

# Critical Issues in Justice and Politics

Volume 4 Number 1 May 2011  
ISSN 1940-3186

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## *Editorial Office*

Department of Political Science and Criminal Justice  
Southern Utah University  
351 University Blvd., GC406  
Cedar City, UT 84720

Phone: 435-586-5429

Fax: 435-586-1925

University Webpage: <http://www.suu.edu/>

Department Webpage: <http://www.suu.edu/hss/polscj/>

Journal Webpage: <http://www.suu.edu/hss/polscj/CIJP.htm>

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May 2011

ISSN 1940-3186

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## *Subscription Information*

*Critical Issues in Justice and Politics* is a refereed (peer-reviewed) journal which contributes to the theoretical and applied nature of justice and politics. We are a scholarly journal which requires all articles to undergo an extensive review process for both content and format. Our emphasis is on the exchange of qualified material in order to generate discussion and extend the often limited boundaries of scholarly exchange.

*Critical Issues in Justice and Politics* is sponsored by the Department of Political Science and Criminal Justice at Southern Utah University. The editorial board is comprised of faculty from the department as well as select faculty and practitioners from around the United States.

Published twice a year (March and September) *Critical Issues in Justice and Politics* focuses on emerging and continuing issues related to the nature of justice, politics, and policy. A special emphasis is given to topics such as policy, procedures and practices, implementation of theory, and those topics of interest to the scholar and practitioner alike.

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It is the editorial policy of *Critical Issues in Justice and Politics* to accept submissions from all disciplines so long as the material relates to justice and politics. We also encourage submissions from practitioners, students, and others who have an interest in the topics.

### *Simultaneous Submissions*

We prefer manuscripts which are not under review by other journals or publications. We endeavor to review all manuscripts in a timely fashion, so simultaneous submissions are not usually necessary. Refereed submissions are submitted within forty-eight hours of acceptance and we generally ask reviewers to complete their

assignment within 10 working days. In most instances an editorial decision may be reached within a month of submission.

Non-refereed materials usually receive attention within the first week of submission. An initial editorial decision is often made within 5 business days.

All papers submitted for refereed publication will be sent to at least two reviewers. We use a blind-review process which submits papers in anonymous format. If there is a clear split between the reviewers then a third reviewer may be used when necessary for clarification or additional comment. We do rely very heavily on our reviewers for insight and recommendations. All of our reviewers hold the appropriate degree and experience to qualify them for the particular project.

Reviewers are asked to evaluate manuscripts on the basis of their scholarly competence as well as the potential contribution to appropriate theory or related areas. Authors may not contact reviewers during the process, and reviewer names are not disclosed unless the reviewer agrees for such disclosure.

Authors who dispute the findings or suggestions of a reviewer may submit their response in writing. Final decisions on publication remain the domain of the editorial board.

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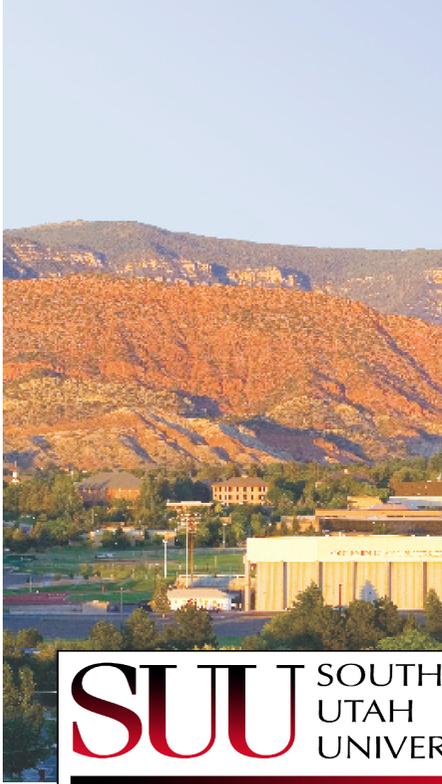
## From the Associate Editor

With this edition, we begin year four. It is our intention to continue to actively pursue and support our subtitle... *Discussing the Present – Influencing the Future*.

*CIJP* greatly appreciates all of the authors who have chosen to submit their research and writing to us for consideration of publication. We completely understand that by the time a paper is finished, each author will have developed a near-parental attachment to the subject matter, the data, and the finished research. That so many authors choose to submit to *CIJP* is a tremendous compliment to this journal.

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# **What Factors Influence the Criminal Justice Policymaking Process?: A Case Study of Policy Decisions about Correctional Boot Camps in North Carolina**

**Tiffany Bergin**  
**University of Cambridge**

The criminal justice policymaking process remains an understudied area (Ismaili, 2006). This article aims to increase knowledge about the forces which shape criminal justice policymaking through a case study of North Carolina's policy decisions about correctional boot camps. A systematic search was undertaken of all of the articles that were published in a local newspaper about correctional boot camps between 1988 and 2007. A comprehensive content analysis of these articles reveals that boot camps were adopted, in part, as a response to serious problems in the correctional system and that boot camps were later abandoned because of fiscal constraints. Political parties do not seem to have significantly affected decisions about boot camps, but the recommendations of experts and other unelected stakeholders appear to have played an important role. Interestingly, although scholars have paid most attention to the positive media coverage given to boot camps (Armstrong, 2004), the tone of coverage in this newspaper was both very negative and very positive at different points in time. The article concludes by suggesting specific directions for future research into criminal justice policymaking based on the findings of this case study.

## **Introduction**

Correctional boot camps are military-style programs which require prisoners to engage in military-inspired drills and lots of physical exercise (Wilson, MacKenzie & Mitchell, 2003). Often targeted at young offenders, correctional boot camp regimes generally last for less than a year and require prisoners to wear uniforms, observe rigid disciplinary regulations, and address correctional officers with appropriate respect (Gowdy, 1996). In 1983, Georgia became the first state in the United States to use a boot camp in its corrections system (Armstrong, 2004). By 1987, seven states had adopted correctional boot camp programs for adults and, by the middle of 1992, less than a decade after they had first appeared, more than half the states in the country had adopted adult boot camps (U.S. General Accounting Office, 1988; 1993).

The pervasive spread of boot camps is interesting because numerous studies were released during this period which showed that many (though not all)

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Tiffany Bergin is a PhD candidate in Criminology at the University of Cambridge in the United Kingdom. She obtained her MPhil in Criminological Research at Cambridge and received her BA with highest honors from the Woodrow Wilson School of Public and International Affairs at Princeton University. Her PhD dissertation focuses on the diffusion of correctional boot camps throughout the United States during the 1980s and 1990s.

Contact Information: Tiffany Bergin, Institute of Criminology, University of Cambridge, Sidgwick Avenue, Cambridge, United Kingdom, CB3 9DA. Address email to [tb363@cam.ac.uk](mailto:tb363@cam.ac.uk).

boot camps did not reduce recidivism, save public money or ease overcrowding in prisons - all key promises of boot camp advocates (Wilson et al., 2003; U.S. General Accounting Office, 1993; Nossiter, 1993). In the late 1990s and the 2000s, the tide began to turn against boot camps (Stinchcomb & Terry, 2001), and a number of states abolished their boot camp programs (Clines, 1999).

This article examines how and why one particular state - North Carolina - chose to adopt, expand and eventually abolish its correctional boot camp program. Since criminal justice policymaking remains a relatively under-researched field (Ismaili, 2006), the findings of this case study can help guide future work in this area.

### **Literature Review**

One of the earliest and most groundbreaking inquiries into criminal justice policymaking was Heinz, Gittleman and Seeskin's 1969 interview-based study of the decisions of the Illinois state legislature. Heinz and colleagues found that political parties and elections did not exert as much influence over the criminal justice policymaking process as one might expect; instead, a small elite group of well-connected politicians, officials and academics was very influential. McGarrell's (1988) analysis of juvenile justice policy change in New York State two decades later indicated that macro trends in economics, politics and culture can impact the types of criminal justice policies that legislators adopt. More recent work by Culp (2005) showed that criminal justice policymaking can be, at least in part, a response to real problems in the criminal justice system, while Nicholson-Crotty's (2009) research demonstrated that in some cases criminal justice policymaking is influenced more by policymakers' concerns about being reelected than it is by actual evidence. At the national level, research by Windlesham (1998) and Stolz (2005) revealed the influence that interest groups can have on criminal justice policymaking, while Miller's (2004) study of congressional hearings illustrated the power of bureaucrats - "prosecuting attorneys, judges, law enforcement organizations, public defenders and corrections officers" - in the criminal justice policymaking process (Miller, 2004, p. 581).

In addition to general research into criminal justice policymaking, numerous theories have also been put forward about the factors which specifically influenced policymaking about correctional boot camps (Cullen, Blevins, Trager & Gendreau, 2005; Armstrong, 2004). Cullen and colleagues (2005) have argued that the harshness of boot camps appealed to policymakers and fit in well with the "tough-on-crime" political mood of the 1980s and 1990s. The U.S. General Accounting Office's (1993) report on correctional boot camps cited the overcrowding which plagued many state prisons in the 1980s and 1990s

as one of the reasons why such programs spread. According to this report, boot camps offered an alternative to traditional incarceration which, in theory, could lead to shorter sentences for offenders and reduced public expenditure on corrections (U.S. General Accounting Office, 1993; Nossiter, 1993). The significant public support boot camps have had may also partially explain why so many states adopted them (MacKenzie, Brame, McDowall & Souryal, 1995). One final factor which has been cited to explain the spread of boot camps throughout the United States is the media (Cullen et al., 2005; Armstrong, 2004). According to Armstrong (2004), boot camps received much more attention from the media than many other correctional programs and such attention may have further increased their popularity. This study explores whether these and other factors played a role in North Carolina's policy decisions about boot camps.

## Methods

The case study approach was selected because it allows researchers to explore the complex nuances of policymaking in great depth (Domhoff, 1996). Following the example of Krutz (2005), the state for the case study was carefully chosen to maximize the representativeness of the study's findings. North Carolina was not one of the first nor was it one of the last states to adopt boot camps (Cronin, 1994); it also did not experience the scandals and extraordinary situations which may have impacted decisions about boot camps in other states (Clines, 1999).

Since local newspapers can provide a vast wealth of information about the policy change process in U.S. states (Marschall & Shah, 2005), one local newspaper was chosen to provide information about the policymaking process in North Carolina. The newspaper was *The Fayetteville Observer*, a well-known daily which had a circulation of 59,558 in 2009 (Mondo Newspapers, 2010). A systematic search of all articles published in 1988 - one year prior to North Carolina's adoption of a boot camp program (Cronin, 1994) - to 2007 was then conducted using the comprehensive database Newsbank. The search terms consisted of the phrases "boot camp" and "boot camps." This broad strategy was employed to ensure that all articles related to correctional boot camps were returned. The headlines and keyword-in-context excerpts were then read for all of the hundreds of articles found in the searches to determine their relevance. Duplicates were removed and all relevant articles were then content-analyzed (Marschall & Shah, 2005). Key themes were identified and a general narrative outline of the numerous different decisions and actions policymakers took in relation to correctional boot camps was constructed (Ritchie & Lewis, 2003). The analysis particularly focused on identifying the key factors mentioned in the newspaper articles which seemed to affect the policymaking process. Whenever

possible, information obtained from the newspaper articles was triangulated through government documents, external reports and other sources. The key themes and factors which emerged from the content analysis are discussed in the next section.

## **Results and Discussion**

*Boot Camps as a Response To Problems.* According to *The Fayetteville Observer*, the initial decision by the state legislature and governor to adopt correctional boot camps in 1989 was in large part a direct response to problems in North Carolina's correctional system (Reform road, 1989). The prison population had risen rapidly in recent years and a former inmate had launched a lawsuit alleging overcrowding and other poor conditions in the corrections system (Shaw, 1989). In an editorial published during this time, boot camps were framed as a partial solution to the problem of escalating prison populations (Reform road, 1989). As described in the literature review, boot camp advocates said this correctional innovation could reduce crowding in prison systems by allowing offenders to serve shorter sentences and, in theory, by changing offenders' attitudes and reducing their likelihood of returning to custody (U.S. General Accounting Office, 1993). This finding that boot camps were, at least in part, a direct response to problems faced by the state is similar to Culp's (2005) finding that problems in correctional systems encouraged policymakers nationwide to consider privatized correctional policies.

*Relative Unimportance of Political Parties.* Interestingly, at the time boot camps were adopted in North Carolina, the governor was Republican and the General Assembly was controlled by Democrats (Reform road, 1989). Articles published during this period did not associate boot camps with one particular political party, indicating that support for boot camps may have been at least somewhat bipartisan (Shaw, 1989; Reform road, 1989). Such bipartisan support was clearly visible three years later when politicians were campaigning for the 1992 elections. An article reported that a Republican senate candidate endorsed the use of correctional boot camps (Reese, 1992, February 4), while a Democratic candidate for lieutenant governor also expressed support for boot camps (Weaver, 1992). Both the Democratic and the Republican candidates for state attorney general also championed the use of boot camps (Wilkie, 1992). Similarly, in the 1996 election, both the incumbent Democratic candidate for governor and the Republican challenger supported boot camps in some form (Stinneford, 1996). This seeming insignificance of political parties mirrors the findings of Heinz and colleagues (1969) discussed in the literature review that political parties did not greatly affect criminal justice policymaking the Illinois legislature.

*Experts and Unelected Officials.* Many articles mentioned the positions experts, unelected officials and other prominent stakeholders held on the issue of correctional boot camps. For example, one article from 1993 described how the corrections secretary and other high-profile advisers to the governor recommended more boot camps for juveniles (Wire reports, 1993). Another article from the same year featured a prominent judge expressing support for more juvenile boot camps as well (Oriole, 1993). A 1994 article reported that “child advocates” and “coordinators of programs for youth” testified before the state assembly and recommended, among other things, allocating significant funds for a boot camp (Stinneford, 1994, February 10). Being called to testify before a legislative body can lead to influence over the policymaking process, indicating that such experts and stakeholders may have played an important role in decisions about boot camps (Miller, 2004).

