Public Voices

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Public Voices

Editorial Board

Public Voices

Public Service In Turbulent Times

Symposium on Terrorism

Dedicated to everyday heroes of public service and to the memory of those who perished in terrorist attacks of September 11, 2001

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I will argue that stories told by managers, and the subsequent judgments they make in the actual work, are an effective way to communicate useful knowledge to students and practitioners of public administration. The recent tragedy in New York City produced a massive response by many government agencies. The New York Fire Department was on the scene of the devastation early and had primary responsibility for safety and rescue. Nearly three thousand people died as a result of the calamity, including many firemen. The event produced a complex set of administrative problems that are worthy of investigation. Using a case study approach, I will examine the ability of administrators and workers to adapt to the chaotic milieu. In order to accomplish this task, I will be applying aspects of Sir Geoffrey Vickers' "appreciative systems" theory, Alfred Shutz's "social construction" theory, and Ralph Hummel's "bureaucratic

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The author proposes that sensemaking as theorized by Karl Weick (1995) and knotting as an expression of sensemaking can assist us in understanding our world. This article describes sensemaking and knotting in a graduate level classroom experience. The uses of sensemaking and knotting, however, are not confined to just classroom learning. It is hoped that sensemaking and knotting can also be used by anyone, including administrators in the workplace, to make sense of the seemingly senseless events in our lives. Sensemaking is a change in our thinking, our perception. Knotting is an alternative to our usual expressions of narrative writing.

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Law & Order challenges this supposition. Most plots begin with the discovery of a crime, usually a murder. Neither the police investigating the crime nor the audience has any idea why the misdeed was committed or who did it. As the police look for clues, the truth slowly unfolds. Often there are false leads and the wrong person is arrested. Yet, when the truth becomes clear, it is evident who has perpetrated the offense and how he or she ought to be punished. The facts are all important in deciding what is true and therefore just. In effect, the facts quite clearly establish the "values."

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Public Service in Turbulent Times— *An Introduction*

Marc Holzer, Iryna Illiash

More than a year has passed since that tragic day of September 11th, 2001 when the unthinkable and the unimaginable happened—America, the stronghold of democracy and freedom, was viciously attacked by the forces of terrorism.

In a song dedicated to the tragic events of 9/11, Alan Jackson, a popular country singer, asks, "Where were you/ When the world stopped turning?" And as it is true that the surprise and the horrific means used to deliver the attacks can only be compared with something as unfathomable and catastrophic as the entire world suddenly becoming still, it is equally true that we will always remember, to the smallest detail, how we spent that day, what we did, felt, and saw.

There are also things that we should never forget. We should never forget the innocent victims who perished on American Airlines Flight 11, American Airlines Flight 77, United Airlines Flight 93, United Airlines Flight 175, at the Pentagon, and the World Trade Center—all 3041 killed in the name of some distorted idea of a sick mind.

We should never forget the selfless sacrifice of firefighters and police officers who gave their lives saving the lives of people trapped in the fiery infernos of the Twin Towers and the Pentagon. They truly proved to be our finest.

We should never forget our fellow citizens who found the courage to stand up to the armed terrorists in a desperate attempt to regain control of the highjacked plane. Their resolute "Let's roll" is still resonating strongly in a nation earnestly engaged in the business of fighting global terrorism.

We should never forget outstanding public leaders who rose at that tragic hour to unite us in our grief and to mobilize us in our effort to help, heal and rebuild.

We should never forget the deeds of more ordinary heroes, "quiet" public servants, such as a woman named Amy who works as a NYC morgue anthropologist. In the days following the attacks, she and her team examined 19,000 body parts, trying to establish identities of the victims and bring closure to their relatives who wanted to know how their loved ones died.

We should never forget the sacrifices and deprivation of those involved in the rescue operations and the subsequent clean-up efforts: firefighters, policemen, construction workers, EMS personnel, FEMA employees, blood donors, social workers, the clergy and other volunteers.

Lastly, we should never forget the spirit of the brotherhood that we all felt then, truly "one nation under God."

As we continue to live our lives as citizens and as public servants, we can now use moral clarity—the ability to acknowledge the existence of pure evil—that was acquired at a terrible price, in rethinking and reinventing the meaning and the future of democratic governance.

This symposium is a tribute to the everyday heroes of public service and to the memory of those who perished on that mournful day of September 11, 2001.

Above: A Fragment of the Ground Zero Memorial at the World Trade Center
Photograph by Iryna Illiash

The Art of Judgment: An Organizational Analysis of the New York City Fire Department, September 11, 2001 (A Case Study)

A Paper Delivered at the Southwestern Political Science Association Annual Meeting, Thursday, March 28, 2002, 8:30-9:45 a.m., The Fairmont Hotel, New Orleans, Louisiana

Terence M. Garrett

The September 11, 2001 terrorist attacks on the World Trade Center, the Pentagon, and the airliner crash in Pennsylvania have placed immeasurable stress upon the victims, cleanup crews and the American people. The grief and shock caused by the events will have lasting consequences. Currently organizations are in a stage of reassessing their roles played before, during and after the crisis in order to improve responses to any possible future tragedies. Additionally affected people in organizations involved in the events are trying to overcome tremendous pain and a severe sense of loss in moving beyond the attacks and its aftermath. The focus of this paper will be on the New York Fire Department and the actions of its members in response to the attacks. Also considered are the activities of the Oklahoma City Fire Department regarding their response to the bombing of the Murrah Federal building. In particular, I will be examining specific incidents concerning judgments exercised by executives and managers in the NYFD and OCFD. The two cases afford us the opportunity to examine examples of judgments and decisions made by fire fighters on those two fateful days.

The Shocks and Initial Responses of September 11, 2001 and April 19, 1995

The crashing of the airliners into the World Trade Center buildings by the al Qaeda Network is the worst act of terrorism perpetrated on the United States, surpassing the bombing of the Murrah Federal Building in Oklahoma City by Timothy McVeigh and Terry Nichols in its scope and magnitude. The World Trade Center towers withstood the airline impact but eventually succumbed to the fire created by the massive amounts of jet fuel aboard the two aircraft (Glanz and Lipton 2002). McVeigh and Nichols have been convicted of various federal counts regarding the Murrah Building bombing by the use of a Ryder truck loaded with bombs made with diesel fuel and fertilizer. The events are similar, however, in that the disasters were man-made and in their wake involved the coordination of numerous government agencies in response to the tragedies. The initial reaction by fire fighters is eerily similar, though the NYFD lost a considerable number of their own and this aspect has led to a difficult time for the organization since the disaster. Additionally, the NYFD had significant problems concerning radio communications and the horrific loss of men and fire chiefs in the initial rescue efforts. Regarding the September calamity, NYFD Captain Michael Donovan told interviewers that:

> It was a moment of disorienting shock. North seemed south. Left seemed right. The simple act of drawing breath became a struggle, because the air was thick with dust and black smoke from raging fires. Much of the senior command of the department, as well as many colleagues, had disappeared, either beneath the debris from the World Trade Center or in their own sprints to safety. And though the stillness was broken at times by stray bullets exploding from the heat, there were very few cries for help. "It was like after a blizzard when there's nobody out and everything is very quiet and you can't really see," ... "There was nobody. There was nobody. It was like Hiroshima after the bomb" (Flynn and Dwyer 2002).

Donovan's comments were echoed by others, including the Deputy Assistant Fire Chief of Fire Safety, Albert Turi, who came across the Brooklyn bridge in time to see the north tower collapse:

> "I knew right from the start that there was no way this Fire Department could extinguish six or eight floors of fire, fully involved, in a high-rise building," Chief Turi said. "It's just not possible, because we don't have the means to do it."
> Just entering the building had lethal risks: the debris and bodies falling from the upper floors were killing people on the ground (Dwyer 2002).

The chaotic conditions that the Oklahoma City Fire Department encountered are well described by Assistant Fire Chief Jon Hansen:

> Twenty-two years in the fire service will teach you to be ready for anything. But on April 19, 1995, I learned there are some things you can never be completely ready to face. *You can be prepared and that helps but you can never totally be ready for a disaster of this magnitude....* No one waited for the alarm that we knew was coming. Instinct kicked in immediately... As my car topped Fifth and Walker, I was stunned to see the chaos in front of me.... There was dense black smoke everywhere. A thick cloud of brown dust hung in the air. Bricks and debris filled the street.... Dozens of dazed people wandered the streets, many with blood streaming down their faces. People were running—some running for help while others were running to help. Paper rained from the sky (Hansen 1995, 7-9; Garrett 1996, 35). [Italics added for emphasis]

One can readily see the shocking situations faced by Captain Donovan, Chief Turi and Chief Hansen in their attempts to manage the crisis events. The initial surprise of both infamous episodes brought about similar circumstances in which managers and their workers had to deal with phenomena well beyond the normal day-to-day activities. The terrorist attacks tested the organizations to their limits. Subsequent to the events of the Oklahoma City case, the National Fire Protective Association (NFPA) gave the OCFD generally high marks for the behavior of members of the organization, though there were problems involving radio communications and some logistical failures (1995). The NFPA no longer evaluates fire departments in the manner they did in 1995.[1] A thorough comprehensive analysis of the NYFD has yet to be completed. We will explore specific incidents in the two fire organizations below and how they respond to internal political issues arising from the tragic events.

