studies this paper illuminates the unintended consequences of the 2013 coup and the role the contest between Islamists and non-Islamists within civil society organization drove Egyptian political outcomes—a phenomenon previously neglected in the paper. In doing

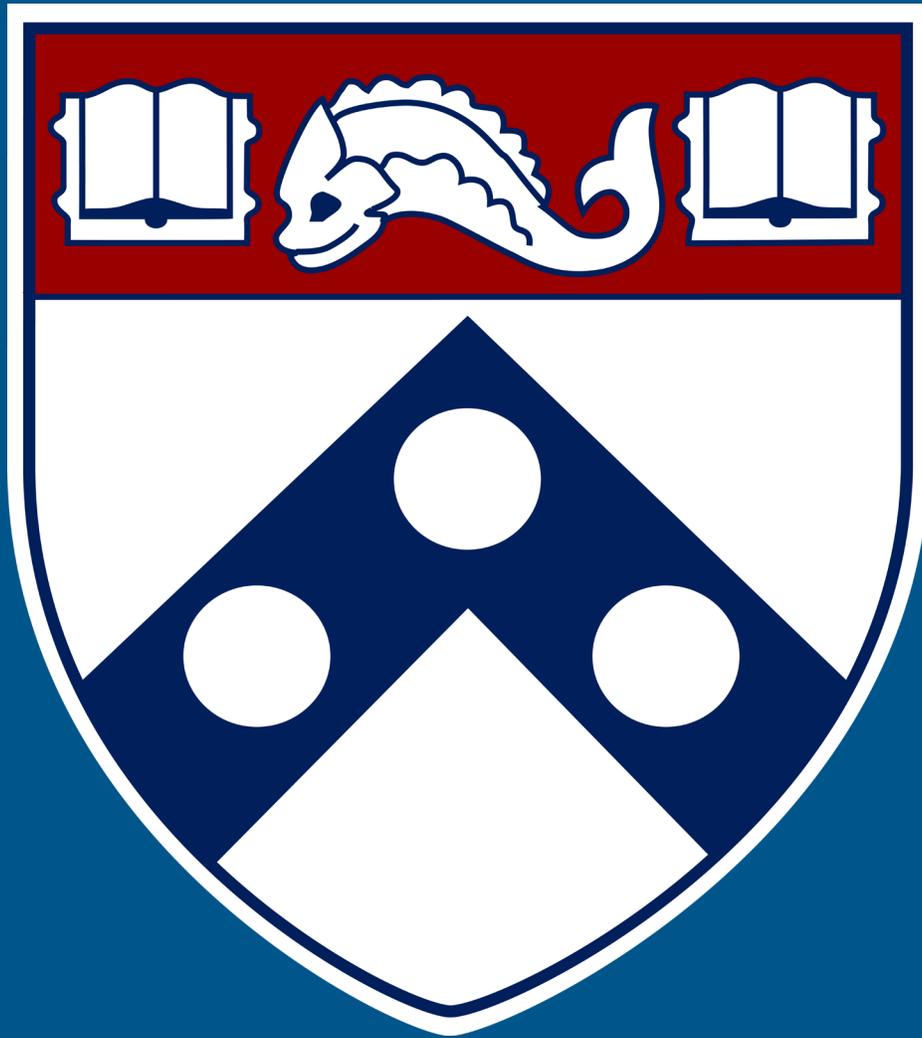
so it hopes to propose a path towards a more accurate model for protest and contentious mobilization that goes well beyond newsworthy rallies in Tahrir Square to accommodate the importance of mobilization within government organizations to Egyptian political outcomes.

**Unintended Consequences in
Higher Education Finance Policy:
Implications for Current Income-Share
Agreement Legislative Efforts and Beyond**

Patrick Zancolli

Although the creation of a federal financial aid system in the United States has greatly expanded opportunity for students seeking postsecondary education, the higher education financing system faces a handful of problems in its current state. At the same time that the higher education financing system is facing these issues, an alternative to traditional student loans known as income-share agreements (ISAs) is gaining attention. There is currently a lack of federal legislation that provides a national framework for ISA providers and students to work within. Policymakers are considering

this situation and attempting to address it in a way that properly balances the interests of both ISA student and lenders, but past policy in this arena has had a tendency to cause effects that were not intended. This study seeks to understand if there is a way that policy can be examined that allows for the identification of certain types of policy that result in unintended consequences before the effects go into place. In order to do this, I examine ten higher education financing policy cases over the past sixty years in an effort to establish a theory of policy that causes unintended consequences. I then test this theory using three interviews with higher education experts relevant to the ISA space in an attempt to see if this theory can be applied to additional cases, such as proposed ISA policy. I find that, although it is difficult to establish a theory that predicts if a policy will cause unanticipated results with certain, the findings from my case studies and interviews can serve as a set of lessons of what has worked well and failed in higher education financing policy. As applied to proposed ISA policy, I conclude that policy entrepreneurs in this space will face difficulty in adopting lessons from past policies due to the challenges to policy learning they face in the current legislative climate.



SOUND POLITICKS

© 2018 University of Pennsylvania