Such experts also operated at the local level in North Carolina and a 1993 article reported that a committee of “court officials, school representatives, welfare workers and mental health workers” had worked together to establish a county-run correctional boot camp program (Barnes, 1993, May 9, Saving youth military-style). A 1994 article stated that another local taskforce of community leaders endorsed the creation of even more boot camps (Oriole, 1994, January 13), while an article published later that same year highlighted the taskforce’s attempts to secure funding for their proposals (Oriole, 1994, March 18).

Finally, it is important to note that although most articles which cited the opinions of experts and unelected officials reported that these prominent individuals endorsed boot camps, a few articles also described the opinions of those who did not support boot camps. A 1998 article, for example, described a speech by a state court of appeals judge at a local college in which she criticized boot camps as ineffective and “designed to fit into a television sound bite” (Shaffer, 1998).

*Actions of The Federal Government.* Although some research has found that, under certain conditions, the federal government can affect policymaking in the states (Allen, Pettus & Haider-Markel, 2004), it is difficult to establish from newspaper coverage what role action by the federal government may have played in North Carolina. An editorial written less than three months before North Carolina’s boot camp program opened noted that the federal drug czar advocated the use of boot camps for some drug-involved offenders (Dry up the drug market, 1989), while another published four years later reported that the U.S. Senate and the House of Representatives had both passed bills allocating federal money for boot camps (Roll call, 1993). Since it is impossible to draw conclusions from these limited findings, future researchers might want to

reexamine the role of the federal government in the criminal justice policymaking process using other methods.

*Research.* *The Fayetteville Observer* ran numerous articles between 1988 and 2007 which reported the results of research about the effects and effectiveness of boot camps. An article published in August 1989, before the first state boot camp even opened, noted that some studies in other states had found that boot camps did not reduce recidivism (Attractive but worthless, 1989, August 16). Four years later, another article declared that the U.S. General Accounting Office's report about boot camps in many different states "found that the rate at which inmates are sent back to prison is almost as high as that for ordinary prison inmates. In addition, the cost per day of housing an inmate in boot camp is as high as, or higher than, the cost per day of housing an inmate in a minimum-security prison" (Boot camps stumble, 1993). These same findings about the recidivism effects and costs of boot camps were reiterated in another editorial published nearly five months later (Legislative stampede, 1994) and more discouraging results about another state's correctional boot camp program were discussed in a 1996 editorial (Virginia's dare, 1996). Although more articles reported negative evidence, a few articles did report positive evidence, such as one 1994 article which stated that a county-run correctional boot camp in North Carolina had a low recidivism rate (Barnes, 1994).

*Scandals.* In addition to reports about research on boot camps in other states, in the late 1990s and the 2000s several other articles appeared which described scandals in boot camps in other states (Day of reckoning, 1999; Death in the desert, 2001). One article discussed possible abuses of offenders in boot camps in other states and also quoted a professor of criminology who stated that boot camps did not reduce recidivism (Day of reckoning, 1999). Even after North Carolina abolished its boot camp program in 2002, *The Fayetteville Observer* continued to report on scandals in boot camps in other states (Jackboot camp, 2007). Although this study cannot test whether such coverage of national research, research in other states, and scandals in other states affected policymaking in North Carolina, it is interesting to note that these issues received significant attention in this state newspaper.

*Negative Media Coverage.* Closely connected to these articles about disappointing research results are the numerous, subjective, negative editorials about boot camps that were published in *The Fayetteville Observer* (Abandon our students?, 1994). "The available data runs against boot camps," stated one editorial from March 1994, which also claimed: "They're popular, but probably not worth the money" (Help for youth, 1994). Another editorial from later that same year simply declared: "Boot camps have not lived up to their promise anywhere they have been tried" (Slow progress, 1994). One editorial published

in 1998 discussed some of the nuances of evidence about boot camps and reported that the most successful boot camps provided wide-ranging services to inmates and also offered aftercare (Useful, or useless? 1998). This finding mirrors that of the Campbell Collaboration's systematic review of boot camps, which found that, although on the whole correctional boot camps did not reduce recidivism, boot camps which emphasized educational programming, drug treatment and other services performed better than other boot camps (Wilson et al., 2005). Given the research methods employed in this study it is impossible to measure the effect of the media on the policymaking process. However, the discovery of these editorials reveals that not all media coverage of boot camps was positive and that future researchers interested in exploring the effects of the media should investigate such negative coverage as well as the more positive coverage which has traditionally received more attention from academics (Armstrong, 2004).

*Positive Media Coverage.* In addition to negative articles and editorials, *The Fayetteville Observer* also published many positive articles about boot camps. In contrast to the negative editorials and articles, which were often about, or inspired by, evaluations and reports from boot camps in other states, these positive articles typically focused on the state and county-run correctional boot camps within North Carolina. Just over a month after the state-run boot camp program began, an article described the discipline and rigors of the program (Lee, 1989). Another article published several years later reviewed the work of a relatively new county-run correctional boot camp and highlighted the efforts of the staff who worked there (Barnes, 1993, May 9, Ex-drill sergeant shows he cares), while yet another article published later that same year offered hopeful quotations from a boot camp participant about how she had changed and had decided to lead a law-abiding life upon her release (Cheek, 1993). An article from 1996 described a typical day at a correctional boot camp and featured an interview with a drill sergeant (Mullen, 1996) and another article described how a sheriff's deputy who had set up a local correctional boot camp had won a national award for doing so (Reese, 1996). Yet another report about the activities and mission of a county-run boot camp was published in 1997 (Mullen, 1997) and a 2001 article featured quotations from one boot camp participant about how the program had helped him develop more pro-social attitudes (Peterson, 2001). Even after the state-run boot camp program was abolished in 2002, articles about the discipline and cost-savings of a county-run boot camp continued to appear in *The Fayetteville Observer* (Washington, 2002; Burks, 2006). As described in the literature review, a number of scholars have theorized that positive media coverage may have increased the popularity of correctional boot camps and facilitated their spread throughout U.S. states (Cullen et al., 2005; Armstrong,

2004). Whether this positive coverage outweighed the negative coverage described earlier and affected policymaking in North Carolina is a question that future researchers should explore.

*The governor.* In several articles published in the early 1990s, the governor, who was elected in 1992, was said to have: supported correctional boot camps (Real crime prevention, 1993; Stinneford, 1993); advocated their expansion (Reese, 1994); and played an important role in the policymaking process related to boot camps (Stinneford, 1994, January 14). A headline even referred to legislation which included funding for a boot camp as “[The Governor’s] Crime Package,” since he had proposed it (Stinneford, 1994, January 14).

*Closure due to funding concerns.* In 2002, North Carolina’s state-run correctional boot camps closed (North Carolina Department of Correction, 1995-2009), although at least one county-run boot camp remained in operation (Burks, 2006). A 2002 article reported that the state-run boot camps were closed because of “budget cuts” (Leskanic, 2002). The economic downturn of 2001-2002 had strained the state’s fiscal resources and subcommittees in both the state House and Senate had recommended cutting funding for, and even eliminating, the boot camp programs (Peterson, 2001). Unlike the state-run boot camp program, the county-run boot camp that also received a lot of coverage in *The Fayetteville Observer* and remained open even after the state-run boot camps had closed was primarily funded through donations rather than public funds (Burks, 2006). The closure of the state-run boot camp program illustrates that economic and fiscal concerns can thus also impact the criminal justice policymaking process.

## **Conclusion**

The findings of this study indicate that criminal justice policymaking can sometimes be a direct response to problems and can sometimes be greatly affected by economic and fiscal concerns. Interestingly, political parties seem to have been relatively unimportant in North Carolina’s policymaking process regarding boot camps, while experts and unelected stakeholders appear to have been at least somewhat significant. The governor also seems to have played a key role in decisions about boot camps, while it remains unclear what role the federal government may have played. This case study also demonstrates that coverage about boot camps in this local newspaper was at times quite positive in tone and at times quite negative, raising questions about whether media coverage may have had an effect on states’ decisions about boot camps - and what kind of effect that may have been.

When interpreting these findings, it is important to remember that they emerge from a case study and thus are not necessarily generalizable. Also,

although every attempt was made to triangulate the information contained in the newspaper articles through government documents and other sources, the findings of this study are still limited by the scope and tone of the coverage contained in the newspaper.

Ultimately, this case study suggests several important directions for future research into criminal justice policymaking. Researchers may want to explore whether this study's surprising findings about the seeming importance of unelected stakeholders and the seeming unimportance of political parties in the criminal justice policymaking process for boot camps are also applicable to other criminal justice policies. Future researchers could also use other research methods to examine the influence of the federal government and the media over criminal justice policymaking, since this study was unable to test the effect of either of these variables. Finally, future researchers might want to compare criminal justice policymaking processes in different states or examine whether the policymaking process for criminal justice policies differs from the policymaking process for other types of policies. Research into any of these topics would be valuable as more studies about criminal justice policymaking are deeply needed (Ismaili, 2006).

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## **Local Politics and the Police: Influence and Behavior**

**Shannon N. Waters**  
**Shawn B. Snyder**  
**James J. Vardalis**  
**Tarleton State University**

The decentralized police system in this country has created innumerable local governmental bodies along with local departments of police. Many law enforcement units rely on elected officials for salary, equipment, and funding, however, state laws and how they are enforced provide some degree of autonomy for the police. This mutually dependent relationship creates a potential for a quid pro quo environment. Understanding the interaction between a group that is in a position to influence law enforcement behavior and a group that could claim autonomy has become an important issue for the American public. Research into the area of relationships and interaction between police and politics can be grounded with Wilson's 1968 work, which examined the relationship between political culture and police behavior. The purpose of this study is to attempt to determine the extent of police influence on local politics. This research collected data utilizing a survey of city managers in North Texas. These findings do not support an abundance of evidence that would suggest the police attempt to influence political decisions. The researchers did not expect the degree of cooperation reported among the elected body, city managers, and police. The results of this quantitative and descriptive study may become an important factor for understanding the contemporary local government structure and, relationships.

### **Introduction**

Throughout American history the fields of policing and politics have been intertwined and often turbulent. During the early part of the 20<sup>th</sup> century, political corruption ran rampant through many major metropolitan police departments and law enforcement agencies. Recently, advocates of reform and police professionalism have strived for a more defined separation between policing and politics. There has been a considerable amount of research done evaluating the interactions between police departments and local governments, the majority of which has been based off of J.Q. Wilson's theory of police organizational behavior published in 1968. The primary focus of Wilson's work was to determine how the type of local government could affect the organizational characteristics of the policing agency. In his findings he

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**Shannon N. Waters** is an Instructor of Criminal Justice at Tarleton State University. Ms. Waters research interests include corrections, drug courts and law enforcement issues. She currently seeks admission to a Ph.D. program.

**Shawn B. Snyder** is a Graduate Teaching Assistant at Tarleton State University. He plans to enter a federal law enforcement agency after graduation.

**James J. Vardalis** is an Associate Professor of Criminal Justice and Chair at Tarleton State University. The research interests of Dr. Vardalis include law enforcement issues, police consolidation and police performance. He has published numerous journal articles and technical reports.

identified that the type of local government had a correlation with the organization of the law enforcement agency. Other researchers, though not duplicating Wilson's methods completely, have come to the conclusion that the type of local government in place had no correlation with the organization of the law enforcement agency (Hassell, Zhao, and Maguire, 2003; Zhao & Hassell, 2005; Zhao, He, & Lovrich, 2006). While there has been some research done on Wilson's theory and how city governments affect police department organization, there has been very limited research into how and to what extent police departments involve themselves in local city politics. It can be argued that there may be a symbiotic relationship between local government and police departments that share the same jurisdiction.

However, even after the massive reforms done over the decades to address political interference in police agencies, it is still evident that there is an infusion of police and politics. In 2009, a bill was read in the U.S. House of Representatives attempting to grant collective bargaining rights to all state and local public safety officers including firefighters, law enforcement agents, and emergency medical service personnel. This bill sought to federalize state and local government labor management relationships and would have given employees in this specialized field a substantial amount of political power within their respective jurisdictions. Currently, the bill has been referred to a subcommittee and is awaiting investigation, deliberation, and revision.

Another arena of constant police-politico entanglement is in the practice of electoral endorsements. In many jurisdictions, it is the social norm for police departments to publically endorse political candidates during times of elections. Usually reported in the local news publications or on television and used by candidates, a police department or a police officers' union will give its support to candidates running for mayor, district attorney, council members, or local judges. Since the general public has a favorable perception of the police, police endorsements can be a very powerful asset for a candidate in an election (Schanlaub, 2004). An endorsement from a law enforcement agency may permit a candidate to gain the confidence of voters even though they may be uneducated about the candidate's political stance (Salokar, 2007).

## **Literature Review**

For more than thirty years scholars, practitioners, and academics have attempted to examine and explain the complex relationship between local government and policing. One of the most noted works on this subject is *Varieties of the Police Behavior: The Management of Law and Order in Eight Communities* by James Q. Wilson (1968). This work primarily focuses on the relationship between police organizational behavior and the local political

culture. Wilson's work has shown, through both citation and page analysis, to be among one of the most prominent and widely cited works in police and criminal justice academic works (Cohn, Farrington, & Wright, 1998; Wright and Miller, 1998). Wilson's theory of police behavior was developed based on his study of eight police departments and in-depth interviews with officers of all ranks, official department records, and field study (Hassell et al., 2003). At one time, it was noted that Wilson's theory of police behavior was the only theory derived from empirical evidence of police organization (Langworthy, 1986). In *Varieties*, Wilson stated that policing agencies differentiate themselves in the way they execute the tasks of policing. After determining the different characteristics and procedures of each department, he developed three distinct styles of policing: legalistic, service, and watchman style. Because every police agency must serve these three functions of law enforcement, the differences among these styles are not based on the different activities performed by the agencies but how the activities are executed (Liederbach and Travis, 2008; Travis and Langworth, 2008).