Organizational Conflict in the New York Fire Department after September 11

An important aspect of healing is making an attempt to make some sense of what we (the public and those people directly affected) can in understanding how we might improve our collective response to terrorist attacks and other calamities. By nearly all accounts, the New York City fire and police

departments acquitted themselves well in saving the lives of many people, although there has been some criticism as to what failures might be averted in the future in the event that some similar catastrophe may occur. In this vein, the New York Fire Department, through Fire Commissioner Nicholas Scoppetta, has undertaken an initiative to get private organizational consultants to analyze how the NYFD responded to the events of September 11 and to do the job without pay (Lueck 2002). Not all of members of the NYFD have the same desire and feelings concerning actions that might be taken in order to come to a final conclusion regarding the department's response to events on September 11. This last point is illustrated by the following exchange between Commissioner Scoppetta and Captain Peter Gorman, president of the Uniformed Fire Officers Association. Commissioner Scoppetta wants to review the actions of the fire fighters on the fateful day in order to correct or eliminate possible errors in the future. On this matter, the Commissioner stated "This isn't about finding fault, it's about figuring out what happened and how best to prepare for a major emergency in the future.... We want to give all this information to someone who will do a credible, comprehensive review." Whereas, Captain Gorman indicated to reporters that "the interviews [of the firemen and chiefs] had initially been described [by the NYFD hierarchy]...as historical documentation" and that "the fact they had become both public and a part of a normal investigation amounted to a betrayal" (Flynn and Dwyer 2002). The exchange between the Commissioner and the leader of the Uniformed Officers Association illustrates the tension that exists between executives and managers in modern organizations. Executives (i.e., the Commissioner) live in a life-world with different expectations and responsibilities. Managers (i.e., the Captain), who operate with different assumptions in the organization, have to take orders from executives further away from the actual work, in this case the search and rescue operation and clean-up of the World Trade Center area in the aftermath of September 11, 2001.

The existence of differences between levels in organizations is exacerbated during times of crisis or when there are absolute and irreconcilable positions taken on a problem. This tension between the executive and manager levels in an organization is characteristic of problems inherent in the *knowledge analytic* and is accentuated during times of stress in modern organizations (Carnevale and Hummel 1996; Garrett 2001). The main problem for today's organizations is the ubiquity of hierarchy as described below:

> [The] turning of the head upward also makes me dependent not only of the superior knowledge of technical task division and coordination possessed by my superior—*it also makes me dependent on that superior in a personal political way.* If that superior chooses to tell me to do things that express his or her personal self-interest rather than the requirements for scientific task design or technical task coordination, *I am no longer in a position to know or judge whether such demands are technical or political.*
>
> The potential for political misuse of technical working together on a job also means the breaking apart of politically working together. Technically divided labor also surrenders political judgment...(Hummel 1994, 236).

The conflict depicted above regarding the different organizational interpretations of what ought to be done regarding the investigation of the events of September 11 illustrate the political conflict inherent to hierarchy. On the one hand there is the Commissioner attempting to get a report finding potential culpability for (mis)management of organizational resources and apparently using surreptitious means to obtain information. On the other hand, the Captain is suspicious of the motives of the Commissioner regarding his intentions for the information obtained by interviewing fire chiefs and their men done ostensibly for "historical documentation." The verdict is out as to which version is true, but the conflict reveals the inherent problems found in modern organizations.

Organizational Conflict and Resolution after April 19[2]

The response by the Oklahoma City Fire Department, though positively evaluated by analysts and critics, had a number of problems as part of its legacy. Critical here and somewhat analogous to the NYFD issue involving trust between the executive, management, and worker levels, was the problem of what to do with the fire fighters and officers on the scene who refused to obey organizational rules. In particular, after the bomb had exploded at 9:02 a.m. and the various agencies began to arrive at the scene of the disaster, a second bomb threat had been called in by what turned out to be a crank caller at approximately 10:00 the same morning. According to the rulebook, fire fighters are supposed to leave their victims at the scene in order not to become casualties themselves. Several of the crews decided not to leave and stayed behind to extricate the victims from the rubble of the Murrah building and had disobeyed the rules. The dilemma for the organization was recounted below by Chief Hansen:

> The decision to pull out our people was made quickly. In truth, there was no choice to make. The first rule for those responding to an emergency is not to become victims themselves. However, getting everyone to comply was not as simple as giving the order to vacate the premises. First, we had the logistical problem of getting word to rescue workers.... We learned later that some of those rescuers opted to stay with the injured and ride out the threat. We didn't reprimand any of them for their decision. We felt it was one of those few times in life where there wasn't a right choice.... (Hansen 1995, 18-19; Garrett 1996, 37).

We see here that when faced with the conflict between set organizational rules and the ethical/moral dimensions of the managers and workers, common sense should prevail. The decision made by the senior leadership of the Oklahoma City Fire Department not to use punitive measures for those fire fighters who had violated the rules resulted in a reconsideration of organizational policies. Executives and managers believed that nothing was to be gained by putting sanctions on the fire fighters who had clearly done everything possible as human beings to do their work as best they could.[3]

A Brief Comparison of the Incidents Involving the Two Cases

The two cases illustrate well a common problem in modern organizations: who in the organization has the best perspective as to how the agency should be run. In Western society, it is automatically assumed that those at the top of the organization are best suited to perform this organizational role. Due to the rigid nature of most human organizations the hierarchical model prevails. The language in personnel manuals generally dictates specific prescriptions for members' organizational behavior. Science is added to the cause of aiding management in conforming members into being systematic machine-like tools. Executives and managers in modern organizations have a tendency to be rule bound and favor improved scientific techniques for control. The philosopher Alfred Shutz warns of the errors of applying what passes for science upon society:

> *...All social sciences are objective meaning-contexts of subjective meaning-contexts....* All scientific knowledge of the social world is indirect. It is knowledge of the world of contemporaries and the world of predecessors, never of the world of immediate social reality. Accordingly, the social sciences can understand man in his everyday social life not as a living individual person with a unique consciousness, but only as a personal ideal type without duration or spontaneity. They can understand him only as existing within an impersonal and anonymous objective time which no one ever has, or ever can,

> experience. To this ideal type are assigned only such conscious experiences as are required to accompany motives already formally postulated (Shutz 1967, 241).[4]

The danger of prescribing too much into the behavior of complex human beings cannot be underestimated. Hummel, following the philosopher Edmund Husserl, states that "bureaucracy models reality and becomes, in time, preoccupied with procedure" (1994, 213). Hummel further adds that "true managers" really manage and behave with the best of intentions for their workers and the public when they use their brains to deal with the non-routine (1994, 213).

Examining the two case studies, we can now see more clearly the problems in the organizations. Judgments had to be made regarding the chaos that was created in the early stages of both disasters. The fire chiefs and other fire fighters had to make decisions that involved the potential for losing lives, including their own. This is nothing particularly unusual given the work that they do. However, in both cases the calamities were unprecedented. All involved had to be Hummel's true managers in dealing with matters that were definitely non-routine, and this aspect involves the application of judgment. Sir Geoffrey Vickers' "appreciative systems" theory is instructive here though it is not to be confused with technical-rational scientific theories (1995).[5] Vickers' typology breaks judgment into three primary areas: (1) *Reality judgments*–based on what *is* and *has been*; (2) *Value judgments*–the selection of the "facts" that are to be observed and regulated; and, (3) *Instrumental judgments*–or "what are we going to do?" (1995, 54, 103 and 114). We see from these two case studies variation in all three subsets of Vickers' judgments. In the September 11 NYFD episode, questions as to what occurred are accentuated between those who were actually there (the fire fighters and fire chiefs) and the executives who were not directly involved in the event, such as Commissioner Scoppetta. Explanations offered by the fire fighters were insufficient and outside organizational consultants have been called for in order to get to the bottom of the perceived inadequate initial response. What "facts" that are to be observed and regulated remain a mystery to Captain Gorman and the other uniformed officers. The question persists as to what are the important facts that will be emphasized in an organizational analysis after the events of September 11. This aspect has led Gorman and the other officers in the NYFD to conclude that the upper reaches of the organizational hierarchy have ulterior motives, especially after obtaining the stories and reports from the fire fighters. The instrumental judgment aspect of "what are we going to do?" contributes to unease in the situation. Also, the question remains as to whether specific organizational procedures were followed or violated and what to do (if anything) following any final report given to the Commissioners by organizational consultants. Hummel's criticism of bureaucracy manifests itself here as the dependency on the superior (the Commissioner) leaves the Captain in the position to not know if he is to judge whether the demands placed on him and his fellow officers in the NYFD are political or technical.

The OCFD handled the conflict between those who stayed with the victims during the second bomb scare and those who left. Organizational rules had been violated, however, personal judgments were made and the fire fighters who made them were not admonished by the upper management. There was ultimately a consensus by all participants as to what occurred, although there was not total agreement as to what the punishment ought to be. Using Vickers' appreciative systems we see that the reality judgment and value judgment aspects were readily agreed upon intersubjectively by the fire fighters, chiefs, and outside evaluators. The OCFD as a human system demonstrates that a consensus is lacking in the instrumental judgment aspect. Some animosity exists in the organization and will for as long as members hold to their personal judgments concerning the events of April 19, 1995.

Conclusion

These two case studies demonstrate the importance of judgment on organizational decision-making. Hummel (1991) has made the case that stories managers tell are as valid as science. We see in these two cases the importance of judgments made by the fire fighters through their stories. A question concerning trust remains as to how the NYFD Commissioner will use the internal interviews generated by the organization. The NYFD officers have raised the issue and believe they have been betrayed. The fact that there is internal political conflict within organizations is well known by any student or practitioner in public administration. Crisis events such as those that occurred on September 11, 2001 and April 19, 1995 well illustrate the tensions that are inherent to human organizations. Executives, managers and other organizational participants render judgments. Whether those at the lower end of the hierarchy are truly heard in the expression of their angst when problems arise is a key problem in management. The application of science by the top of the hierarchy to lower-level participants can be damaging to organizational members if applied without regard to circumstances surrounding social reality.

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Endnotes

[1] Previously I have conducted phone interviews and mail correspondence with Chief Fire Investigator Ed Comeau after the Oklahoma City bombing. I have been told by the public information office in Quincy, Massachusetts that the NFPA was not going to analyze the NYFD in the aftermath of the events of September 11, 2001.

[2] See Garrett 1996 for a more thorough explanation and elaboration of the activities of the Oklahoma City Fire Department after the Murrah Federal Building bombing.