Based on Wilson's three different styles of policing, departments with a legalistic style are more formalistic, having more established rules and regulations than other kinds of departments (Wilson, 1968). Legalistic style police departments share the organizational arrangements of the bureaucratic model of policing (Kelling and Moore, 1988). These rules are strictly enforced to make sure that an officer's conduct is always in line with the department's policies. According to Wilson (1968), in these departments there tends to be more hierarchal differentiation, meaning that they contain more ranks within the department to strengthen administrative authority. The primary purpose of formalization is the control of officer discretion. Wilson stated that discretion, except for under carefully defined circumstances, allows opportunities for officers to use that discretion for improper or corrupt reasons (Hassell et al., 2003). It is for this reason that the departments with this legalistic style tend to have high arrest rates of juveniles and issue higher numbers of traffic citations. Legalistic departments have an organizational structure that is typically hierarchal and decidedly specialized. The majority of the decision-making process is directed to upper management and administrators and very little input is taken from lower level officers (Zhao and Hassell, 2005). It was also observed that in legalistic departments there are more divisions of labor. This means that there are more specialized units to deal with specific aspects of policing such as drugs, gangs, or prostitution (Hassell et al., 2003).

The watchman style of policing stresses the order-maintenance function meaning that more attention is paid to controlling social disorder within the local community (Zhao and Hassell, 2005). Unlike the legalistic style, officers in the

watchman style are able to exercise much more discretion in situations and determine whether a police intervention is needed and to what extent the police should be involved. Instead, police officers are viewed more as deeply involved communal “craftsmen” and they need to have a broad grasp of policing and have enough discretion to carry out their work (Wilson, 1968). Officers under this type of organization do not interact with citizens frequently and their agencies stress the peacekeeping functions of policing (Liederbach and Travis, 2008). Watchmen style police departments also tend to not be as strict with procedures and rules and have a more decentralized form of authority than the legalistic style departments (Hassell et al., 2003).

The third style of policing is the service style. The service style lies in the middle ground between the legalistic style, being the most structured and formal, and the watchmen style, having more of a relaxed bureaucratic system and allowing more officer discretion. Service style departments have a more profound command structure than the watchman style departments but are not as formal and as hierarchically tall as a legalistic style department (Hassell et al., 2003). Officers under this style regard every citizen complaint as needing a police response; however, they do not rely on the criminal code to define police issues (Liederbach and Travis, 2008). Crimes such as robberies and burglaries will take precedence over less serious offenses and whenever possible arrests are avoided, but there will be frequent use of informal non-arrest sanctions (Zhao and Hassell, 2005; Wilson, 1968).

Having defined the legalistic, watchman, and service style of policing, Wilson found that local political culture was the major determinate of variations in police behavior (1968). “By political culture is meant those widely shared expectations as to how issues will be raised, governmental objectives determined and power for their attainment assembled; it is an understanding of what makes a government legitimate” (Hassell et al., 2003). Wilson defined four types of local government: (1) high-professional council-manager, (2) low-professional council-manager, (3) non-partisan mayor-council, and (4) partisan mayor council. Wilson also termed governments with high-professional council-manager as “good governments” and cities with partisan mayor-council as “traditional governments” (Zhao and Hassell, 2005).

By examining the types of local governments and the arrest rates for specific crimes in corresponding police departments, Wilson empirically tested the hypothesized link between political culture and variations in police practice (Hassell et al., 2003). In his analysis of 146 police agencies, Wilson corrected for non-white population and the size of the city, and defined a link between the legalistic style of policing and the good government. This association may not be surprising. The development and emergence of a city manager’s position is

very similar to the bureaucratic model of policing under the same philosophy, specifically, the administration and politics dichotomy and the independent professional control of the organization (Stillman, 1974). Wilson further associated the watchmen style of policing with the partisan mayor-council government and finally linked the service style of policing with both nonpartisan mayor-council and low-professional council-manager governments (1968).

Since Wilson's publication, limited studies have tested his hypotheses regarding the relationship between police style and local political government. Langworth found a correlation between police styles and local government from data collected on 152 cities and stated that local political culture was not statistically significant enough to explain agency styles (1985). Crank (1990) tested the influence of selected community structural characteristics, local government, and organizational factors of minor crimes. He determined that legalistic police styles were more associated with the presence of professional local governments and environmental factors including racial and cultural diversity, local government type, and economic conditions and appeared to have a stronger correlation on rural policing rather than urban (Liederbach and Travis, 2008). He also found correlation between the city manager form of local governmental structure and legalism with regards to the arrest rate of offenses such as aggravated assault, burglary, theft, and other serious crimes (Crank, 1992). However, Crank's test of police behavior did not follow the original measures in Wilson's groundbreaking work which also took local election styles into account (Zhao and Hassell, 2005). In 2005, Zhao and Hassell made a strong replication of Wilson's original work by using a larger sample in which they surveyed over 300 policing agencies. They revealed that their findings indicated a "move towards a falsification of Wilson's theory of local political culture in explaining today's police organizational behavior" (Zhao and Hassell, 2005). Hassell et al. (2003) also re-examined the relationship between organizational structure and local political culture and more specifically examined the four dimensions of organizational structure (formalization, hierarchical differentiation, centralization, and functional differentiation) to see if certain structural arrangements are associated with specific styles of local political culture. Their finding suggested that the relationship between police organizational structure and local political culture was "attenuated" (Hassell et al., 2003). It has also been hypothesized that since the publication of *Varieties*, many factors have arisen to alter policing, including the movement towards police professionalism and the growing influence of the federal government in local policing practices (Zhao et al., 2006). Recently, Liederbach and Travis (2008) again attempted to test Wilson's theory but rather than using official arrest /citation statistics they measured police style derived from observational

data. The findings of their research was “like those of earlier tests of Wilson’s model, failed to provide support for the hypotheses that local political culture is related to police style” (Liederbach and Travis, 2008). They further stated that local types of government and local government characteristics such as partisan elections were not correlated with police style, formality of interaction, or frequency of interaction (Liederbach and Travis, 2008).

### **Methodology**

The main area of this research includes demographics of North Texas city managers and their jurisdictions as the independent variable and police involvement with city government affairs as the dependant variable. The demographics of interest in this study were population of jurisdiction, style of local government, police chief hiring process, current police chief gender and race, number of members serving on the governing body, and the amount of officers employed by the city. The dependant variables measured police involvement in local government, equal treatment among members of the governing body, the relationship between the police and the city manager, and the relationship between the police employees and other city employees. The study also evaluated whether the police had its own independent legal council and if the police strive for autonomy from city affairs.

### **Data Collection**

In the summer of 2010, 198 surveys were dispersed to city managers in North Texas. All surveys were dispersed through online survey software (Vovici EFM Continuum). Surveyed participants were limited to only those city managers that were a part of the North Texas City Managers Association (NTCMA) and had a valid email address. Participants were sent an email explaining the purpose and importance of the research study and were provided an embedded link to navigate them to the online survey. Instructions were posted with the survey and upon completion the surveys were submitted anonymously. The respondents were given a 30 day window, with an automatic reminder sent at 14 days, in which they could chose to participate in this study.

This study was conducted using a 21-item survey instrument. All potential participants were asked not to place any identifying information on the survey and they were also informed that neither the city manager nor their jurisdiction would be identified at any point in the data collection or reporting. Further, no identifying marks or coding were placed on the surveys that would distinguish individual respondents upon the return of the completed survey. Participants were also informed that their participation in this research was completely voluntary and they could refuse to participate at any time.

The 21-item survey was comprised of three distinct sections. The first section collected demographic data on the town and the local government and was presented in a checklist format. The questions were formulated to determine the city's population, type of local government in place, if the police had their own independent counsel, how many women were serving on the governing body, rated the relationship between the police department and the city manager, and how many police officers were employed by the city. The second section covered information about the current police chiefs and how they were hired. The questions were presented in a checklist format and were designed to determine the sex and race of the police chief, how many years the current police chief had been with the city, the police chief hiring process, and if he/she was hired from outside the police department. The final section was developed to determine how much police interfere with city politics and the section was arranged in a Forced-Likert format. This section collected information on whether the police department ever publicly endorsed political candidates, contacted elected officials outside of public meetings to influence a vote, showed favoritism among the elected officials, and treated all elected officials equally. This section further went on to determine if the police strive for autonomy from city affairs, request suggestions or advice from the city manager, selectively provide information to particular members of the governing body, privately attempt to influence a commission or council vote, and if other city employees view the police employees as team players.

### **Findings and Analysis**

As with most research projects there were both positive and negative correlations found in the data returned by the surveyed population. Some variables had a strong influence and derived many correlations, while others seemed to only affect one or two other variables. One of the variables that showed to have many strong positive and negative correlations were the type of local government is in place.

**TABLE 1**

	Type of Local Government
Police Dept Show Favoritism Among Elected Officials - Pearson Correlation Sig (2-tailed)	.301* .015
Police Dept. Strived For Autonomy From City Affairs - Pearson Correlation Sig (2-tailed)	.250* .046
Police Dept. Had Independent Legal Advisor Pearson Correlation Sig (2-tailed)	.310* .013
Police Dept. Ever Requested Advice or Suggestion From the City Manager - Pearson Correlation Sig (2-tailed)	-.295* .017

\* Correlation is significant at the 0.05 level (2-tailed)  
N=69

This variable had a positive correlation with whether the police department showed favoritism among elected officials, strived for autonomy from city affairs, and had an independent legal advisor. Of the population surveyed, 65.2% had a council-manager form of government. The type of government that was in place also had a negative correlation with regards to whether or not the police department requested the advice or suggestions from the city manager. The data indicated that when a local government consists of a commissioner system or a strong mayor council, police departments were more likely to show favoritism among elected officials, strived for autonomy from city affairs, and had their own separate independent legal adviser. However, with these forms of government, police departments were less likely to request the advice or suggestion from the city manager. One could theorize that in local governments such as these, with strong centralized leaders, the police department would need to show favoritism in order to obtain needed resources but keep enough distance as to not become dependent on those political officials.

Another variable that prompted several correlations was whether or not information from the police department was provided selectively to particular members of the governing body.

**Table 2**

	Police Dept. Information was Provided Selectively to Member of the Governing Body
Type of Local Government Pearson Correlation Sig (2-tailed)	.418** .001
Number of Officers Employed by the City Pearson Correlation Sig (2-tailed)	.416** .013
Estimated population of the Jurisdiction Pearson Correlation Sig (2-tailed)	.333** .017
Police Ever Privately Attempted to Influence a Council or Commission Vote Pearson Correlation Sig (2-tailed)	.398** .001

\*\* Correlation is significant at the 0.01 level (2-tailed)

N=69

There were positive relationships between this variable and the type of government that was in place, the number of officers that were employed by the city, the population of the jurisdiction as estimated by the city manager, and if police had ever privately attempted to influence a commission or council vote. However, it was also discovered that in only 8% of the cases police department information was provided selectively to particular members of the governing body and only 4.7% of city managers reported police often attempt to influence commission or council votes. Of the population surveyed, 73.5% of the jurisdictions had a population of less than 20,000. Knowing that the majority of the jurisdictions surveyed were of smaller population, it was expected that the majority of police departments had fewer officers employed. The data collected showed a large portion of police departments (36.9%) had between 11 and 25 officers. Information from the police department was provided selectively to particular members of the governing body more often if there was a local government consisting of a strong mayor-council or commissioner system when population of a jurisdiction was greater than 60,000 individuals and if the city employed more than 56 officers. This practice may be exercised when these other variables are present because the jobs and task of certain governing

individuals are specified to deal with individual city needs and mass information dispersal is not needed. Another important correlation found from this research was in jurisdictions where information from the police department was provided selectively to particular members of the governing body, police had often privately attempted to influence a commission or vote council.

The next variable that had several strong correlations was whether or not the police department requested the advice or suggestions of the city manager.

**Table 3**

	Police Dept. Requests Advice or Suggestions From City Manager
Police Employees Viewed as Team Players by Other City Employees Pearson Correlation Sig (2-tailed)	.675** .000
Rate Relationship Between City Manager and the Police Dept. Pearson Correlation Sig (2-tailed)	.747** .000

\*\* Correlation is significant at the 0.01 level (2-tailed)

N=69

This variant was strongly linked to when the city employees viewed police employees as team players and the rated relationship between the police department and the city manager. It was determined that in locations where the police department requested the advice or suggestions of the city manager, the police department employees were often viewed as team players and the relationship between the police department and the city manager was assessed as “good” or “excellent.” In the majority of cases, 67.7%, the respondents stated that the police department did request the advice or suggestion of the city manager and 56.3% rated the relationship between the police department and the city manager as excellent, 31.3% rated it as good, and only 3.1% rated it as poor. Keeping open lines of communication between the police department and the city manager seemed to have positive repercussions for all of those involved and may be the reason for this strong correlation. It should further be noted that there was a positive correlation to police department employees being seen by other city employees as being team players if they were involved in the hiring process of the police chief. When the police chief was hired through a civilian advisory committee or a police professional advisory committee, police department employees were often seen by other city employees as being team players.