[3] This is not to say that tensions have been completely resolved after this incident. Conversations that I had with a fire engineer who worked closely with the OCFD during the disaster recovery phase indicated that there was conflict within the organization after the decision not to punish those workers who stayed with the victims. Those who left after the bomb scare and returned later believed they were right in following the rules and resented the others who had stayed behind. Guilt from both groups is part of the traumatic legacy of dealing with such a complicated and extraordinary incident.

[4] Further elaboration is in order here. Science should not be completely pre-empted in all instances but should be considered as one of several alternatives. A dynamic way to consider an element of the objective-subjective dimension of philosophical and scientific inquiry and to examine the temporal-spatial (natural world) is to use the "action-time" matrix developed by Bensman and Lilienfeld (1991):

Figure 1: Action - Time Matrix (From Bensman and Lilienfeld 1991, 25):

Action		**Time**
Rationally Calculated	Objective	Subjective
	Scientific Attitude	*Planning Attitude*
Common Sense Rationality	*Ritualistic and Ceremonial Action*	*Attitude of Everyday Life*

Time and action are the crucial elements in our understanding of complex situations. Bensman and Lilienfeld (1991, 16-7), following the philosopher Alfred Shutz, demonstrate that scientific attitude and attitude of everyday life represent different conceptions of time interpretation as "In the scientific attitude, time is measured in the objective sense of the term with standardized units, independently of a feeling of involvement [or rational detachment] which increases or decreases the experience of passing time." In the attitude of everyday life, "actions are situationally egocentric in the same sense that psychological time is temporally egocentric" (Bensman and Lilienfeld 1991, 16). The planning attitude incorporates the scientific and natural attitudes and reflects "an unselfconscious, nonreflective man who directly and immediately enters into social relations with others in terms of his immediate personal goals and his direct and intuitive apprehension of a situation" (17). The ritualistic and ceremonial action cell "suggests ritual and ceremony as means of organizing activity, especially in highly stylized or expressive ways [alternatives are not considered]" (18). Time is important for our understanding of the context in which decision makers in these case studies took action (made decisions) and under what conditions the decisions were made. The managers and workers of the Oklahoma City and New York Fire Departments at the time immediately after the bombing were in the "action" and "time" dimension of the "attitude of everyday life." Of course, when managers have the "time," they can, and often do, engage in strategic planning and training to attempt to cope with day-to-day actions. They cannot, however, plan for every possible contingency, as these case studies illustrate. Rational science has difficulty responding to the "attitude of everyday life" dimension when a crisis management situation

occurs. But managers have to deal with these crises, nonetheless, rendering judgments on the scene within limited time and space constraints.

[5] Vickers's (1995) appreciation systems approach pertains especially to judgment in decision making. Adams, Catron and Cook (1995) note that

> Many of the early systems theorists quickly became focused on the notion of a general systems theory, which could apply equally to all forms of systems–natural, mechanical, and human. In keeping with the modern epistemological dominance of technical rationality, such theories were usually cast in terms of those systems that could be most fully described and executed technically. The concomitant developments in computers and artificial intelligence, along with the emergence of sophisticated management information systems, further intensified this bent in systems thinking. In many quarters, theorizing was reduced to technical modeling and thus became increasingly inimical to the examination of processes such as human judgment, which, due to their tacit elements, unfailingly resisted capture in wholly explicit and analytic schemes (xviii).

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Fiction

Galvanizing Moments: St. Elgin's College Responds

John A. Nicolay

Author's note

Readers who are not familiar with the backdrop for these stories are invited to read earlier stories in this series published by ***Public Voices*** *(Volume 2 (3) & Volume 5 (3)). St. Elgin's College is a fictional liberal arts college located in a large Washington State port city. Our protagonist is a senior Professor of History.*

In September of last year 2001 I was teaching a public personnel management class at Ft. Belvoir, an Army installation located about twenty miles south of Washington, D.C. off of Route 1. Among the class students was a six-member cohort of Army personnel specialists including Major Steve Long, who would surrender his life at the Pentagon on September 11, 2001 when American Airlines flight 77 struck.

Steve was a man of great personal courage, a commitment to excellence, and a lover of extreme sports, such as mountain climbing and skydiving. At 35 his body had seen plenty of wear, and two weeks prior to his death, he had surgery for a badly damaged knee. On September 5 I returned to the class their midterms. It was a time of anguish for some the students and I listened patiently to the litany of outward finger pointing phrases that often accompany such unhappy occasions. After class, Steve and a friend of his remained. Steve apologized for the behavior of his classmates, and then explained that he took personal responsibility for his shortcomings on the test—which were minor.

There was no class on the 12th, but despite heightened security at all federal installations, we met on the 19th of September. By then I knew about Steve. We talked as a class for a few minutes about the unfolding events. The range of reactions was mixed. To a person, the five remaining of Steve's cohort were the most personally touched and distraught. So it was to them that I repeated the lesson shared with me in June 1994 by the late Reverend Thomas Bratton, then president of the Chautauqua Institute in New York. Building on a scene in C. S. Lewis' Shadowlands in which Lewis' dying wife Joy Gresham, Bratton tells us that grief is the price we pay for having loved, "And I dare say, that if you could somehow have known what this awful day would bring, you would not have sacrificed one moment of that happiness [with Steve] for the sorrow now. Without the happiness then, there would be no grief now. Your grief is the price you pay for the happiness you shared."

Steve was buried with full military honors at Arlington National Cemetery.

By the summer of 2002, most of Professor Ian Gestrode's colleagues at St. Elgin's College had run dry on aphorisms designed as reductionist strategies to encapsulate the cataclysmic events of the previous September to comfortable table conversation. Such palaver seemed inconsequential in the light of history. Most felt, as he did, lost to the maelstrom, powerless to react, trusting those hardly worthy of absolute trust in a democracy, in a government purposefully created not to be trusted. No one to his personal knowledge had been directly touched by the deaths of nearly 3,000 people in New York, Pennsylvania and Washington, D.C. Many had stories of flights cancelled, or that kind of six degrees of familiarity that embrace all of us. All had absorbed what the senses would tolerate, and despite the 24 hour CNN coverage during those first tenuous days following September 11. Despite the unfurling of flags, and magnetic icons folks attached to their cars, his colleagues, with a few glaring exceptions, approached the events as reasoning spectators probably would: reasonably stoic, yet sympathetic.

Gestrode was personally troubled by the sudden national affirmation of "One country, under God," for to him it spoke of a primitive battle of ideologies: Christian versus Islam. There seemed this insatiable urge to connect to something national, a creed, or a sign of membership. In fact, the campus Islamic Students Association had come under direct attack by Students for Christ Prayer Association, a small group of disenfranchised conservatives awash in the liberal theology of St. Elgin's Presbyterian heritage. Provost Alexander Hertome ordered the web link to the Islamic group on the school's web site removed in order to conceal its membership, but it came too late. There were also the actions of the college's own Ministerial Council, a haphazard, eclectic group of twelve Christian pastors from various denominations who served, ostensibly anyway, as the college's "moral compass." This was the council's charter, not the college's charge. In truth, the council was an artifact from those halcyon days when the college was more firmly and ironically indebted to its founders, a group of 19th century Presbyterian lumber barons.

Mohamed Isbar, a twenty-year-old male student from Bahrain, was severely beaten in the library's parking lot by a group of ten males, none of whom he could reasonably identify, or perhaps chose not to. The remaining members, suffering taunts and their own engendered sense of isolation and insecurity, took a brief hiatus during the term. They chose to gather in each other's rooms or apartments for whatever reason. The city itself housed a small population of Islamic nationals with the business and social accoutrements sufficient to suffice a need to remain connected. But thus it was for virtually all first generation immigrants.

On September 11 Gestrode had finished teaching his morning "Introduction to American History" closing with a forbearance regarding the upcoming midterm examination. Invariably a few students would linger to polish up the handle on the door, to fill in lecture note blanks, and to hopefully catch the attention of a fellow classmate whose acquaintance was more visceral than intellectual. He adjourned to the hall, caught the clatter and commotion of students and staff rushing toward the student union building, a place with easy television access for large numbers. No faculty or administrators had cable televisions in their offices, although nearly everyone had a radio. Internet radio was isolated, but on this morning, not a reliable access. It was clear that American commercial airlines had been commandeered by a coordinated group of terrorists, to be transformed into missiles,

and connected to eternity. Regardless of the long term residual effects of these events, for the rest of their lives, this living generation of Americans would be connected to that moment.

At noon on September 11, 2001, Professor Jacobus Irving collapsed in the hallway of Crawford Hall, the home of several disciplines. He was 58. He was a grandfather of two boys, by two daughters. And he died. News came quickly to Gestrode, as the two were among the longest serving faculty at St. Elgin's, and while not confidants, they were friends beyond the lunchtime cordiality that plagued most nominal friendships within the ivy walls.

Because normal plodding was not possible that week, classes for the remainder of the week were cancelled. Many residential students went home. Those students not within a commute of the college lingered on campus or found refuge off campus. Faculty generally spent their time within their offices or within small groups of colleagues to replay history, as well as to pontificate on the obvious and less obvious. A thin scattering of faculty distracted themselves from the now tedious replay of events to chat about Irving in an attempt to remember details of no general interest to them. It was an exceptionally difficult time for Gestrode, who invariably buried his senses in research during life's moments of draining disturbances.

When Gestrode's near and beloved Aunt in Kentucky died that previous summer, he found it consoling to prepare an article on the populist undertow to the Jacksonian era and the dismantling of founding ideals of democracy. He flew to Kentucky for the funeral, made the arrangements, and saw to the closing of her house.