When a police chief was hired through an independent consulting company or by a city manager interview only, police personnel were not viewed as being team players by other city employees. It was not surprising that in 92.2% of the surveys, the police chief was a male Caucasian. One of the largest areas of response diversity was derived from the data on how police chiefs were hired throughout the different jurisdictions. The data revealed that 39.7% of cities hired their police chiefs through a city manager interview process only and most of the remaining responses were divided among elected official interviews, a mix of police professionals and civilians advisory committees, and other types of hiring processes. It is also worth mentioning that 63.1% of police chiefs were hired from another agency and were not promoted to the position from within. There also was a statistically significant correlation between the rated relationship between the police department and city managers and the number of police officers the city employed. It appears that in places with more than 55 officers the city manager rated the relationship between the police department and the city manager as “good” or “excellent.”

Another variant which had several positive correlations dealt with whether the police department ever contacted an elected official outside of a public meeting to influence a vote.

**Table 4**

	Police Dept. Ever Contacted an Elected Official Outside of a Public Meeting to Influence A Vote
Police Dept. Often Showed Favoritism Among Elected Officials Pearson Correlation Sig (2-tailed)	.695** .000
Police Dept. Strives For Autonomy From City Affairs Pearson Correlation Sig (2-tailed)	.306** .014
Police Dept. Ever Attempted to Influence a Commission or Council Vote Pearson Correlation Sig (2-tailed)	.762** .000

\*\* Correlation is significant at the 0.01 level (2-tailed)

N=69

The research showed a positive correlation in areas where the police department often contacted elected officials outside of a public meeting to influence votes. In this situation, the police department often showed favoritism among certain elected officials, desired for autonomy from city affairs, and that police have more often privately attempted to influence a commission council vote. It was further derived from the data in jurisdictions where police often privately attempted to influence a commission or council vote and when the police department showed favoritism among elected officials that often during city budget development it was more likely police would contact elected officials outside of public meetings. Reasoning behind this correlation may stem from the need of a police department for city policy and budget to favor the police and their needs.

This data suggests that in the majority of jurisdictions, police departments tend to allow local politics to be executed with little or no influences or interventions. The authors found that during city budget and development 72.3% of jurisdictions reported that police never contacted elected officials for outside meetings. However, the data was relatively evenly dispersed on whether or not police departments strived for autonomy from city affairs. Some 54.9% reported that police departments often or sometimes strived for autonomy while 45.1% revealed that their departments rarely or never strived for autonomy from city affairs. It was also determined from the survey that the majority of local law enforcement agencies, 76.9%, do not tend to endorse local political candidates during elections.

## **Conclusion**

The primary objective of the study was to establish the amount of involvement or interference police departments have in local governmental politics. The demographics that were revealed by this survey will give others a baseline of information for future research and studies. Often, as researchers begin to analyze data, other potential variables and research methods emerge. The weaknesses in this study are the limited number of participants and the limited geographical scope. While this research suggests that the majority of police departments tend to stay out of local politics, it may vary when applied to areas containing different demographics. Regions of the country with larger populations and social norms differ from that of North Texas may yield different results. Nevertheless, this study may serve as a model or starting block for future research studies continuing to examine the link between police and politics. In addition, this research may have several different practical applications. First, the information from this research could be used by local governments across the United States to identify and evaluate the level of police involvement in local

government in their own jurisdictions. Second, police administrators may use this information to institute rules and set boundaries to keep their officers from becoming inappropriately involved in local politics. Finally, the information and findings from this research may be useable to both those working in police departments and governing bodies. They may be able to see what factors nurture and promote both positive and negative relationships between the police and local politics.

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## **Where is the Christian Left? The Social Gospel and the Democratic Party**

**Christopher Cronin  
Methodist University**

This paper attempts to answer the following question, "Where is progressive religion for Democratic Politics in America?" More specifically, this paper looks at the contributing factors to the disappearance of the once vibrant Social Gospel from progressive politics. Social Gospel theology and its political translation did not survive past the 1930s. Instead, a second, modified embodiment of the Social Gospel, Christian Realism, would carry the nation through WWII and the Cold War. Rising from the ashes of the Great Depression, the Democratic Party of Roosevelt offered up the kind of socioeconomic reorganization envisioned for years by Social Gospelers. This mythic vision of universal brotherhood served some very useful and practical purposes as the religious justifications fused with the political realities. However, for a few reasons to be explored here, the Social Gospel disappeared from Democratic Party politics.

Though the term "Social Gospel" has become a broad term for religious social action, it began as a specific Protestant Christian movement among clergymen in post-Civil War America and grew to full strength following the turn of the century.<sup>1</sup> The Social Gospel may be regarded as one way American Protestantism responded to the challenge of modern industrial society. This modern challenge created lasting divisions within American Christianity. "Conservative" and "Progressive" when applied to American Christianity is largely defined by theological positions on modernity. The crux of the Social Gospel was that men are obliged to act within and upon the social order and work for its reconstruction as part of a religious responsibility to their fellow men. Man in society stands under individual religious judgment, but also stands

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<sup>1</sup> White and Hopkins, xi.

Christopher Lee Cronin is Assistant Professor of Political Science at Methodist University. He received his PhD from the University of Massachusetts, Amherst. Professor Cronin's research focuses on the nexus of religion and politics in the American setting with a focus on party politics. He teaches courses on American Government at Methodist University in Fayetteville, North Carolina.

under judgment for the institutions he has made.<sup>2</sup> Essentially, society takes responsibility for its entire people. The concept has interesting reverberations in Puritan thought. God made His covenant with the entire community, and divine praise or punishment would fall on everyone.<sup>3</sup>

Church leaders faced a new industrializing nation with new religious needs. Famous Social Gospelers included Washington Gladden, Richard Ely, and Walter Rauschenbusch. Reaching the peak of their influence in the first two decades of the twentieth century, these leaders led a Protestant crusade for the kingdom of God against the new social evils.<sup>4</sup> Drawing upon the currents of progressivism, Social Gospel advocates were essentially middle-class. Blaming the social economic system for people's trouble, the Social Gospel movement was aligned with the progressive politics of the Republican Party. The era's political geography was largely defined as a split between an urban north and a rural south. The Social Gospel was more applicable in the northern industrial setting, while more traditional and fundamentalist traditions fit best with the rural politics of the South. This configuration began to change in the 1920s. An era of accelerated economic growth, poverty and working class conditions took a back seat to the social concerns of prohibition. With large segments of each religious tradition in favor of prohibition, it was an era of shared company in political coalitions. Fundamentalists and Social Gospelers alike pounded the pulpit to discourage alcohol. Of course, there were two different doctrinal impulses at work. For one it was a matter of individual morality, and for the other a social harm. The Social Gospel movement applied Christian morality to everyday life, while fundamentalism saw Christian morality as personal and inner directed.

After the progressive Republican and prohibition eras, the Social Gospel as a religious movement declined during the liberal Democratic Party era. This partisan switch began a transformation of the religious movement into a more general moral tradition. The Social Gospel became the moral compass or civil religion for the Democratic Party. It is this more secular version of the Social Gospel that scholars such as James Morone describe as the Democratic Party's moral tradition. The four decades following the 1932 election are often presented in this way as forty years of the social gospel dominating Democratic politics. It is important, however, to distinguish between the Social Gospel as a

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<sup>2</sup> Carter, Paul A. *The Decline and Revival of the Social Gospel: Social and Political Liberalism in American Protestant Churches, 1920-1940*. Cornell U Press, Ithaca NY 1954. Page 4.

<sup>3</sup> Morone, James A. *Hellfire Nation: The Politics of Sin in American History*. Yale University Press, New Haven 2003. Page 444.

<sup>4</sup> Handy, Robert T. *The Social Gospel in America: 1870-1920*. Oxford Press, New York 1966. Page 3.

specific religious tradition, and the social gospel as a more general moral tradition.<sup>5</sup> It is the lack of such a distinction among much of the literature that adds to a general confusion of the terms. The Social Gospel in the New Deal era is one of a few crucial moments in that party's religious history. Understanding why and how the religious impulse transitioned into a more secular tradition is a large part of the Social Gospel's decline. Among the reasons for this decline is the Democratic Party's new multicultural and thus multi-religious coalition. Efforts to keep this coalition intact involved avoiding religion to some extent.<sup>6</sup> Another factor is the institutionalization of many social functions that the Social Gospel considered worthy of church action. In other words, much of the social action and social programs advocated by the Social Gospel Movement became secular instruments of state power.

The Social Gospel became a less prominent piece of party politics. Instead, progressive Social Gospel morality grew into such a secular moral tradition that scholars could describe Franklin Roosevelt as one of the most eloquent Social Gospel preachers.<sup>7</sup> In the decades following the New Deal, the two religious traditions once aligned with the opposite parties began to mesh with party ideology. The Cold War had a profound effect on these ideologies. For the social gospel,<sup>8</sup> cold war liberalism brought Niebuhr and realism to the forefront of religious concerns. The era of Niebuhr is an interesting piece of the religious tradition as he asked the same question Social Gospelers like Rauschenbusch asked, "How is the Kingdom of God to be achieved on earth?"<sup>9</sup> He came up with a very different answer; "by force." This is another crucial time for the Social Gospel, especially as it contrasts with the older movement of the early 1900s and with the 'final hoorah' of the civil rights years.

Many within the Democratic Party call for a "return" to religion, but it is often unclear what this means or would look like.<sup>10</sup> A return to the apparent devotion of President Jimmy Carter may not mean much without some greater interaction between religion and the Democratic Party. Literature on both sides of the debate has incorrectly characterized the 'values division' as between the

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<sup>5</sup> For the sake of clarity, the former (specific religious tradition and movement) will be capitalized as such.. Social Gospel, while the general moral tradition will not.. (social gospel).

<sup>6</sup> Or at least marginalizing it in favor of more immediate concerns with economic security. Also, most older Progressives remained in the GOP with few being moved by the New Deal. This was a parallel path for the Social Gospel.

<sup>7</sup> Morone, 444.

<sup>8</sup> Again, this is to denote the moral tradition as opposed to the religious movement.

<sup>9</sup> Carter, Paul A. *The Decline and Revival of the Social Gospel: Social and Political Liberalism in American Protestant Churches, 1920-1940*. Cornell U Press, Ithaca NY 1954. Page 156.

<sup>10</sup> In the latter phase of this project, such calls for a return to religion will be addressed.

religious and the non-religious. There have been many calls for bringing religion back to the Democratic Party. There have even been a few calls that recognize just what that religious tradition is. The best known of these is probably Jim Wallis's *God's Politics*.<sup>11</sup> Many hopeful Democrats look to sources of religious credibility within the party. Any possible solutions must be evaluated with an understanding of how religion fell away from the party to begin with. It is possible critics of the modernist impulse have been right all along: in trying to achieve more heavenly conditions, the Social Gospel descended into the "worldly" and was lost.

### **The Fall**

The Social Gospel Movement arguably generated the spiritual ethos that legitimized the moral dimensions of New Deal policies of the 1930s. New Deal programs promised much of the progress sought by the movement, and the Social Gospel embraced FDR and the Democratic Party. Social Gospel theology and its political translation, however, would not survive the 1930s. Instead, a second, modified embodiment of the Social Gospel, Christian Realism, would carry the nation through WORLD WAR II and the Cold War.<sup>12</sup>

The central strength of the Social Gospel became its most obvious weakness. At the core was an impractical, though noble, myth that the nation might one day progress to the point of God's kingdom on earth. This seemed increasingly plausible for early Social Gospelers as the science of social issues evolved. Rising from the ashes of the Great Depression, the Democratic Party of Roosevelt offered up the kind of socioeconomic reorganization envisioned for years by Social Gospelers. This mythic vision of universal brotherhood served some very useful and practical purposes as the religious justifications fused with the political realities.<sup>13</sup>

The theological innovation for the Social Gospel, however, lagged behind the secular implementation of policy. The optimistic theology so aptly matched with the Progressive Era, was ripe for criticism in the 1930s. In addition, an inclination toward pacifism in a time of war and international crisis, set the stage for a new strain of Christian theology to fuse with the political realm. The Democratic Party had built on the moral and religious capital of the Social Gospel Movement, but as the new dominant American political party, it had a

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<sup>11</sup> Wallis, Jim. *God's Politics: Why the Right Gets It Wrong and the Left Doesn't Get It*. Harper, San Francisco 2005.

<sup>12</sup> Evans, 147.

<sup>13</sup> Micklethwait, 75. Much like the Straussian sense of religion as a noble myth. "Religion might not be true, but it can serve a useful social purpose in keeping society in order." Even agnostics can believe that religion helps to promote social cohesion and virtue.

new, more nuanced Christian theology growing in its midst – one that embraced military action and more traditional social mores.<sup>14</sup>

#### Liberal Christianity Declines

In the decades following World War II, the numbers of evangelical and fundamentalist Protestants rose steadily. Meanwhile, membership in the mainline denominations, such as Episcopalian and Presbyterian, declined.<sup>15</sup> These were the denominations that had been strong in the Social Gospel Movement. From the turn of the century through the end of the war, liberal Christianity had served as the nation's informal religious establishment, but the end of the war represented a turning point. For the next fifty years, disestablishment set in. Many of the more liberal denominations have seen declining membership, attendance, belief, and financial giving.<sup>16</sup> In other words, part of the story of the Social Gospel's fall from public and political prominence is due to a larger decline in liberal religion in America. Liberal Christianity was seen as trying to abstract a metaphysical understanding of man rather one based on Christian faith.<sup>17</sup> Critics successfully used distorted versions of liberal theology to characterize the whole movement. The clear moral imperative eventually embraced in World War II made it easy to portray any thinkers once hesitant to join the war effort as clearly impractical and idealistic. Good and evil had battled and, through force of will and sacrifice, good had prevailed. Visions of universal brotherhood were held up as representations of foolish optimism.

The theological nuance of Walter Rauschenbusch was lost as Social Gospel teachings were caricatured beyond recognition in some cases. The movement had grown to embrace progressive politics as a way of addressing the social side of religious meaning. The movement had never intended to lose touch with the individual struggles of salvation, but had focused on the social and political organizations of earthly creation. This focus was reframed as the only issue of theological importance to Social Gospelers. The movement that had shamed contemporary Christianity for turning a blind eye to the world of man was now shamed for ignoring the world of the individual soul.

By the 1950s, religious liberals exercised greatly diminished influence in the public square. Some broke from their ranks because they worried that liberals had ignored God's transcendence and become too closely tied to modernity. The church, seemingly, had become too confident in human

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<sup>14</sup> Christian Realism's traditionalism is found in its returning emphasis to individual sin and in the mainline response to the Cold War and the Red Scare.

<sup>15</sup> Fowler, 138.

<sup>16</sup> Demerath, 225.

<sup>17</sup> DeWolf, 11.

progress, and Americans began defecting to more traditional sects. The best known of these defectors was Reinhold Niebuhr. Critics like Niebuhr pointed out that events such as the Great Depression, two World Wars, and the cold war made a mockery of the liberal faith in progress. The pre-eminence of sin was reinstated through these critiques as men and women were reminded that sin had hardly been stamped out in the world.<sup>18</sup>

### **Niebuhr and Christian Realism**

Reinhold Niebuhr began his theological journey as a Social Gospeler. His writings and musings on Christian theology helped to slowly revise and eventually eclipse the Social Gospel. This was a process that took many years and incarnations for Niebuhr and the nation. As a young theologian, Niebuhr was heavily influenced by Walter Rauschenbusch.<sup>19</sup> He once referred to Rauschenbusch as the most brilliant and generally satisfying exponent of social Christianity.<sup>20</sup> With this considerable influence from the preeminent Social Gospel theologian, it is no surprise that Niebuhr was part of the Social Gospel's reign in American Christianity.

Niebuhr's early writings convey a sense of Christian theology that is consistent with the Social Gospel tradition. The farther the nation and the movement got from Rauschenbusch's death; however, the further liberal Christianity seemed to drift from clear biblical grounding. The Social Gospel was no new gospel. It was the Sermon on the Mount and the message about the kingdom of God. It was the prophecy of the Old Testament and the good news of the new covenant.<sup>21</sup> These were the biblical foundations for adding a sense of economic freedom and political freedom to the spoils of faithful Christian service. However, the economic boom of the late twenties had turned to bust, and in the face of new insecurity and fear, the hopeful rhetoric and utilitarian theology of the late Social Gospel rang tinny. It rapidly lost all experiential resonance.<sup>22</sup>

Niebuhr's writings of the early 1930s scorned the pure activism he saw in the Social Gospel – a movement that seemed to have lost its theistic anchor. He urged the need for Americans to encounter the theocentrism common in German theology. Niebuhr's disillusionment with the Social Gospel provides a metaphor for the rest of Protestant America. Niebuhr was a member of the Evangelical and

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<sup>18</sup> Lambert, 114.

<sup>19</sup> Hoffman 11.

<sup>20</sup> Handy 253.

<sup>21</sup> Fowler 13.

<sup>22</sup> Fowler 54.

Reformed church, which later merged into a new United Church of Christ. After graduating from Yale divinity school in 1914, he took over a church in Detroit. There, over time, the young pastor found all he had learned from Rauschenbusch and the other Social Gospelers inadequate to cope with or speak to the brutal economic realities around him. For a short time he turned to Marxism, but came to criticize its easy dogmatism as well.<sup>23</sup>

Part of the significance of Niebuhr's impact on American religious thought was in simply pointing out that the Social Gospel was in danger of becoming a set of accepted cultural values with no specific religious meaning. In contrast, Niebuhr sought in theological argument a combination of literal narrow Biblical application and the broader social implications.<sup>24</sup> Niebuhr and the next wave of dominant Christianity – Christian Realism – saw the split in Protestantism as having reduced Christianity to either fundamentalism or social activism. The average church seemed to be tackling only one side of the equation. Thus in returning liberal Christianity to its individualist roots, neo-orthodoxy was born.<sup>25</sup> Niebuhr hoped to frame neo-orthodoxy as heroic: “If religion is to contribute anything to the solution of the industrial problem, a more heroic type of religion than flourishes in the average church must be set to the task.”<sup>26</sup>

Christian realism was a break from the Social Gospel, but it also carried on many of the same traditions. The focus was on reminding Protestant Christianity of the inescapable bonds of sin, but at the same time Christian realists were social activists and worked hard for social justice and world peace.<sup>27</sup> Embracing knowledge gained from the study of the world, Realists remained interested in the findings of social scientists. Niebuhr made great use of Freud and depth psychology to support his view of man.<sup>28</sup> The social sciences were used whenever justifications for social programs were needed.

The hope that the social sciences might facilitate the coming of the Kingdom of Heaven on earth, however, was dead: “If there is anything waving a red flag in front of the neo-orthodox thinker, it is to talk about building the Kingdom of God. It is God who must bring the Kingdom.”<sup>29</sup> This may be the clearest indication of the death of the Social Gospel Movement. It began as a legitimate belief among theologians who felt the momentum of new social

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<sup>23</sup> Doc History 283.

<sup>24</sup> Hoffman 9.

<sup>25</sup> Or perhaps more accurately in the sense of Rauschenbusch- it's biblical roots...

<sup>26</sup> Doc History 207.

<sup>27</sup> Lambert 144.

<sup>28</sup> DeWolf 82.

<sup>29</sup> DeWolf 89.

science as the key to unlocking the proper structural adjustments to usher in the Kingdom. As time wore on, the idea of actually achieving such a heavenly existence in the mortal world wore down to mythic value. Eventually, with neo-orthodoxy, the impracticality was exposed and the belief in such utter achievement or progress was buried.

Just because the future was no longer a guaranteed kingdom of heaven did not mean that it was not worth shaping in ways that meliorated the human condition. The dream of achieving a kingdom of heaven on earth was gone. Niebuhr pointed to grace as the resource to console men for the loss that dream, and no further proof was needed beyond his own vigorous political activity to show the worthiness of engaging the world as a religious man or woman.<sup>30</sup> Essentially, the Social Gospel movement was found lacking in evidence that practical solutions to the complex political, economic, and international realities existed.

Following Niebuhr, it became commonplace to belittle the possibility of sustained social progress in any tangible form. Realists claimed that the Social Gospel had confused the imperative of hope with the secular ideal of social progress.<sup>31</sup> Of course, for the nexus of religion and politics, such a failing would seem to suggest the most political of religious movements had been critiqued and supplanted. In other words, much of the criticism lobbed at the Social Gospel had to do with being too involved in social policy and general activism.

One might then surmise that the transition from the Social Gospel Movement to Niebuhr's Neo-orthodoxy would necessarily mean less involvement in the world of party politics. At the same time, neo-orthodox Christians found a new powerful political issue tailor-made to the revised theology: the Cold War which created a need for certain kinds of social action, but more importantly, a new kind of traditionalism more befitting a nationalist era of political history. As the Cold War developed, Niebuhr repeatedly affirmed the justice of the Western Cause and fought vociferously against the Soviet Union's communist ideology.<sup>32</sup>

## **New Deal Liberalism After World War II**

Public policy directing the war effort relied primarily on scientists, engineers, and the military. Ministers, priests, and rabbis were less likely to play a role in such basic services as medical care, social security, housing, and

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<sup>30</sup> Meyer 239.

<sup>31</sup> Evans 173. Though one might wonder how we shape a vision of hope unless it is grounded in social realities we face in the present.

<sup>32</sup> Brown 126.

education as Americans increasingly turned to the federal government.<sup>33</sup> This simply illustrates the natural effect such a national war effort had on the place of federal government in the lives of most Americans. The federal government was leading the fight against evils abroad and social ills at home. The New Deal had put in place a variety of governmental programs that drew control of social policy away from Church-based organizations. The war accelerated this transition. Religious leaders did not have a crucial role in the implementation of war policy and were thus further sidelined through the effort.

By the end of the war, the concept of New Deal Liberalism had taken a different form. Politicians still called themselves New Dealers, but no longer showed much interest in the corporatist and regulatory ideas that had once played a large role. The New Deal was viewed, in retrospect, as having discovered structural alterations that solved some of the problems of capitalism without abandoning capitalism.<sup>34</sup> Along with celebrating the New Deal, these new “New Dealers” used the fiscal experience of the war years to validate the postwar use of government tax and spend policies, often in the name of taming the business cycle.<sup>35</sup> As New Deal Liberalism transitioned into Cold War Liberalism, American religion also experienced a major restructuring.

One of the conditions that predisposed American religion to such an overhaul was a change in the way Americans perceived the interaction of religion with politics. In the 1940s and 1950s, a new paradigm took shape regarding how religious leaders could best impact the political realm, as a new understanding about human behavior – the idea that values and behavior were closely related – spread throughout American religious leaders, theologians, and even social scientists. For religious leaders, this meant that if one shaped a person’s values, one effectively shaped their behavior. All the church needed to do, therefore, was to preach and to teach.<sup>36</sup> This had a dramatic effect on the kinds of social action Christian leaders undertook. It became less likely to involve the kind of structural challenges advocated during the years of the Social Gospel and more likely to see actions in support of traditions and cultural identity. Rather than preaching and advocating particular behaviors and actions for church members to take, Christianity could work with church walls to shape the values that would lead to those same behaviors and actions.

Some historians describe Niebuhr’s neo-orthodoxy as a revised version of the Social Gospel. They argue that Christian realism was a modification of the

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<sup>33</sup> Lambert 131.

<sup>34</sup> Fraser 109.

<sup>35</sup> Fraser 50.

<sup>36</sup> Noll 345.

Social Gospel that carried much of the burden of Christian witness from World War II through the Cold War.<sup>37</sup> But this overlooks the sharp criticism Niebuhr and others had for the Social Gospel about the depth of sin and especially the immorality of pacifism. This played a strong part in phasing rather completely the Social Gospel out in favor of Realism. The proverbial nail in the coffin was the Christian Realists' critique of the Social Gospel as spineless during wartime. This lack of a theological backbone led to the end of the Social Gospel as the dominant tradition within American Protestantism.

### **Cold War Liberalism**

Niebuhr and others warned Americans not to give a false and idolatrous religious note to the conflict between democracy and communism.<sup>38</sup> God may have chosen sides in the contest, but America was not to mistake nationalism for religion. Nevertheless, the Cold War took on many aspects of a cultural holy war. In the 1950s, the American pledge of allegiance to the flag was amended to include the phrase "under God," as if to emphasize the religious undertones of the conflict.<sup>39</sup> The ensuing political climate that resulted from an international conflict with an atheistic and communist enemy was one of heightened internal surveillance. Anything associated with socialism was under intense scrutiny. The Social Gospel had no chance of survival in such a political climate. Reinhold Niebuhr, along with his brother Richard and fellow religious thinker Paul Tillick, reformed the Christian establishment to fit the new political realities. Gone were the grand visions of restructuring society to reach the Kingdom of Heaven. In its place was a neo-orthodoxy that adapted to a world marked by institutionalized power and human depravity.<sup>40</sup>

In some ways the Cold War seemed to foster Social Gospel visions of America leading the charge into a new future. The eyes of the world were upon America, and the attention spurred the nation to new rounds of social justice.<sup>41</sup> Taking a more Machiavellian angle on the same reforms, it is possible that the reflection of American society seen by the rest of the world was not good enough to compete with the communists. In other words, many of these new social justice reforms or policies were necessary in terms of international politics. The Soviets had apparently cornered the market on social equality, whereas America was still living with different classes of citizenship. Competition for the

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<sup>37</sup> Evans 148.

<sup>38</sup> Morone 380.

<sup>39</sup> Doc History 434.

<sup>40</sup> Morone 380.

<sup>41</sup> Morone 406.

emerging nations of the world required internal social adjustment. Winning over nations in Africa or Central America to the American way was a tough sell when televised images of America's Civil Rights Movement and the struggle against racial segregation conveyed social injustice. The Civil Rights Movement had some important internal effects on American Protestantism. The wedge that already existed between northern and southern churches was driven deeper. Racial justice stole the spotlight from other forms of social justice and economic equality.

The Cold War security state grew until it rivaled the power of the New Deal state. Each emerged as a pillar of the Washington establishment. In a sense, the two balanced the power of religious leaders as well. The old New Deal Social Gospellers clung to the social programs, while Neo-Orthodoxy looked to tackle the new realities of a polarized and dangerous world. On the surface, at least, both the welfare state and the security state looked like moral operations.<sup>42</sup> Each had easily defined spiritual principles to draw from. Internal security was a relatively new issue, on which the two major parties differed sharply. The Republican Party stressed the pursuit of subversives within American society, while the Democrats attempted to place more emphasis on individual rights.<sup>43</sup> Neither party could escape the change in tone from New Deal Liberalism. Cold War Liberalism was less about the equitable structuring of society, and more about the individuals within that society, especially those that might sympathize with the "commies."

### **Post-War Party Politics**

Prior to the post-war era, there was a cultural consensus in the American party system. Both Republican and Democratic Parties were dominated by members of mainline religions. Neither party had significant numbers of secularists. Indeed, in many ways, neither party showed signs of the cultural or moral progressivism that was to take hold of the nation in the coming decades.<sup>44</sup> The progressivism shown by both parties harkened back to that of Theodore Roosevelt. It was imbued with a sense of moral traditionalism. Even the progressivism of the New Deal and of New Deal programs often assumed a two-parent family and a family wage.<sup>45</sup> This mixture of moral traditionalism, cold

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<sup>42</sup> Morone 396.

<sup>43</sup> National Party Conventions (NPC) 91.

<sup>44</sup> Layman 41.

<sup>45</sup> Wolfe(3) 105. A stark contrast to the Democratic Party of 1972 that nominated George McGovern - a staunch opponent of the Vietnam War with considerable secularist influence and a new cultural liberalism evident in the party platform. However, this contrast is due, in part, to a shift in candidate selection from parties to candidate-centered elections. McGovern

war liberalism, and some continued New Deal governance describes much of the post-World War II era for party politics and Christianity in America.