This empty September week he chose to revise his lectures for the term. It seemed to him that student energies would be better galvanized around how America had historically isolated itself, then ordained itself as the "Chosen" nation through a manifest destiny of conquest and subjugation. Losers became winners in American history, or so we had cultured ourselves to believe. There was no undoing what we were, and equally no point to make light of whatever historical imperatives seemed to drive us. It was, it seemed to Gestrode, a collective attitude among Americans and ethnocentrisms on a scale that seemed to overwhelm individual differences with a kind of subliminal message of cultural superiority nearing xenophobia. Every generation needed its cultural enemies, and this found theirs. While he was not quite ready to move into the era of the American Party, with all their notions of Protestant superiority, he would be prepared with a revisionist look at recent events.

He was not prepared for the intrusion of Dr. John Albright.

John Albright of the Political Science Department had gained some notoriety with his engaging, yet highly controversial, theories of American Nationalism. He had traced its roots, and now proposed that the emergence of the far right blend of Republican iconoclasts and Christian standard bearers had taken as its political agenda intolerance based on a prescriptive, redemptive theology—a secular theology which threatened the very principles of our founding. His writings and public speaking hardly endeared him to the American Heritage Foundation, but the Brookings people disdained of his speaking as well. Yet his latest symposium at the conference of the American Political Association was so well attended, that conference planners had to move him to a larger room and then schedule an evening session which took precedence as a crowd pleaser over the anticipated attendance for the feast

at a local winery. Free booze and glad-handing graduate students generally served as a powerful draw for professorial escapees.

When Albright ran into Gestrode in the hall, Gestrode felt obliged to invite him back to his office to allow a little open venting before Albright went on a vindictive crusade to rip every "In God We Trust" and "God Bless America" bumper sticker and tree poster down. He may have surreptitiously concealed this violence toward sentimentality, and in fact may have been innocent entirely, but many suspected him as the icons disappeared.

Gestrode's office in Moore Hall was the envy of the tenured class. It was well appointed, richly decorated with the warm reddish-brown hues of academic libraries, carpets, ambient lighting, and the well-known high back leather chair that Gestrode reserved for his reading. All of this was more or less an accident. He routinely culled worthless review texts, and now the readings were respectable, collectable, and, oddly enough, used. It was Albright's first visit to the office, and he did as all new arrivals by moving to the tall windows to admire the commanding view of the campus greens. Moore Hall was one of the original campus buildings saved just for this reason when all else fell to the International architecture movement of the 1950s and 1960s. The imposing Romanesque architecture seemed common enough to the observing eye with its red brick massing to the foundation, and portal arches, but highly impractical when horizontal campus space was limited and height and glass seemed so much more efficient as with the ten story library and central administration structure. To Gestrode, it was a long rectangle stood on end.

Albright settled by invitation into the leather chair. Gestrode took the less commodious desk chair that he more routinely used for grading and writing. "I remember being a high school student back in the 1970s when the Kent State slaughter occurred," Albright began absently as if Gestrode was thinking exactly the same thing. "We were outraged, and mobilized ourselves against a government that would make enemies of its own people. It was not enough to trust government and be done with it. We resolved to return government to the people." Despite the fact that Albright had uttered these thoughts a thousand times, the energy beneath the resonant cadence of his words electrified his thick white hair.

"That hardly happened," Gestrode spoke softly. "Less than 4% of the American people actually cared about the events of war and protest. It was the cost of war and the visual images of our dead young men that turned their eyes, not some lofty principles of freedom. Most Americans have always lived quiet lives of barbershop bantering and the ear of sympathetic kinship. How much mobilization do you see arising from these catastrophes? We will shift our focus from domestic to international, and we will carry the banner forward, but we live in a world of delicate balances and fleeting coalitions."

"Oh, I am not so much concerned about all that," he rubbed his face quickly with his hands in a nervous gesture. "What I fear more than the precarious relationships we establish abroad to . . . to assure ourselves of some ill-defined notions of safety; what I fear is the cost of freedom to establish it. Already the Attorney General acts like a man with a grave secret that he cannot share, but we are to trust his paternalism. He tells us good Americans will keep a watchful eye on suspicious strangers. Neighbor against neighbor." Albright was clearly frustrated.

Gestrode responded, "I take these things more cautiously. There is a dictum in law established during the American Civil War 'Salus populi suprema lex.'[1] The safety of the people is the supreme law. It is too early to form opposition camps in the mountains. Our press is much more aggressive and proactive then even forty years ago. I think Kennedy's assassination proved a great awakening for American journalism, which finally bore serious fruit with the Viet Nam War and the Watergate scandals. The press even dogged Clinton throughout his tenure. Perhaps it is an appetite for the worthy headline, or market share, but it seems to work. I am personally much more concerned when I see a student beat up

because he fits a profile. That is a real worry, especially at Elgin's." Gestrode had given the matter much serious thought, and his safe St. Elgin's world rattled at these kinds of intrusions. It was not possible to lift the campus above the fray of national and international politics at these times, but these kinds of times were rare, thank God. Still, to have a people focused and knowledgeable at least pointed to the hope of a people vigilant toward their freedoms. So what if a bunch of people acted out their aching, nascent patriotism with bumper stickers and lapel pins. These things spoke to an underlying tug on the American conscience that hungered for some kind of expression in unity. It would be odd that God would be drug to the battle scene, but so history had often dictated when the void demanded closure.

"Americans would surrender their freedom for safety? That theory doesn't wash when you consider the numbers rushing to enlist at times of perceived national peril. I believe there is another kind of psychology at play." Albright noted. He was a man given to ignoring the conversation in favor of developing the monologue. He loved the resonance of his own voice.

"Perhaps there is, John. I really don't think about these things. I tend to take the long look back in light of current experience, not transform current experience in light of a long look back. I am sure the theory has validity. It is just not how I frame the world."

"A tender review," Albright ciphered, "as if you will always be in a position to offer that review." Albright's general frustration with academics percolated. Gestrode saw this.

"For me I am caught on the edge of two powerful emotions. One, I do sense this international bully throwing kidney punches in the dark, some hitting, some not. But we are a pretty big target, and men and women willing to strap explosives to their mortality pains our sense of fair play on the battlefield. From their brief perspective on life, it seems inconsequential to me whether these explosives are planes or dynamite. It alarms me, and I do not understand any culture that gives rise to such determination. Nor do I wish to generalize across an entire belief system. I understand that cataclysmic events foment an appetite for grand conspiracies. We probably would have been better prepared as a nation to understand the bombing in Oklahoma City if the FBI could have rounded up a dozen fanatics training and plotting in the Big Horn mountains. But even as a lone soldier in some distorted design on American justice, McVey was not without his sympathizers."

"It is how these perspectives are bred that concerns me." Albright suddenly lost himself in his thoughts.

"I have not reached that far. We are, I believe, a nation of idiosyncrasies." Gestrode shifted thoughts without a pause. "Did you know Jacobus Irving?"

"Hmm. The fellow that died yesterday on his way to lunch?" Without waiting for a confirmation, Albright continued, "No. These things happen."

Gestrode studied him for a moment. "The service is on Friday I understand."

Later that evening, having settled into the comforting womb of his imposing Victorian home located on a quiet village road some twenty miles from the city, Gestrode asked that his wife Helen, and his adopted daughter not turn on the television. He naturally understood that like most Americans they felt an obligation to stay abreast, but he assured them that the news would be as fresh the next day. He wanted to close out the cacophony, purchase some serenity, and talk about his colleagues in positive, reassuring ways. He wanted to envelop that day with the commonplace, the patter of inconsequential words across the dining room table. His daughter, now eleven, seemed eager to retell how counselors at her school were clustering in the school cafeteria to interview students, and if the students seemed distant or aloof, to reassure them all the same that they were safe, and that their protectors would see to it that they remained safe. To the girl, all this seemed quite lame. September 11 was to her friends no worse than a dozen movies they had seen, as if they movies served as a kind of anesthetic to life itself, or that life paled in comparison to the histrionics of Will Smith's daring antics in Independence Day. If the theater of life competed with the celluloid grand scale, what hope would CNN have to distract them? So the girl's anecdotes to the troubles of the nation easily resolved on the daring bravado of individuals made bigger than life in the movies.

Nearing 8 P.M., Gestrode was about to scoot his daughter off to bedtime routines when the Reverend Margaret Simpson knocked, then entered the kitchen without waiting for anyone to open the door. This was her habit. Gestrode didn't know whether he should be flattered by her intimacy or annoyed at her insouciance. She was a lithesome longhaired brunette in her late twenties, enjoying her first pastorate out of seminary: too single, too hell bent on causes of little consequence to the saving souls business of clergy folk, and often living too close to the Gestrodes in the church parsonage a block away.

"I was walking the dog and saw your lights on. Any coffee left?"

Helen chirped happily to see her, and longed for any distraction from the morose Ian Gestrode. While she fetched a coffee mug from the cabinet over the sink, Maggie asked Gestrode how the faculty was reacting to the national denouement.

"I am not certain I can characterize the faculty in any word. I think like most people they are hungry to whatever news will make sense of this, and fearful that the country may head precipitously toward making villains and exterminating them. What about the Ministerial Council? Have you folks met?"

"We've had a round of emails and phone calls, except for that fundamentalist wing nut Peterson. He doesn't believe in email. Go figure that. I heard that he is drafting some kind of Armageddon treatise calling on the righteous to exterminate the anti-Christ—whoever that is. Some Saddam somewhere you can be sure. The college president wants a day of prayer and reflection staged next Tuesday after the students are back. I think he believes the Council needs something to do."

"Maybe you people are the likely candidates. Did you hear about the death of Jacobus Irving?" She looked puzzled. "He was a faculty colleague from the English department."

"He died? On one of the planes?"

"No. Just in the hallway. It was very sudden." Gestrode anticipated something, but didn't know what.

"Oh well. Not good timing on his part I'd say." She took the coffee, hugged it tenderly with both hands as she uttered a loud slurp. "Helen, you really should patent this." Helen demurred, but Maggie laughed. She finished about half of the coffee, and fluttered away.