The 1944 political platforms for both parties made no use of God, except to honor those Americans lost in the war and to pray for the nation's ability to lead the world. Speaking of the fallen soldiers, the Democratic platform said, "They do not die as Republicans. They do not die as Democrats. They die as Americans."<sup>46</sup> The platform further wished for Divine Providence and made a special appeal to the almighty for the leader of the party: "That God may keep him strong in body and in spirit to carry on his yet unfinished work is our hope and our prayer."<sup>47</sup>

The Republican platform included no mention of God at all. By 1948, many things had changed for party politics. The Democratic convention in Philadelphia was a melancholy affair. The standard bearer for the party was dead. The Republicans had taken Congress in the midterm election of 1946, and the New Deal Coalition was beginning to crack.<sup>48</sup> Truman was nominated for the presidency with a southern Methodist, Alben Barkley, as his running mate. The convention opened with a prayer from Dennis Cardinal Dougherty. Though the larger New Deal coalition was beginning to fracture, the Catholic Church was still strong for the Democratic Party as evidenced in the inclusion in 1948's convention proceedings for the Democrats and the exclusion of any Catholic from the Republican proceedings of the same year.

There were prayers from Methodist Reverend Fred Corson, Rabbi Edward Klein, and Presbyterian Reverend Lewis Lindsay. Brought back for his second appearance at a Democratic convention was Reverend Marshall L. Shepard. Shepard had spoken before the 1936 convention and was returned at the request of fellow Baptist, Harry Truman.<sup>49</sup> Truman's acceptance speech simply asked for the help of God to save the country.

The Republican convention had preceded the Democratic convention by two weeks in the same city (Philadelphia). Dewey was again nominated to be the presidential candidate, though this time around he was seriously contested.<sup>50</sup> His running mate was California Governor Earl Warren. Both Dewey and Warren were less open about their religious beliefs than their Democratic opponent. The Republican convention heard from three Methodist ministers, a

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was not the Party's choice, but was the result of individual presidential politics.

<sup>46</sup> DNC 13.

<sup>47</sup> DNC 13. In reference to President Franklin Roosevelt.

<sup>48</sup> NPC 90.

<sup>49</sup> DNC 13 and DNC 11.

<sup>50</sup> NPC 89. In 1944 he had been selected with a minimum of discord (NPC 86).

Rabbi, a Lutheran, and a Congregationalist.<sup>51</sup> Dewey went on to run a tight race with Truman that was eventually won by Truman.

The Democratic convention of 1952 was the longest by either party in the post-war years. It lasted six days in Chicago before the Unitarian Adlai Stevenson accepted the nomination. As governor of the host state, Stevenson had given a stirring welcoming address that sparked the momentum for his nomination. Not especially religious in his politics or speech, he nevertheless asked to walk humbly with God in his acceptance and described his position in history in religious terms: “The ordeal of the twentieth century – the bloodiest, most turbulent age of the Christian era – is far from over.”<sup>52</sup> After defeating Senator Estes Kefauver of Tennessee for the nomination, he promised the party to fight for victory, but took a staunchly nation-first outlook into the campaign. “Better we lose the election than mislead the people; and better we lose than misgovern the people.”<sup>53</sup>

The platform for 1952 was long and detailed. Acknowledging the new science of atomic energy, the party credited Divine Providence for the ability of man to unlock the secret of the atom. The party also appealed, in rare fashion, to God and prayer for their chances in the election. “It is our prayerful hope that the people, whom we have so faithfully served, will renew the mandate to continue our service.”<sup>54</sup> The use of God was no longer just for America’s domestic fate. The post-war era opened party politics to the world, and thus religious hope for America’s place in the world. The 1952 platform prayed for the help of Almighty God to bring a more rewarding life and a lasting peace to the peoples of the entire world.

The Republicans also met in 1952 in Chicago. Their nominee for president was a Presbyterian from New York, and World War II hero, General Dwight D. Eisenhower. His running mate was a Quaker from California, Richard Nixon. Much of Eisenhower’s appeal as a politician was his military background. This background further informed his use of religious rhetoric as it most often arose in relation to international issues. In his acceptance speech he noted that America had become the mightiest of nations under the blessing and guidance of God. The only use of religion in the Republican platform of 1952 was in reference to America’s role in the world and by extension in the Cold War. Under the guidance of God, Republicans prayed for a return to greatness that once represented the world’s best hope:<sup>55</sup> “Our nation will become again the

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<sup>51</sup> RNC 13. Reverend Franklin D. Loehrer of the Congregational Church of Florence.

<sup>52</sup> DNC 14.

<sup>53</sup> NPC 94.

<sup>54</sup> DNC 14.

dynamic, moral and spiritual force which was the despair of despots and the hope of the oppressed.<sup>56</sup> Eisenhower followed in the mold of Truman in having a reserved character, traditional moral outlook, and a moderate mainline religious belief. He promised to lead a crusade against a party too long in power.<sup>57</sup> This crusade was matched with an even-tempered and moderate politics that represented post-war politics.

This mixture came to embody Niebuhr's description of the proper approach to politics. The spirit of liberalism was defined as freedom to critique the status quo. This freedom was combined with some piece of a larger conservative creed.<sup>58</sup> This creed emphasized the lessons learned from recent historical experience and recognized the persistence of sin. The brutality of wars tempered the optimistic naiveté of progressive politics and Christianity. Post-war politics and religion would have to wrestle with a more sordid list of possible futures.

Sin was not going to be gradually erased from society or humanity. Sin was persistent and evident in the face of America's enemies worldwide. Both parties continued their loyalty to liberalism as it was understood in contemporary American parlance. They maintained adherence to governmental strategies that sought to bring economic enterprise under political control for the sake of establishing minimal standards of security and welfare that were in balance with a new realism in politics and Christianity which rose to meet the apparent evils of the world.

### **The Fall of the Social Gospel**

The political impact of the Social Gospel movement was modest at best. Looking back on its concrete accomplishments, it is hard to find a cohesive link between the individual leaders and the movement as a whole. The movement sought to affect social change through transcendental means. This approach had great appeal during the Progressive Era, but limited appeal thereafter. In many ways, it operated on the periphery of reform.<sup>59</sup>

Part of the problem was the lack of institutional development, at least in any sustained sense. The Federal Council of Churches was to be the

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<sup>55</sup> RNC 14. There is no specific reference as to when these 'glory days' were, but WORLD WAR II is contextually suggested as the last time America represented such hope. Of course, the end of WORLD WAR II was not so long before 1952 - conceivably, Republicans were arguing that much had declined in the intervening 8 years.

<sup>56</sup> RNC 14.

<sup>57</sup> RNC 14.

<sup>58</sup> Brown 190.

<sup>59</sup> Lambert 102.

institutionalized form of the Social Gospel, but it was immediately embroiled in political and religious controversy.<sup>60</sup> These attempts to consolidate a voluntary establishment through federation undermined the effectiveness of the movement. It was unable to merge with some larger national spirit. It was instead seen as a particular mix and combination of churches and church leaders.

By the time the Federal Council's successor organization - the National Council of Churches - was formed in 1950, its constituent churches were higher in cultural status than actual numbers. It represented a sort of high-minded progressive remnant.<sup>61</sup> The inability to merge into a single unified religious movement was glaring at a time when the political policies that fed off the Social Gospel were becoming the very institutions of the New Deal. Of course, Social Gospelers were more than happy to support and champion the New Deal and the Democratic Party of FDR. The successful political incorporation of Social Gospel beliefs in the New Deal almost single-handedly ended the Social Gospel movement. As Reinhold Niebuhr once observed, believers who have mobilized politically sometimes realize at the very moment of their triumph that they have brought about something other than, even opposite to, what they intended.<sup>62</sup> The Social Gospel embraced the New Deal state as a secular tool to achieve the Kingdom of Heaven on Earth, but the Social Gospel Movement became one of several tools in the New Deal state's replacing the church as the primary national institution for social services.

There were Social Gospel preachers who saw the ultimate undoing of the church in the New Deal. These men were not opposed to the New Deal, but to the dangers beyond. In 1940, F. Ernest Johnson of the Federal Council "re-examined" the Social Gospel and summarized its vision as that of a decentralized economic democracy.<sup>63</sup> This was precisely that which was ultimately undone by the centralization of the New Deal. The individual spiritual and religious connection to political morality faded. The nexus of Social Gospel and New Deal seemed to be the momentary struggle between institution and individual.

In contrast to this approach was that of Niebuhr and Neo-orthodoxy. For Niebuhr, the only effective Christian politics was partisan politics. The church and church leaders should support individual candidates who took the right positions.<sup>64</sup> Following World War II, Christian idealism was under attack from without and within. The churches themselves criticized the movement. The

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<sup>60</sup> Eisenach 80.

<sup>61</sup> Eisenach 81.

<sup>62</sup> Noll 8.

<sup>63</sup> Meyer 286.

<sup>64</sup> Moore 182.

critiques of individual businesspeople, who had been opposed to the Social Gospel in the 20s and 30s, were succeeded by more persistent assaults in the postwar years.<sup>65</sup> The Social Gospel, it seemed, had finally provoked full-scale opposition. Its days of freedom within the denominations were over.<sup>66</sup>

The political world was transitioning from the days of absolutes into a new era of balanced threats. As Niebuhr wrote in 1944, "I remind you once again that the battles ahead will not be contests between unmitigated evil and absolute good."<sup>67</sup> Niebuhr and Truman came to exemplify this transitional age from the Social Gospel to a new Christian realism for the Democratic Party.<sup>68</sup> The irony of the Social Gospel's leading theological voice (Rauschenbusch) is strong when laid beside the end of the movement: "If theology stops growing or is unable to adjust itself to its modern environment and to meet its present tasks, it will die."<sup>69</sup> The contemporary environment was a New Deal Coalition in party politics, Cold-War Liberalism, and a new theological realism. The Democratic Party no longer needed the religious justifications for progressive social policies as the New Deal was firmly entrenched. The New Deal replaced the Social Gospel in terms of institutionalized social action. Neo-orthodoxy adapted the theology of the Social Gospel movement to fit a new world with a returned emphasis on individual salvation and sin in balance with social salvation. Aside from a few resuscitations later, the Social Gospel fell from religious and political dominance and into relative obscurity.

#### Epilogue

In an address early in 1962, the editor of *The Christian Century* acknowledged with mixed emotions that the Social Gospel was dead. The announcement came from the editor of what was universally recognized as the dynamic voice of the Social Gospel in the twentieth century. It was an acknowledgement long overdue and just late enough to arrive on the eve of the last historical figure to embody a re-emergence of the Social Gospel. Martin Luther King Jr. and the Civil Rights movement of the 1960s mixed progressive religion with politics in the tradition of the Social Gospel.

This is another way to tell the preceding story and it involves race in America. It may be argued that where the 'white' Social Gospel failed and fell into obscurity, the 'black' Social Gospel succeeded and adapted the earlier movement into a vehicle for cultural change. Though I have argued that the term

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<sup>65</sup> Meyer 404.

<sup>66</sup> Meyer 405.

<sup>67</sup> Brown 118.

<sup>68</sup> And to some extent Eisenhower as well.

<sup>69</sup> Rauschenbusch 1.

‘social gospel’ as applied to FDR, MLK, or Civil Rights references a generalized version of the Social Gospel Movement, there are numerous similarities.

The Civil Rights movement, however, lacked an important element of the Social Gospel: a larger structural critique of the economic system. Some scholars have lumped the Civil Rights movement in with the Social Gospel in the broadest sense of progressive religious and political causes. This overlooks the post-materialist nature of the Civil Rights movement and much of the politics of the 1960s. King did fulfill his potential as a Social Gospeler in addressing the larger socio-economic problems of the country, but this came after the Civil Rights movement and after he had faded from the national spotlight.

Perhaps the social gospel in evidence throughout the civil rights era more succinctly executed the original decentralized Social Gospel envisioned by Rauschenbusch, Gladden, and others. While the Social Gospel Movement got caught up in optimism over the possibilities of social science and the state, the Civil Rights movement was inherently decentralized, anti-state, and optimistic over the possibilities of society as an organism. A religious tradition more comfortable with centralized power, however, is a more natural fit for the Democratic Party that emerged after the New Deal. And so, the Catholic Church became an important part of the Democratic Party. This is another possible way to retell the preceding story. Essentially, the Social Gospel Movement was Protestant and as such was predicated on a decentralized vision of steady progress toward the Kingdom. Once the state institutionalized much of the message and goals, the Social Gospel Movement was co-opted by the centralizing forces of the state. As long as the Democratic Party actively supports a large, centralized state with centralized policies, the Catholic church is a more suitable fit than Protestant sects.

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# Stalking Regulation: Issues and Recommendations

**Laura Woods Fidelie**  
**Midwestern State University**

Stalking is a crime that has a significant impact on a large portion of contemporary society. The regulation of stalking has presented a wide range of challenges pertaining to stalking statutes' lack of clarity, definitional issues, and enforcement difficulties. This paper explores the criminal significance of stalking, assesses the current state of stalking regulation, examines the problems associated with the enforcement of stalking statutes, and discusses potential solutions to the regulation of this harmful behavior. Legislative recommendations include the enactment of state and federal statutes that clearly define stalking behavior and its penalties. It is also recommended that legislatures adopt the Model Stalking Code's threat requirement and specifically address cyberstalking in their statutes. The author proposes that law enforcement professionals be trained in proactive stalking intervention, and that specialized stalking task forces and collaborative agency involvement be utilized in addressing stalking incidents. This paper establishes the need for restrictive conditions on pretrial release for accused stalkers, as well as the importance of public education on the dangers of stalking.

## Introduction

Stalking is a significant issue in today's society and poses a considerable threat to a large number of individuals. Approximately 3.4 million people are stalked each year (Baum, Catalano, Rand & Rose, 2009, p.1). Approximately 78% of these stalking victims are female (Tjaden & Thoennes, 1998, p. 3). Though all 50 U.S. states and the federal government have enacted legislation banning stalking, these stalking statutes have generated problems pertaining to their relative youth, lack of agreement among jurisdictions, and the difficulty of encompassing all stalking activity within a statute. Stalking statutes have also been problematic for the criminal justice system due to issues with underreporting of stalking incidents, investigation of alleged stalking activity, and utilization of stalking statutes in seeking a criminal prosecution and conviction.

Because of the issues currently associated with stalking regulation, the strong correlation between stalking and more severe violence, and the detrimental impact that stalking has on its victims, it is imperative that proactive steps be taken to address this issue. The government must adopt measures to ensure that stalking statutes are enforced and that the behavior of stalking perpetrators is brought to a standstill before further damage is inflicted. In order to accomplish this, it is proposed that stalking be prohibited through clear and

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Laura Woods Fidelie is an Assistant Professor of Criminal Justice at Midwestern State University in Wichita Falls, TX. She holds J.D. and M.B.A. degrees from Texas Tech University. She is licensed to practice law in the State of Texas. Her research interests include personal crimes, cybercrime, offender rehabilitation, and capital punishment.

lucid legislation. This legislation should adopt the Model Stalking Code's threat requirement, which accepts threats that are verbal, written, or implied by conduct (U.S. Department of Justice, 1993, p. 35). This legislation should also clearly include cyberstalking within its scope of regulation. Following the outlined recommendations for law enforcement training, stalking identification procedures, public education, and a collaborative approach to handling stalking cases will significantly increase the effectiveness of these statutes and their ability to regulate this larger societal problem.

### **Background**

Stalking behavior is initially alarming because of the intense terror and fear that its victims experience. However, stalking poses more significant issues than simply frightening people. Stalking presents a great threat because it functions as a gateway crime to more violent offenses, including property damage and assault (Mohandie, Meloy, McGowan & Williams, 2006, p. 150). Though stalking does not always result in physical violence, there is a significant probability that stalkers will go on to commit more violent and destructive crimes directed at their initial stalking victims (Whyte, Petch, Penny & Reiss, 2008, pp. 32-34). Each year, approximately 28,000 stalking victims are murdered, and over 500,000 are the victims of assault and battery crimes (Berry, 1995, p. 131). Perhaps most disturbing is the fact that most female homicide victims are first stalked by their murderers. A 1999 study showed that 76% of women who were murdered, and 85% of women whose murder was attempted, had been stalked by their attacker in the year preceding the murder or attempted murder (McFarlane *et al.*, 1999, p. 308). Stalking is a particularly significant problem for young female populations, especially college-age women (Tjaden, 2007). 1.96 million, or 74%, of women who are stalked are between ages eighteen and thirty-nine (Tjaden & Thoennes, 1998, p. 2). Approximately 20% of female college students reported experiencing stalking during their time in college (Buhi, Clayton & Surrency, 2009, p. 421; Tjaden & Thoennes, 1998, p. 81).

Another troubling aspect of stalking is its strong connection to patterns of domestic violence (Humphreys, 2007, p. 363). Stalking behavior has been identified as the most significant indicator of whether an offender will commit acts of domestic violence in the future (Huang, 2009, p. 63; Logan, Cole, Shannon & Walker, 2006). Stalking behavior is directly correlated to that individual's violation of a protective order (Logan, Walker, Shannon & Cole, 2008). This recent study showed that the odds of a stalking victim either being injured or experiencing serious physical violence after the issuance of a protective order were respectively 4.7 and 4.8 times more likely than those

individuals who had not been stalked previously (Logan & Walker, 2009, p. 680). This same study also showed that when an individual is stalked by a partner against whom they have a protective order, this plays an affirmative role in the victim's decision to end the relationship. This is an issue because initial instances of stalking often lead to more substantial aggression and violence toward the victim once they have ended the relationship (Logan *et al.*, 2008; Logan & Cole, 2007). A 1998 study showed that 81% of women who were stalked by a spouse or significant other were also physically assaulted by that partner. 31% were sexually assaulted by that partner (Tjaden & Thoennes, 1998, p. 8). Women who experience stalking prior to the issuance of a protective order are 9.3 times more likely to be sexually assaulted by the perpetrator than those who were not stalked (Logan & Walker, 2009, p. 680). Because of their strong affirmative relationship, the criminal justice system now views stalking as a very real and threatening form of domestic violence (Jasinski & Mustaine, 2001, p. 27) that must be addressed through legislation and other means.

Stalking is also a significant societal concern because of the tremendous issues experienced by stalking victims. Stalking perpetrators successfully inflict a host of physical and psychological problems upon their targets. These issues include depression, sleeping problems, social isolation, significant personality shifts, and a general decline in physical and mental health (Roberts, 2008; Spitzberg & Cupach, 2007). These problems are specifically linked to stalking behavior, as research has shown that battered women who are also being stalked by an intimate partner experience more significant mental health problems than women who are physically abused in a situation where stalking is not present (Mechanic, Uhlmansiek, Weaver & Resnick, 2000).

### **Stalking Regulation**

Before the development of modern stalking statutes, law enforcement professionals relied primarily on civil protection orders and criminal harassment statutes to regulate stalking behavior (Bradfield, 1998). Civil protection orders were ineffective because they fail to address the element of repeated behavior that is so strongly correlated with stalking. Furthermore, civil protection orders do not allow for the imposition of criminal sanctions. Similarly, harassment statutes were ineffective because of their failure to criminalize the expansive spectrum of conduct that may constitute stalking. Due to issues with inequitable enforcement, substantial and procedural problems, and an overall inability to ensure that justice was served, these proved to be grossly insufficient methods of stalking regulation (Martinez, 2000).

The shortcomings of civil protection orders and harassment statutes were brought to the public's attention in 1989 when actress Rebecca Schaeffer was

brutally murdered by a man who had stalked her for years. In response to Schaeffer's murder, California enacted the nation's first anti-stalking statute. Other states soon followed suit, and by 1995 every U.S. state and the federal government had passed some form of legislation prohibiting stalking (Hunzeker, 1992). A handful of states also allow civil liability for stalking (Martinez, 2000). Stalking is an international issue, and stalking legislation has been enacted in a multitude of countries, including Great Britain, Australia, Canada, Japan, and most Western European nations (Nicol, 2006, pp. 21-22).

The definition of stalking varies among criminal law jurisdictions. A general definition of stalking is "a course of conduct that places a person in fear for their safety" (National Center for Victims of Crime, 2010). While different jurisdictions take varying approaches to stalking legislation, most stalking statutes have three common elements: 1) the behavior must be repeated; 2) the perpetrator must intend, or reasonably know, that their actions could cause physical or psychological damage; and 3) the victim must experience a reasonable degree of fear, distress, or physical harm (Purcell, Pathe & Mullen, 2004; Roberts, 2008). Since their initial enactment, many states have broadened their statute's application to include behavior directed at people in a dating relationship and family and friends of the victim. Forty-four states have supplemented their traditional stalking statutes with cyberstalking prohibitions (Roberts, 2008). Cyberstalking is defined as "threatening behavior or unwanted advances directed at another using the Internet and other forms of online and computer communications" (National Center for Victims of Crime, 2011). Cyberstalking is traditional stalking behavior that is carried out in a new way through advanced technology. Like traditional stalking, cyberstalking encompasses a wide range of behavior. Some states punish first-time stalking convictions as a felony, and some require multiple stalking convictions for felony classification.

In an attempt to clarify the ambiguity among state stalking statutes, the National Institute of Justice developed a Model Stalking Code (U.S. Department of Justice, 1993). The Model Code was designed to provide states with an example of a working, enforceable stalking statute that could be tailored to meet the needs of individual states. The Model Code recommends that stalking be punished as a felony and that misdemeanor statutes be enacted to regulate behavior that is more bothersome than dangerous (U.S. Department of Justice, 1993). Many states have followed some of these recommendations and have enacted portions of the Model Stalking Code, but no state has adopted the Model Code in its entirety.

The federal government has also enacted stalking legislation. As part of the Violent Crime Control and Law Enforcement Act of 1994, Congress passed

the Violence Against Women Act (VAWA), which provides both civil and criminal sanctions for stalking and domestic violence. VAWA designates federal funds for preventing and responding to stalking and other crimes against women. VAWA punishes interstate stalking as a felony, and makes state court stalking orders enforceable across state lines (Violence Against Women Act, 1994). Congress later supplemented VAWA through the Interstate Stalking Punishment and Prevention Act of 1996 (ISPPA). The ISPPA protects stalking victims when the victim has not obtained a protective order, or is not in an intimate relationship with their stalker (Interstate Stalking and Prevention Act, 1996).

### **Issues with Current Stalking Regulations**

In addition to the problems that stalking behavior creates for individuals and society at large, there are many issues associated with both the laws prohibiting this behavior and the enforcement of those laws. Stalking statutes are relatively recent legal developments, particularly when compared to statutes criminalizing behavior such as theft, assault, and homicide. Many of the problems associated with stalking stem from the fact that the U.S. criminal justice system simply has less experience in clearly defining stalking and implementing the enforcement of these statutes. While there has been much trial and error in enforcing older statutes, leading to current best practices, the relative youth of stalking statutes has not given lawmakers and law enforcement professionals the time to clearly define stalking and to identify the most appropriate methods of enforcing the related stalking prohibitions. The problems associated with enforcing stalking legislation are not unique to the United States, as other countries that have enacted stalking legislation have also faced similar challenges (McEwan, Mullen & MacKenzie, 2007; Smartt, 2001).

The lack of consensus among jurisdictions about exactly what constitutes stalking is also problematic (Tjaden, Thoennes & Allison, 2000). There is significant variation among states as to whether behavior such as lying in wait, surveillance, unwanted communication, and vandalism is considered stalking (Hunzeker, 1992). There are also differences among state statutes about how many times and within what time period the repeated behavior must occur before it constitutes stalking. The fear requirement is also inconsistent throughout various states' stalking statutes (Dietz & Martin, 2007, p. 755). The very presence of a fear requirement for a stalking conviction presents issues because numerous factors surrounding a stalking incident may result in a victim not feeling afraid, despite legitimate instances of stalking behavior. Additionally, there are a few states whose stalking statutes do not specifically ban harassing electronic communication. This presents significant challenges in an electronic

age in which both personal and business contact ever-increasingly take place through electronic means.

This lack of uniformity among jurisdictions arises because stalking is something that is very difficult to define and prohibit within the text of a statute. Many critics of stalking statutes have argued that the statutes are ineffective because they fail to encompass much of the action that stalking victims experience (Carmody, 1994). One reason for this is that while people can readily identify crimes such as murder and assault as objectively wrong, stalking, on its face, can appear quite innocent. Attention from an admirer, phone calls, and emails are generally perceived as flattering or merely annoying at worst. The issue lies in determining the fine line over which this ordinarily normal behavior becomes problematic stalking. While most people seem to have a subjective sense of when this behavior transitions into stalking, a subjective measurement is quite incompatible with the legislative definitions needed to punish someone under the criminal law.

Though VAWA has done a significant amount to address these issues, it is hardly comprehensive legislation for combating stalking. One of the primary problems with VAWA is the rarity with which it can be invoked. This federal legislation is triggered when stalking takes place across state lines. This is problematic because the majority of stalking behavior takes place within a confined area where no state lines are traversed (Easterling, 1996, p. 938). VAWA is also extremely limited in its application to cyberstalking. Cyberstalking is a growing area of concern for the proliferation of stalking activity, as approximately 25% of stalking victims have experienced cyberstalking behavior (Baum *et al.*, p. 5). Cyberstalking poses significant challenges to the criminal justice system because of the jurisdictional issues associated with the absence of borders in cyberspace. The anonymity of cyberspace and society's ready access to computers and advanced technology make cyberstalking relatively easy to commit, while the difficulties in collecting computer evidence make a cyberstalking case extremely difficult to investigate and prosecute (Chik, 2008, pp. 13-14). As society becomes more and more reliant upon the use of computers for personal and business contact, stalkers are increasingly able to target their victims through chat rooms, message boards, discussion forums, instant messaging, and email (National Center for Victims of Crime, 2011). The prevalence of cyberstalking demonstrates that VAWA is not far-reaching legislation that is capable of regulating all stalking activity.

Stalking also presents significant challenges to law enforcement professionals. Stalking has been identified as one of the crimes most likely to go unreported (Leitz & Theriot, 2005). Approximately 60% of victim-identified stalking is never reported to law enforcement (Baum *et al.*, pp. 8-9). The

underreporting of stalking behavior is the result of a variety of factors, including shame, social stigma (Wigman, 2009, p. 103), failure to recognize stalking behavior (Campbell & Longo, 2010), perception of stalking as a personal matter, or fear that law enforcement will not take the matter seriously (Baum *et al.* p. 8). Estimates of stalking incidences are grossly underestimated, as police are unlikely to charge people with stalking, particularly when that person can be charged with another offense (Tjaden & Thoennes, 2000). A study by the National Institute of Justice showed that the criminal justice system became involved in only half of the cases in which stalking was reported. This is due to factors including the absence of units designated for managing stalking cases, staff shortages, lack of law enforcement training in handling stalking, absence of stalking procedures and protocol, and failure to identify stalking behavior during the incident investigation (U.S. Department of Justice, 1998).