Gestrode was by this point in his life an astute observer of the buffoonery of others, but none of this warranted a reaction. He would save his editorial comments for his wife, who easily put them aside as the aching of a frustrated wanna-be pastor. She was not without compassion for Irving's family, and wondered aloud about the irony of his death and how national events would eclipse his family's sorrow.

"Yes, there is finality in death, of course," he said to her breaking silence by allowing his thoughts to erupt without prologue. "I think of Jacobus as a man of unfinished business, and his death leaves behind a lot of clutter with the promises scattered among it, only to be swept away. It is so easy for some," an unmistakable reference to Simpson," to be cavalier about these things. His death lessens me."

"And so the bell tolls for thee."

"Yes." He slipped into his pajamas as he ambulated toward the bathroom to finish his nightly routine. He could hear the light rock playing in his daughter's room, and thought to chastise her, but stayed the impulse.

The next morning Gestrode took his coffee as usual in one of the city's pedestrian haunts, and scanned the morning paper. It was too soon for mention of Irving. Regardless, he would call on Irving's wife later that day to offer his services in packing up the office or whatever seemed appropriate and sensitive at the time. His own death, he surmised, would be met with equal distancing. Most of his colleagues had emotion educated out of them, at least emotions on a human scale. They could still get their dander fluffed with some pedagogical twist, or word that a junior faculty member had uttered some unflattering assessment of his seniors. In the paper there was a brief reaction from the college president on the canceling of classes, as he was quoted "In light of the terrible events it seemed only appropriate that students have the opportunity to return to their families. We all continue to pray for the families of those struck by this unparalleled act of barbarism, and for the guidance of our Heavenly Father...." Gestrode rehearsed the words again. It struck him at that moment how thesauruses most offer shallow relief in the search for yet another synonym as yet untried to describe the national mood.

On his walk back to the campus, a street vendor approached him with a bucket of small American flags. "Got your flag yet?" he chanted.

In his office, he stalled turning on the lights, and enjoyed both the quietude and the solemnity of the room now lit softly with the morning light. The air was crisp, and the campus tremblingly verdant in anticipation of the fall to come. To everything there is a season, he thought. And the earth's rotations had not quivered a bit this week. There may have been a Richter shudder of sorts, but not a single sparrow noticed. The History Department Acting Chair—an apt appellation—Sallie Pearson rushed to

the door and allowed herself in without invitation, as if being a department chair bought her intrusion rights.

"Ian, the president wants a faculty panel to review foreign student policies. I immediately thought that you would offer a perfect balance and sent your name over to his secretary."

"What's wrong with our foreign student policies?" He inquired without turning to see her, but then turned before she could answer.

"Well, you know that there was some visiting faculty member here last year from Syria or some dark blotch on the earth, and I guess he recruited a bunch of his nationals to come along. He left, and I guess most of them did too, but there are rumblings now that perhaps some took advantage of the opportunity and may be lingering in the area without actually attending any classes. He doesn't want the college to appear lax on this business of follow through on these characters."

"Oh, of course not." Gestrode was not serious. "But I'll beg off this one. My heart is not in it. I want to focus on some sort of memorial for Irving."

"Irving?" She looked puzzled. "Washington Irving?" Pearson was serious.

"Professor Irving. He died yesterday."

"New York?"

There were enough students and faculty wandering aimlessly through Moore Hall to distract Gestrode from any meaningful lecture revisions, so he left early that afternoon to secure his appointment with Irving's wife. She seemed generally relieved that he would visit, and he felt glad to offer this respite for her, and for himself. Following a very touching and pleasant hour, he returned to his own home much earlier than habit allowed. Helen thought he must be ill and offered hot tea, her palliative to all that ails the soul or body. He took the tea and recounted his visit with Irving's wife, and the plans for his service. She asked if he broached the topic of cleaning out the office, and he replied that the time was not ripe for the offer, but that he did speak of some sort of memorial. She had replied that a scholarship would be nice, but to Helen he now conceded that not much money would be dropped into the coffer for that. Perhaps the two of them could come up with a one-time gift.

As the two of them talked through the ideas, it occurred to Gestrode that little of any lasting consequence would likely arise. Maybe a plaque someplace in the library, but then, like buildings named after dead past college presidents or noteworthy benefactors, the utterances would eventually strike no resonance with anyone. So his surrender was complete, and he knew it.

"I just can't put scale to these events," he sighed long and hard. "I know that I am supposed to feel this sense of national outrage and a thirst for vengeance. But I don't."

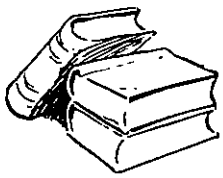
"What is it then?" she asked.

"A profound sadness. I am saddened that there is nothing around which we can collectively attach an emotion. There are hundreds, perhaps thousands of people actively engaged in sorting through the rubble at these sites. Hundreds of thousands have sent money. There is real loss, both material and spiritual. People are really hurting. But the scale calls attention to these events. Each life lost or shattered is an individual story, no different than that of an individual killed in a car accident, killed in war, dying on the job, or just an old fashioned heart attack. We should be as attached to each of these losses as we are to the thousands snuffed out within minutes. Look at the Holocaust. Six to eight million dead; the slaughters in the African tribal wars and civil wars—what? Fifty million? A hundred million?"

"You can't take this personally."

"I don't take it personally. I didn't personally have anything to do with any of it. And believe me, I am not running around campus like Albright puffing up theories of American nationalism or some little Bible thumping group of extremists with God in their back pocket and swords in their hands. Believe me, when all is done, when the debris is cleared, and all the ceremonial commemoratives are nailed down, and all the money collected disbursed, we will step back and suffer no national anguish. This is the void ... ," he paused to settle his perplexing catharsis. "I just don't know."

"I don't either," Helen responded.



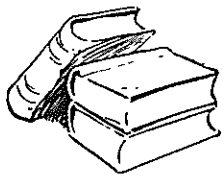
Jacobus Irving's service was an early morning affair at St. Luke's Episcopal Church located a few miles from the college in an upscale residential community. It was the sort of place where every house and yard had the appearance of a pastoral painting: rich in detail and color, without flaw. Gestrode and his wife drove together as he intended to avoid the campus that day. As they drove, Gestrode noticed an absence of domestic animals and children. He was not aware that this was an exclusive community, or if it was, why Irving would want to live in such a sterile place. Gestrode took small pleasure in the constant anticipation of better things he faced each day with an old house and mature landscape.

Around twenty people attended the service. A stout balding man conducted the service, while the pianist banged out favorite tunes on cue. To Gestrode it was obvious that the clergyman had little if any contact with Irving. His references to Irving's life were clearly third-hand, vacuous maudlin dribbles. Gestrode recognized the widow, and assumed the two young women sitting with her were daughters.

If one anticipated gleaning insights into the corpse parked headfirst at the front of the church, time dashed these upon the now numb sensibilities of the audience. Even the immediate family began to stare off to the windows on the sides of the church.

After the customary lecture on John's vision of a New Jerusalem in the contorted book of Revelations, the church ladies offered light refreshments. Gestrode spoke with Irving's wife, who expressed regret that more of Jac's friends could not attend the service. He didn't know what to say. To suggest that they were all indifferent would serve no purpose, and he had no perceptions into how Irving had painted the tapestry of his own life before family and friends. If Irving could count on ten of those present as true friends he would be a fortunate academic. No farewells were generally given for those

who didn't care. You'd have to push a handcart down the aisles of the school's buildings dispensing coffee and obituaries. Helen struck up a conversation with one of the women serving refreshments. It was just like her. He would have to rent a conference hall for her funeral while his mourners could easily cram a phone booth.



September 18, 2001 was the day set aside as the college's Day of Remembrance. While classes were to have resumed the previous day, save for the students who never left, few students actually had returned to campus. That Tuesday looked thin on traffic, but the itinerary for the day was published. Events were drawn together hastily, and the feel of an "on again, off again" symposium. Various departments offered colloquia. Oblivious to what each was doing, the program catalogued several redundancies. As was also in the spirit of academic freedom, no effort to censor the program emanated through the president's office. So the International Students' Association offered a session on "American-Israeli Enslavement of Palestine," and the Political Science – Mid Eastern specialist's session "The Political Economy of the American-Israeli Occupation of Palestine." The remnants of the Women's Studies Program banded together from the various departments to which they had been scattered for a panel discussion on "Women in Crisis – The Integration of Islamic Women into Western Culture." The Anthropology/Sociology Department offered "Artifacts of War." Both of the Theology faculty promised "Soldiers of God: Islamic and Christian Views." The list went on. A dozen meeting rooms in the James R. Kent Library were reserved, and all this scheduling fell upon the shoulders of the president's secretary Mrs. Alice Cooke. Cooke was a sweet lady in her mid-sixties with not a clue regarding any of this.

The day would begin with an inter-denominational prayer service. The Ministerial Council orchestrated this event. Gestrode would attend, as Maggie Simpson called that morning and reminded him. Even to that moment, only an hour away, the Council had not settled on who should do what, and promising 12 men and women, generally accustomed to not sharing the stage with anyone, equal billing proved a Herculean scheduling and diplomatic undertaking. Simpson indicated that Peterson would take ten minutes to deliver a homily on "The Promise of the Resurrection" over her personal objections. One of the more sober members of the Council—the Methodist clergywoman—would speak to "forgiveness." Simpson would take the opening prayer, someone the benediction, someone this hymn or that. It was all still very muddy. She had thought it a positive gesture to invite a Muslim cleric, but such a person would not be on the Council, and invited only, as Peterson observed, "As a convenient illustration of someone bound to Hell." This comment, thought Simpson, gave a hint to the flavor of Peterson's resurrection message.

Gestrode expected to hear Albright's name in the prominent mix, but he did not. In fact, he appeared nowhere within the program.