Similar issues come into play when legal professionals make decisions about pursuing stalking cases through the court system. Even when law enforcement does become involved in a stalking case and the case is referred to a prosecutor, the difficulties in proving the elements of a stalking statute make it far more likely that a stalking perpetrator will be prosecuted for another underlying offense, such as a restraining order violation or harassment, than with violation of a stalking statute. Prosecutors have a particularly difficult time proving the presence of a credible threat, which often causes them to charge the offender with a lesser offense in which a successful prosecution is a realistic possibility (U.S. Department of Justice, 1998). Both law enforcement officials and prosecutors often fail to recognize the connection between stalking and other violent offenses when making decisions about investigating and prosecuting stalking cases. The lack of response by law enforcement and prosecutors to stalking incidents is challenging because it leads to a large underrepresentation of stalking as a societal issue and a concern needing attention from all levels of the criminal justice system.

Pretrial release is another significant problem associated with stalking regulation. Even when an individual is arrested and charged with stalking, they are almost certain to be granted pretrial release by the presiding judge. However, a released stalker may be even more dangerous to the victim after their arrest. The arrest and criminal stalking charge may inflame the stalker and lead them to commit violent or destructive acts toward the person they view as responsible for the arrest. This usually means an increase in stalking behavior and escalated violence directed at the victim during the time between arrest and trial (U.S. Department of Justice, 1993, p. 55).

### **Legislative Recommendations**

The American justice system has consistently promoted the necessity of lucid and unambiguous legislation to effectively regulate stalking. Though VAWA is progressive stalking legislation at the federal level, much stalking behavior takes place within the boundaries of a state. To comprehensively address stalking, it is essential that stalking be effectively dealt with by state statutes. In order to resolve the issues associated with stalking legislation, it is necessary for state stalking statutes to clearly and concisely define what behavior constitutes stalking, and who can be held responsible for law violations under various sets of circumstances. Though it is difficult to define stalking activity within the confines of a written statute, states should attempt to encompass as much problematic behavior as possible when crafting their statutes. It will be advantageous for lawmakers to take into account historic stalking cases, current trends and changes in stalking behavior, the use of evolving technology, and the specific needs of a jurisdiction when developing stalking statutes. As is the case for all crimes, it is important for lawmakers to clearly define penalties for stalking violations, and how these penalties are increased for repeated violations of stalking statutes. It is necessary that people be given adequate warning about what type of contact and behavior is prohibited. Giving sufficient information for individuals to conform their conduct to the statute's requirements will help the statute avoid constitutional challenges of being vague and overly broad.

In the drafting and revision of stalking statutes, it is recommended that all jurisdictions adopt the valid threat definition utilized in the Model Stalking Code. The Model Stalking Code accepts "verbal or written threats, or threats implied by conduct" to satisfy its threat requirement (U.S. Department of Justice, 1993, p. 35). This approach to defining a threat eliminates the problems associated with behavior that may seem innocent in some contexts or to an objective onlooker, but which may be quite dangerous and threatening in another context or to an individual at whom the conduct is directed. When a jurisdiction requires a credible threat to constitute stalking, a significant amount of stalking behavior may be excluded from prosecution because of the way it is perceived by an objective onlooker at whom the behavior is not directed. It is crucial that lawmakers give flexibility within stalking statutes for a threat to be implied by an actor's conduct and its context, rather than requiring a victim to go unaided until a direct threat is conveyed to them. Though the National Institute of Justice has broadened the threat requirement beyond just immediate family to include anyone who has lived in the victim's household within the past 6 months, it is also recommended that lawmakers expand the people at whom a threat may be directed as broadly as possible. Because many stalkers direct their threats at a victim's friends, family, and colleagues, it is important that threats directed at

these people be encompassed within stalking statutes as well. It is predicted that if lawmakers adopt this approach in defining stalking threats, more stalking behavior will be stopped and appropriately sanctioned before the stalking escalates into incidents of more severe and detrimental violence.

It is necessary that all jurisdictions enact stalking legislation that specifically addresses cyberstalking. In order to effectively regulate a societal problem, it is crucial that laws keep pace with the changing and ever-evolving society that they seek to govern. The reality of today's society is that the Internet is now a primary avenue of communication, and an ever-increasing amount of both personal and business contact is now taking place online, rather than in person. Though stalking is not a new concept, the advent of the Internet has provided new methods of committing old crimes. People's desire to utilize advanced technology and electronic communication has opened the door for stalking behavior to take place in cyberspace. Though somewhere between 20 and 40% of stalking now takes place online, there are still several states that have not addressed cyberstalking through legislation (Jameson, 2008). Because of the prevalence of the Internet, it is very important that both states and the federal government enact strong legislation addressing cyberstalking and the ever-increasing threat that it poses to society. However, it is imperative that cyberstalking be addressed within the context of a general stalking statute, rather than being addressed separately. Addressing traditional stalking and cyberstalking in separate statutes creates problems in the prosecution of these offenses because it is often difficult for legal professionals to select the most appropriate avenue for prosecuting a stalking offense (Huang, p. 58; U.S. Department of Justice, 1993, p. 15). Addressing the two forms of stalking within the same statute will allow the legal system to proceed with a prosecution under the statute when any form of stalking is undertaken.

### **Recommendations for Law Enforcement**

Law enforcement agencies are society's first line of defense in controlling stalking. Therefore, it is essential that law enforcement professionals receive thorough training about the dangers of stalking and the significant threat that this behavior poses to individuals and to society at large. Law enforcement officers must be trained to recognize both traditional stalking and cyberstalking as credible and serious threats to an individual's safety. Training should present stalking and cyberstalking as unique crimes that encompass a wide range of behavior, and which may subsequently require a variety of intervention techniques in order to effectively terminate the conduct.

Because of the underreporting of stalking incidents, it is important that law enforcement be proactive in identifying stalking behavior by questioning

crime victims about stalking activity when other offenses are being investigated (Tjaden & Thoennes, 2000). When questioning victims or investigating stalking allegations, law enforcement officials should listen carefully to the victims and take their allegations seriously. During case investigation and follow-up, law enforcement should encourage victims to play an active role in the investigation by keeping comprehensive documentation of the dates, times, and details of stalking incidents. Law enforcement should become familiar with the behavior patterns that constitute stalking under their jurisdiction's statute. This will give them the ability to conduct appropriate follow-up investigations and document behavior that might be insignificant in certain instances, but which may mean the difference in a conviction or an acquittal under a specific jurisdiction's stalking statute.

A specialized unit or task force has been identified as an essential factor in successfully investigating and resolving a stalking case (Radosevich, 2000, p. 1381). The approach utilized by the Los Angeles Police Department is the creation of a stalking unit to investigate and follow up on stalking cases (U.S. Department of Justice, 1997, p. 19). Law enforcement agencies should follow this model as a guideline and develop an approach to handling stalking that meets the needs of their specific agency and jurisdiction. An effective stalking task force should be comprised of a diverse group of people from various areas of expertise in addressing and resolving stalking cases. An ideal task force would include prosecutors, victim-witness advocates, stalking investigators, forensic specialists (Radosevich at 1381), and other individuals who have knowledge about stalking cases or have contact with stalking victims within that particular jurisdiction. Utilizing a holistic approach by involving professionals of various specialties makes it more feasible for victims to make reports to the police, for investigators to examine patterns of stalking behavior, and for someone to serve as a general advocate for stalking victims throughout the case's disposition. An analogous comprehensive approach to stalking case management should be adopted by all jurisdictions in a manner that meets the specialized needs and circumstances of that particular jurisdiction.

The strong correlation between stalking and other violent conduct makes its essential that proactive steps be taken to address stalking before the behavior intensifies. In order to avoid escalation, it is crucial that law enforcement investigate stalking behavior at the first sign of a problem. The large number of stalking victims who are eventually murdered by their stalkers may be significantly reduced by early action and investigation. Law enforcement professionals should be officially encouraged by their departments to investigate stalking allegations. Law enforcement policymakers must foster a culture within their agency that recognizes stalking as a credible threat that often leads to

violence and destruction. Taking a top-down approach in promoting this way of thinking will help ensure that stalking allegations are taken seriously and that violence growing out of underlying stalking behavior law enforcement can be effectively neutralized.

### **Collaborative Approach to Stalking**

While law enforcement is likely the first contact that a stalking victim or stalking perpetrator will have with the criminal justice system, effectively regulating stalking behavior requires collaborative action and intervention from many different professionals and agencies. Communication channels must be opened among all law enforcement, legal professionals, mental health professionals, victims' shelters, and other individuals who deal with stalking issues to allow the adoption of a proactive approach to stalking. All professionals who deal with stalking at any level should receive appropriate training on best practices of handling stalking within their particular area of expertise. The Model Stalking Code recommends that all people who handle stalking cases receive training in: 1) the provisions and evidentiary requirements of stalking laws; 2) identifying and monitoring stalking incidents; 3) assessing the potential dangerousness of suspected stalkers; and 4) assisting stalking victims (U.S. Department of Justice, 1993, p. 74). Along with training, it is important that all agencies and professionals foster a culture of cooperation and effective communication with other professionals and agencies.

### **Mental Health Intervention**

Many people who engage in stalking behavior suffer from a type of mental illness, personality disorder, depression, or substance abuse (Mechanic, 2000). Because of the strong link between these issues and stalking behavior, it is important that a mental health evaluation be conducted when there are confirmed allegations of stalking. A preliminary mental health screening would allow the mental health and criminal justice systems to become involved and to prevent prolonged stalking behavior by individuals suffering from such conditions. Mental health evaluations would also serve the larger societal goal of allowing those suffering from mental health conditions to receive appropriate treatment and improve their overall quality of life. This proactive approach from the mental health community, accompanied by support and cooperation from the criminal justice system, would do a significant amount to reduce and prevent incidents of stalking over the long term.

### **Recommendations for the Legal System**

It is also essential that prosecutors and judges determine the most appropriate time to become involved in a stalking case, and that they seriously consider the victim's safety when handling a stalking case. This is particularly important in the context of pretrial release. It is imperative that judges and prosecutors take measures to protect stalking victims during the time between the offender's arrest and subsequent trial, as there is an increased danger of the perpetrator committing acts of violence toward the victim during this time (U.S. Department of Justice, 1993, p. 55). Research has indicated that stalkers pose such a significant threat to their victims that judges should consider denying them pretrial release entirely when appropriate protection cannot be ensured (Tran, 2003, p. 460). Because a stalker's behavior frequently escalates into violence (U.S. Department of Justice, 1993), if judges and prosecutors choose to offer pretrial release to those accused of stalking, they must also take steps to protect victims during the pretrial release period. Stalking should be considered a violent offense in making a pretrial release determination, and a no-contact order should always be included as a condition of pretrial release. Judges should follow the National Institute of Justice's recommendations that individuals charged with stalking not be released on their own recognizance. Prosecutors and judges should attempt to minimize the probability of pretrial release when feasible, or ensure that any restrictions necessary to protect the victim are imposed in situations where pretrial release is inevitable. Due to the significant risk that stalkers pose to their victims during this time period, a form of effective monitoring should be a condition of pretrial release. Utilizing this approach will significantly reduce the level of danger and probability of harm for stalking victims during the time between an alleged stalker's charge and the final disposition of a stalking case.

### **Recommendations for Public Education**

Finally, the public must be made aware of the significant threat that stalking poses to individual safety and well-being. Far too often, people dismiss stalking as harmless and insignificant activity. It is crucial that people be educated about the dangers of stalking, as failing to address stalking until after the behavior has escalated often has disastrous consequences. If stalking is not appropriately controlled from the beginning, the chances of a stalker committing further acts of violence toward the victim are greatly increased. It is imperative that the public be strongly encouraged to report stalking activity in its earliest stages. If the public is made aware that law enforcement professionals will take their allegations seriously and will appropriately deal with stalking behavior, it will greatly encourage people to come forward and report stalking activity. The

public should be educated about what constitutes stalking, warning signs of stalking, and the consequences that may occur from escalated stalking behavior. The public should also be made aware of what steps individuals should take when stalking is occurring, what agencies and resources are available for managing stalking, and that their problem will be appropriately addressed by the criminal justice system. These proactive steps will significantly reduce the large number of stalking victims that suffer bodily injury or death each year at the hands of their stalker.

## **Conclusion**

Stalking is a considerable problem in contemporary society that is taking place with increasing prevalence. Though stalking is often written off as an inconsequential occurrence, it poses great peril to its victims. Stalking is often a gateway crime to the commission of more violent offenses such as assault, battery, and homicide. There is a strong correlation between stalking and patterns of domestic violence, and stalking also results in a decrease in both the physical and mental health of the victim.

The United States and other nations that have attempted to regulate stalking have struggled greatly with finding an effective method of criminalizing and policing this behavior. Historically, stalking offenses were handled through civil protection orders and criminal harassment statutes. Due to the ineffectiveness of these methods and as a response to specific stalking incidents, all 50 U.S. States and the federal government have now passed legislation criminalizing stalking activity. Many of these statutes have undergone significant revisions to ensure that they will be enforceable and will comprehensively regulate stalking. However, stalking statutes still encounter significant issues due to their newness, lack of uniformity among jurisdictions, deficiency in widespread applicability, and challenges in their enforcement.

There has been much discussion about the best methods of overcoming these challenges and ensuring that stalking can be appropriately regulated by means of enforceable legislation. In order to accomplish this, it is recommended that stalking be clearly defined by both state and federal statutes. It is also recommended that all stalking statutes adopt the Model Stalking Code's threat requirement, and that all stalking statutes specifically address cyberstalking. In the enforcement of stalking statutes, it is recommended that law enforcement be trained in handling stalking cases, that they adopt a proactive approach in identifying stalking, and that agencies and professionals work collaboratively to appropriately handle stalking cases. It is also proposed that public education about the threat of stalking be widely utilized. Because of the large number of people who are adversely affected by stalking, it is vital that these steps be

adopted in order to properly regulate stalking and protect society from the grave danger that is presented by this behavior.

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