Just as he left Moore Hall to walk the short distance to the Field House, a student handed him a half sheet flier. It read, "Join Dr. John Albright on the Student Commons Grounds for a conversation 'Take America Back' 10 A. M." Just like Albright, thought Gestrode, to upstage the president by creating his own theater. Very interesting, he thought.

The service began at 10 A.M. Around four hundred attended. If they had seated themselves as a cluster this number might have seemed an appropriate audience. But instead, attendees scattered themselves

throughout the auditorium making it appear as if a much smaller number concerned themselves. Half of those probably felt the sword of compulsory attendance or served as support staff. Gestrode took a seat near the rear. The president opened his remarks by reminding those with an ear to listen of the events transpired that past week. He thanked everyone for civility and respect—no mention of the Arab student who received a pummeling in the parking lot—and sent his fervent prayers for the nation and the nation's leaders at this time of national crisis. He reminded everyone that Americans had historically drawn together during times of crisis. His remarks meandered for several minutes, and then he announced that the Trustees had voted to send $10,000 to an "appropriate relief agency" in New York City, and that he would commission a panel in the near term to address an appropriate memorial for the campus that would serve as a point of reflection and reverence.

There followed the first of six prayer interludes. The attempt to have a Muslim cleric failed. Only the Ministerial Council, the President, and Provost sat upon the dais. This proved a blessing, for Peterson's fiery damnation promised that anyone not born again in Christ had aggravated God to destroy the World Trade Center, and to damage the Pentagon. To Gestrode it seemed that Peterson might have excluded homosexuals, blasphemers, fornicators and Catholics. But he may have included them. He dozed.

Good Christians watch the clock, and as the hour drained, the service ended. The president reminded the audience to participate in the many discussions taking place on campus that day. The final benediction took on the character of another sermon. Gestrode lost his thoughts again in his own connections to God, and a profound moment of reverence scratched at his mind.

Just outside the library Albright sat surrounded by a dozen or so students. There was, Gestrode could see, an honest give and take of ideas. Albright was an engaging speaker, and a master of Socratic teaching methods. You could honestly feel that you had creative insights, but it was Albright who led you with his gentle prodding and inquisitive bantering. Gestrode didn't stop, but he did pass near enough to smile and walk along the path toward Moore Hall.

He climbed the stairs to his floor, and opened the door to find Sallie Johnson talking to a junior colleague Bill Wasserman.

"Ian," she stammered. "I am surprised to see you." Wasserman demurred.

"I attempted the morning service." He would have been satisfied to simply skirt around them, but Johnson put out her hand to stall him.

"Bill has graciously accepted the opportunity to serve on that review committee I mentioned the other day."

"You'll do a splendid job, I am sure." Again he attempted to slide past them.

"I am certain of that, Ian," she appeared to choke. "He was just telling me that a number of foreign students were implicated in a grade scandal last year. Did you know about that?" She continued as if he did not know, "Something to do with that fellow I mentioned the other day, the Syrian or something. Nothing concrete I guess."

"I believe it came down to the fact that some students actually get As," Gestrode offered. "Excuse me. Good luck, Wasserman." He made it to his own sanctuary.

At the end of the day, Gestrode conversed with Howard Muthering from Sociology. Muthering was a passing acquaintance to Gestrode. The two parked near each other.

Muthering asked, "Did you take in any of the sessions today?"

It seemed a genuine moment of conversation. Gestrode responded, "No. How about you?"

"I wandered in and out of a few. Not much going on. Panelists talking to panelists for the most part I believe. Not even the student sycophants showed up for them. A bust I guess."

"I think people are trying to make sense of this in their own ways. Perhaps the opportunities to review are not ripe yet." There was Gestrode's own self-discovery.

The balance of the year, punctuated by Thanksgiving, Christmas, and Easter breaks, lacked the urgency of those first heady weeks following September 11. It was not long before students and faculty fell back into their routines. Even John Albright was less conspicuous. Gestrode only saw him once in the college's dining hall, but they only nodded toward each other.

Wasserman's foray into the higher echelons of campus administration never warranted any discussion among the faculty. Only a note appeared in the school paper that the committee had concluded its review and found the policy on foreign students quite sound. The college did indeed report students who had failed to return to campus although their student visas were still in force. It was not the college's role to police their whereabouts. Nor did the president intend that it should.

There was of course a great appetite for news on the war in Afghanistan, and individuals had opinions on the role of the Attorney General, the American president, the blunders of the F.B.I. and the C.I.A., the trials of terrorists, the suicide bombings in Israel, the Israeli on again, off again occupation of various parts of the land under putative Palestinian control, and eventually the weather and Bear markets, where so many faculty had pinned their hopes of comfortable retirements.

Gestrode closed his office for the season. His summer plans included two weeks at a resort in the Canadian Rockies with his family, a chapter in a book he had promised to write, and a review of the materials for the coming terms.

He thought often about those unnamed masses who converged on Heaven's gates that September 11. Sense making failed him. He did not revisit those thoughts since the burial of Jacobus Irving. Yes, there was a plaque placed outside of Irving's reassigned office with this inscription, "Here labored an honest and talented man. He left us on September 11, 2001."

The plaque was the gift of an anonymous donor.

Endnote

[1] *Ex parte* In the Matter of Lambdin P. Milligan, *Petitioner*. The Decisions of the Supreme Court at December Term, 1866. See S.C. 4 Wallace 2-142.

Acknowledgement

The author is indebted to the referees for their careful scrutiny. Otherwise this story would have been much poorer.

This contribution is **Dr. Nicolay**'s fourth article in *Public Voices*. He has published many articles and book chapters on a range of topics, most recently group assessment in on-line learning environments published through Jossey-Bass. He is an adjunct Associate Professor with Troy State University in Public Administration, and adjunct Professor with the University of Maryland in management information systems. He is a full time director of technology and planning for a school district in Virginia.

Reflections on the Future of Public Service after September 11, 2001

Excerpts from a special epilogue to *Invitation to Public Administration* written after the tragic events of September 11th and not included in the book

O.C. McSwite

...Here in Washington, D.C., the events of September 11th have created a distinctive and palpable emotional ethos. It surrounds all of us who live here. On the surface people are angry or sad; beneath this level they are injured and bewildered. These feelings are aired and exchanged in virtually every conversation that occurs these days. First, there is a great deal of fear and apprehension, mingled with deep empathy for the losses so many of us have suffered. These surface feelings arise out of the grave insult that the attacks wrought and out of worries about what is going to happen next. Then, another frame of reference emerges, one primarily arising from bewilderment. The deeper feelings reflect shock, horror and confusion over why these things are being done to us. ... What, in other words, is there about us to hate so much?

A period such as this is also a time when the best is brought out in people. Americans have become kinder and more civil to each other. Outpourings of sympathy and support have come from all quarters. We freely offer our admiration and our love, respect, empathy and even grief to our fellows. Our civil servants – particularly our firefighters and police officers – have become our heroes. Indeed, there has never been a time in my life when the public service has been more revered than it is in the present moment. Colleagues all around me are announcing that things have changed in unprecedented ways for the field of public administration and the public service. They say that people are going to appreciate us and what we do for them. We are no longer going to have the problem of being a legitimate part of democratic government. A *New Yorker Magazine* cover of the moment shows children "trick or treating" on Halloween evening dressed only as either firefighters or as police officers. Some say that this suggests how central public servants have become in our culture and that public administration degree programs will soon be flooded with applicants. Out of the dismal and terrible ashes of the World Trade Center and the Pentagon, we are going to rise like the Phoenix.

I so wish this were true, but I do not think it is. Anything that can change in a day can revert in a day. It is obvious that these awful events have accentuated the centrally important role that government plays in maintaining society—something, I admit, that we as a people had almost forgotten. It is equally undeniable that there is enormous good feeling toward public servants right now. This, though, is a mood, and variations in mood are governed by underlying cultural and institutional patterns. One of our distinguishing traits as a society is that there is a strong propensity toward fairness built into the structure of our culture and institutions. At any given moment we are willing to accord credit where credit is due. Our public servants have been true heroes of late. Honoring them is justifiably the mood of the moment.

On the other hand, there is also in American culture an even more engrained aversion toward putting anyone in a position of permanent approval. In this respect, politicians, lawyers, doctors, military generals, corporate executives and other institutional figures are in the same boat as public servants. They are all likely to show up in a political cartoon, and we are just as likely to respond with a wry and knowing smile to the parody of one as we are to any of the others. A certain cynicism about the egoism of the human being is one of the touchstones of our individualistic mind set. We learn this from our institutions, as this same attitude is built into them. Probably, we should think twice before we wish it to be any other way. September 11, as horrific and as unprecedented as it was, has not altered this foundational reality, and so we should expect our accolades to be temporary as a matter of course.

Beyond this culturally grounded resistance there is, however, a genuine structural change occurring. From a long-range perspective, it has been inevitable that at some point a terrorism-motivated disruption would occur. While we might not have been able to imagine an attack of the September 11 sort, some event would eventually expose the fragility of the structure of the newly globalizing world economic system...

In our new world, processes of governance and social relations are going to be more fragile than ever. The development of a world culture will lag economic and social developments considerably. Therefore, the new trans-national, global world will have to be held together by a new kind of *mediated relationship*. These relationships will involve and connect people and institutions across traditional national and cultural boundaries that are no longer stable. Creating the stability and social context necessary for market processes to operate effectively will have to be built out of these new kinds of interactions – the structure for which will be constructed by the explicit application of relationship building skills. Most importantly, these relationships can only be constructed and maintained, given the scale and complexity at which they must be cast, by those who staff the governmental and third sector (non-profit, for example) organizations that will makeup the essential matrix of the new social order.

These skills and the relationships they create can take a number of different forms. They can be used to create a venue for domination, or they can afford the means for bringing people together and resolving issues of difference to an unprecedented degree. What actually results as this new world is built is going to be determined more by the rank and file of its institutions than it will be by the leaders at the top of the institutions. Eventually, there will be no such thing as a purely domestic institution of governance, and no such thing as a public servant who can operate solely with a national orientation. All public servants will, to some extent, be implicated in the task of holding the entire world together. The way they regard their work will be critical to us all, as much more will be at stake than ever before...

I see an entirely new environment developing for the public service. I do not pretend to know, though, what the shape of the response that public administration academics and practitioners take to this new environment should be. The only thing that I feel confident about is that essence of any approach that can save us from the dangers that we face is going to be grounded in an attitude of caring by those who do the work of government. Only those within the system can prevent its beginning to operate more for itself than for the people whom it serves, and they can only do this by attitudes and acts of direct caring for the people with whom they deal. At the same time, it is going to become easier not to care, both because public servants will feel empowered to do so, and because the resentments toward them that have always been there may exacerbate in the future.

...[T]he public service is a workplace that is edifying because the structural position it occupies in government and society and the work it does entails genuine encounter with self, others, and, more

generally, the intractable issues of real life. It is this way because the mission of any specific program or of any individual public servant is always, in the end, general. No matter what a public servant is given to do, the ultimate purpose in doing it is to protect and further the public interest. Being relentlessly put up against this ultimate standard is the curse of the public servant's life and at the same time the salvation that life in the public service offers.

People are put off their paths when they get locked into roles with limited, specific purposes. This problem at the individual level becomes a social problem when all roles are defined in this way. This is the problem that is endemic and distinctive to modernism. It is the reason that modern life often appears as dry, bloodless, and flat as it does. What I have been saying here is simply that the future that now seems inevitable is one where there is going to be a powerful tendency to orient all public service roles to a new, overriding, and specific purpose-security. Further, there is a danger that we will pursue this purpose with a single mindedness that may lead to its contradicting the meaning of social life itself. The only way I can see of preventing this, short of invoking some miracle, is for public servants to pursue their careers with a redoubled effort to care about their fellow workers and their fellow citizens. They must suffer humbly the ambiguities and difficulties of doing the work they do, and by so doing create a sense that American society, and by implication the world, has meaning as a sensible whole. After all, the most revered of our heroes have always been just regular guys.

O.C. McSwite is the pseudonym for Orion White and Cynthia McSwain. Their book "Invitation to Public Administration" was published by M.E. Sharpe, Inc. in January 2002. The epilogue was written after the book had been sent to print and does not appear in this edition. One of their recent articles, "Narrative in Literature, Film, Video, and Painting: Theoretical and Practical Considerations of Their Relevance to Public Administration," has appeared in *Public Voices* V (1-2).

Fiction

The Terrorist

Michael W. Popejoy

Despite the unseasonably cold rain, the well-dressed young man walked calmly across the narrow street to the warm, well lighted café. It was early on a Friday evening and his classes at the university were done for the week. He would settle into a comfortable spot after ordering his favorite strong Arabian coffee—a rare treat he allowed himself.

As his custom, he would sit in an overstuffed chair and sip his coffee while catching up on the news in the late edition of the local paper. Tonight he would gaze out and watch the rain pour down in glistening sheets. He had been born and raised in the Middle East and had acclimated to western customs and style of dress, but he would never get used to the foul cold weather of winter in the American northeast. The dry, hot climate of the desert was more to his liking. He missed home and family. But, his purpose for being here was stronger than homesickness. He forcefully put thoughts of home out of his mind. He was proud of the discipline it took to do the job. That was why he was selected.

He also missed the loose comfortable clothing of his tribe—the flowing robes, the native food of his country and the comradeship of people like himself. Here he had to be careful to blend in, look and act like an American. So, he showered and shaved daily, got a haircut regularly, and kept his western clothing cleaned and pressed. The worst for him he thought was wearing leather shoes. The outward appearance of being part of the crowd was carefully created to help him hide in plain sight. This was part of the intensive training he had endured before being assigned here.

He would be considered handsome by anyone casually glancing at him—dark, lean, and moderately muscular—a smile that could easily disarm any possible suspicion about his true intentions as long as they didn't look too close into his dark eyes where secrets may be revealed. He was not sociable—he had no desire to attract a circle of friends or a lover, but was not rude either. Rudeness from foreigners aroused unwanted attention. He was taught the appropriate American mannerisms so that he would fit in—but getting too close to anyone was a constant threat. Always on guard—an affectation of aloofness while seeming to be shy and introverted made him appear no threat to anyone. He had been taught the laws of the country and obeyed them carefully. His identity may not hold up to the intense scrutiny of a criminal background check. No one could ever know if their real self was listed on an international terrorist suspect watch list.

He was taught from his earliest recollection that America was the great evil and the enemy of his homeland; and it was not in the nature of his culture to ever question his teachers. He came from a land where religious indoctrination was absolute and tolerance for other worldviews was unknown. He proved himself an able student and was recruited at an early age to receive special education.

After he had completed the long and arduous terrorist program in the remote training camps, he was thoroughly prepared for what would lie ahead. His training included physical development, military maneuvers, evasion and concealment, munitions and bomb making, and the skills needed to blend into a foreign society; but the most important part of the program was continued intensive religious indoctrination designed to ensure his dependability when the call to act came.

After he came to America, the young student was successful in losing himself in the anonymity of a large university located in a medium sized city that had been carefully selected for him. Security was too tight in the large "target" cities that expected and were prepared for potential terrorist hits and sustained anonymity was impossible in small towns where everyone knew everyone else and constantly minded other people's business. In a city this size, if he was cautious and followed his training, he would not be noticed—the professors and their teaching assistants were too busy or self absorbed and his neighbors were adept at keeping to themselves and expecting him to do the same. Americans was too occupied practicing capitalism to notice danger in their midst.

This place was nothing like his childhood home. He had lived a hard life in a harsh land and took pride in the fact that he had grown up much tougher than the Americans he now lived among. He was a believer and they were infidels as he was taught—that is what kept him separated from the society in which he lived. In his vision of Islam, there could never be peace with the infidels. He could never allow himself to find love and accept life in a decadent nation that did not know the suffering the people in his land endured. He was trained to ignore the irresistible attraction of capitalism and democracy and tolerance—these qualities made up the soft underbelly of his enemy. So, as he had been taught to do, he would come and go like just any other immigrant trying to look and act like an American while never really becoming one.

He was assigned here by the Handler to await his call—the call that would send him to his death. In the Islamic tradition, he prayed five times a day—he always prayed that his call would come soon. No one in this business knew what they would be expected to do, or when, but he would do as ordered without question. To question the mission would be to question the faith. His faith in his teachers and the cause of Islam and the Jihad was boundless. He believed all the promises of life after death. The great reward promised to all believers was well known to him since childhood—the indoctrination was relentless. To those that died in the Jihad were to be remembered as martyrs, and their reward would be much greater than any life they would ever know on Earth. It was written, that they would receive the embrace of Allah in heaven. A paradise was promised. He yearned for his chance to go there.

In the meantime, as he waited, he prepared himself. He avoided activities that would draw attention to his presence in the community. The Handler saw to it that he had enough cash to pay his bills on time. There would be no audit trail from credit cards or a checking account to trace his movements. Even school tuition was paid with the cash provided. No university ever questioned cash payments. He discovered that most businesses, and certainly his landlord, preferred cash they could hide from taxes.

His immigration papers were impeccable. The best money could buy. The fact they were fake would not be noticed by the best-trained eye. His life history was equally well forged. Everything anyone here knew about him was a clever fabrication. These facts were so well drilled into his memory that he had to concentrate hard to remember who he really was—but he never forgot why he was here.

There were many others like him scattered throughout the country, established in their assigned communities, deposited sleeper agents waiting for the call. Every news report of fire, explosion, plane crash, or train derailment he read about made him wonder which of his comrades may have been responsible. Once leaving the training camp, they would never see friends or family again. Everyone was kept isolated—assigned to cells in locations unknown to each other, and they never knew when they were being observed. They were not allowed to travel outside their assigned areas without specific permission from the Handler. In that way, there would be no coincidental meetings and if one of the group were discovered and interrogated, there would be no information revealed about the others.

A message written in code had been slipped under his apartment door in the middle of the night telling him to be expecting a visitor this evening at the café. He had no idea if this would be a routine visit to check up on him—assess his continued commitment to the cause, or would this be the call he was waiting for? He wasn't told whom he was to meet, but he reminded himself of the password phrases as he hoped it would be the Handler. It was always the Handler, in person, who assigned the missions. No one knew who the Handler really was, but all knew his authority was absolute.

He sat with his back to the wall, facing the entrance. His excitement grew as he quickly scanned every face that passed through the door. Any of the seemingly innocent faces could just as easily belong to an FBI agent if his cover was blown somehow. As required, he was always unarmed. Carrying a gun guaranteed a trip to the police station in handcuffs if he was ever stopped and questioned by an officer for any minor reason such as "looking" like a Middle Easterner—a profile he clearly resembled. For him, trying to get a concealed gun permit would have been far too risky to his real identity. Even with a doctored permit, the cops would most likely ask too many questions and would certainly run the permit through their computer system quickly discovering that it was a forgery. Despite that, resistance could get him killed, not that he was afraid to die, but his death alone would be a waste. When he died, he was expected to take as many infidels as possible with him. Each act of terrorism was designed to send a message to America and its government—get out of the Middle East. The very presence of America defiled his homeland and angered Allah.

Then he saw the vaguely familiar face of the Handler as he walked through the door. It looked unusual to see him in western clothing. He had always dressed traditionally in the camp. It had been quite some time since they last met. He looked a little older, grayer, but still tall, walking head up, erect and with an authority that all his students at the training center came to recognize and respect. The Handler carried with him a package with a brightly colored department store logo printed on the side. With no hint of recognition, the Handler walked over to the counter and ordered a coffee.

The Handler paid the teenage girl for his coffee and murmured a polite thank you as he turned to walk over to where the young student was sitting now only pretending to read his newspaper. The Handler riveted him with his eyes—eyes that barely concealed a dark evil—an authority not to be questioned—eyes that pierced you and knew if you lied or spoke truthfully. The Handler spoke in rather excellent English, "Excuse me, young man, but is this seat taken?" as he gestured casually to the other overstuffed chair at the table.

The young man looked up, quickly folded his paper, saying also in near perfect English, "No. I am here alone. Please join me."

"Why, thank you." The Handler replied as he put his coffee on the table and his package on the floor between the two chairs as he sat down. "Miserable weather tonight, isn't it?"

"Yes sir—not a fit night for dogs to be out."

"So, it would seem."

The code was given, the passwords spoken, and identities were confirmed. If the Handler suspected that he was followed or was under duress, other words would have been used and the meeting would have remained only a casual shared moment between strangers with common ancestry. Nothing would be said that an FBI wire could record.

The Handler then lowered his voice and switched to a Middle-Eastern language that he already knew the young man was fluent in. "Are you ready to complete your mission on Earth—to take your rightful place as a martyr in heaven?" His voice was friendly in tone, but his eyes told a much different story.

"Yes—I have been eagerly waiting for my moment to meet Allah in heaven. I am prepared to do my duty as you would command."

"Your time is near, my young friend." The Handler would not tolerate any other answer as he gestured subtly to the package on the floor. "When I leave here, the package will remain behind. In it you will find a heavy overcoat with instructions in the inside pocket." The Handler looked into the young man's eyes, searching for any hint of reservation about what he was being asked to do. The Handler would know instantly if there was any hesitation—any doubt in the young man's mind. He knew there was not. This young man had been trained well and would not fail his master or his faith.

The young man returned the Handler's stare with an intensity of his own, "I am ready to do whatever you would have me do—in Allah's name." The Handler smiled and merely said, "Fine." They both continued to sip their coffee while the Handler quietly told the young man of his family's final words of encouragement, the pride everyone at the center felt about what he was about to do, and the often made promises were repeated describing the great rewards awaiting him when his mission was completed. The Handler assured the young man that his family would be well cared for by the organization. His mother would be supported, his brothers would receive educations, and his sisters would marry fine young men—men loyal to Islam and the Jihad. And, most of all, he would be remembered with reverence and respect.

The Handler felt it was time to share the mission with his protégé, "Listen to me, the Jihad is on a strict timetable, and we are right on schedule. After our September 11th message, we have waited for America to grow again complacent. Now, we act. You will be the first of a series of messages to be delivered one martyr at a time until America listens." The Handler continued, "within but a few days after you are already with Allah, another will join you and more infidels will die."

Finally, all had been said that needed to be said. The Handler stood up, shook the young man's hand and said in English, "Thank you for sharing the table and the friendly conversation. I am sure we will see each other again in the future."

"My pleasure, sir, it is my hope that I will see you again—if not on this Earth, then in heaven."

The Handler left the café with the same distinguished air as he had entered, and the package remained next to the young man's chair. Everyone else in the café was too occupied to notice that the older man had forgotten something. In a terrorist sensitive country like Israel, this exchange would have been noticed immediately by people whose very survival every day depend on their vigilance to their surroundings. But, this was an innocent America still immune to potential terrorist threats. A little more than ten minutes later, the young university student rose from where he was sitting, bent down to

retrieve the package and exited the café to make the short walk back to his apartment. He had many things to do to prepare for his departure. There was no fear—only joy in his heart. He would soon be free of his bondage to this evil land he had been taught so completely to hate.

As the young man entered his apartment, he first checked to make sure everything was as he had left it. He was careful to hide securely any evidence of his true self—and his reasons for being here. Quickly completing a check of the apartment, he pulled the overcoat from the large bag. He was anxious to read the instructions—the action order for his mission. It was indeed quite bulky and much heavier than a topcoat normally would be, but nothing was visible under the thick silk lining. In the pocket, he found the sealed envelop. He carefully opened it and began to read his instructions. The message was typewritten in Arabic and printed on plain white paper. He knew what he would have to do for his martyrdom.

He now had less than 24 hours to live. He would use the remaining time to erase any evidence of his identity. Since his records at the university were fiction and his rent was paid in cash, there would be little for the authorities to find once he was reported missing. He suspected even that would take quite some time since no one would miss him until bills came due. It was still two weeks before the next rent payment. His classes at the university were so large that he was just another face in the crowd. No professor would miss him until final grades were submitted and someone would then realize he had not taken final examinations. He would most likely be written off as just another drop out.

The young man then began a meticulously painstaking effort to gather all his personal possessions. Computer hard drive had to be destroyed—permanent memory wipe to eliminate any evidence of his purpose by tracking the web sites he visited. First, he pulled the lock box hidden under the floor in the bottom of his closet. In it he kept his most religious artifacts and radical Islamic literature. Men did not die for politics, they died for religion—he had been very religious all of his life. He looked one last time, at all the things that had sustained him in his journey to this moment; his books, pamphlets, and other religious items, before he destroyed them His clothes already had the tags removed so he figured they could remain in the closet until the landlord arrived to evict him for nonpayment of rent.

He would pray to Allah five times this night and into the next morning. Then he would cleanse himself in preparation for his meeting Allah in person. He knew and believed in the promises made throughout his life of all that awaited him in heaven. He never once thought of the innocent people that would die very soon as a result of his act of terrorism. To him, there were no innocent people—only infidels. America would listen now that the war was brought to their homeland. He was proud to become a martyr in sending that message.

Morning dawned brisk and clear—no sign of the rain from last night. His mind was resolute. He was nervous, but not afraid as he dressed for the last time. As instructed, he put on the heavy overcoat and took the downtown bus to the large civic center. Today, a US Senator would be visiting from Washington. It was an election year and the Senator was unleashing more Washington propaganda on the public.

There would be many people there along with the Mayor and the Governor and scores of dignitaries and hundreds, possibly thousands of spectators. Security was expected to be tight but it was never so tight that clever, determined terrorists could not get close to their target. He spoke to himself, "Americans never see it coming—but they will know terror in their lives—it begins now."

This was one of the moments that being thoroughly trained to look and act like an American would pay dividends. He looked as western as any native born American citizen coming to see a political

rally. An armed security guard asked him to open his coat, which he did without hesitation or comment—although dark in complexion, and he spoke English well, he did not want to give himself away with the hint of an accent that he had never been able to completely overcome. The weapon's design was flawless in how well it could be hidden from visual inspection. Only the exceptional weight of the coat from the many pounds of concentrated plastic high explosive could have given him away. In all other respects, it was a well-tailored coat. Not even an expert could have spotted the fake button that contained the electronics for the almost invisible detonator device. The guard hurried him through the turnstile so that he could inspect the next citizen—time was short with the speeches to begin in a few minutes and all were innocently unaware of danger so close they could have reached out and touched it.

As instructed, the well dressed, handsome young university student who looked just like anyone else in the crowd quickly worked his way to the front of the civic center near where the dignitaries were greeting the politicians. Time was short since he had only a preset few minutes to get himself into position. There was nothing in the message as to how to detonate the device. He speculated a radio control device would do the job for him—in case he faltered at the crucial moment. As he approached the crowd, he thought of his family, and the victory to come, and of the promises of Allah in this historic moment. Allah is great.

He barely perceived the flash of light and did not feel the concussion as the detonator in his jacket generated the small electrical impulse that began the sequence of death and destruction all around him.

The Terrorist though already dead, his human form disintegrated, saw with his death face an incredibly bright beam of light shining down. He saw the souls of the people he had just murdered slipping into the light and following the beam upward beyond the shattered and burning roof of the auditorium and into the sky as far as he could see. He reached out to the light, he had expected to join them, he had to go meet Allah, but the light burned him—he jerked his hand away in terrible pain, and as the last of the souls departed through the corridor of light, the light suddenly flickered out leaving him cocooned in total darkness—a darkness blacker than any moonless desert night that he had ever known. That darkness deepened as he felt himself forced down into a pit of eternally deep emptiness—it was a cavern of inky blackness and chilling cold and in his last moment of thought that occurs after the body is dead—he realized that the promises of his teachers had all been lies.

Several blocks away, safe from the horrific carnage, but close enough to smell the human remains still burning in the shattered building, the Handler, with a satisfied smile, pocketed the small detonator transmitter, then turned and walked calmly away to contact the next young man positioned to follow his orders to death.

Michael Popejoy teaches at Palm Beach Atlantic College, Florida.

Moving On

Valerie L. Patterson

If anything
You should let your fear
Move you nearer
To what you hold dear
Make you peel away the covers
Of time
And examine it layer by layer.

Your fear should make you
Bring it closer, for your very human inspection
Resurrecting those forgotten feelings and reasons
For why you hold it dear.

If anything,
Your fear should move you to
Re-examine the obvious
Re-evaluate the routine
Re-place the unimportant and trivial in your life
With what you hold dear, and near to your heart.

If anything,
Your fear should shake you
Out of your complacency
Making you reach, pull, embrace, race, commit, submit, proclaim,
acknowledge, and admit to yourself, and others
What it is you hold dear
And what above all else,
You would fear losing.

Dr. **Valerie Patterson** is Assistant Professor of Public Administration, Florida International University.

Above: A Fragment of the Ground Zero Memorial at the World Trade Center
Photograph by Iryna Illiash

A National Day of Service

Robert and Janet Denhardt

When we think of the tragedies of last September 11th, there are many difficult and disturbing images that we recall, images of planes flying into buildings and men and women running for their lives. At least momentarily, our sense of safety and security was shattered.

But we also recall from that day acts of immense courage and bravery, like firefighters and police officers rushing into the Twin Towers and the Pentagon to try and save lives. We saw ordinary people reaching out to strangers and engaging in extraordinary and selfless acts. Ultimately, we found that our belief in the nobility of citizenship and service to others was strengthened. As we wrote a year ago, "On September 11, these people showed America once again that they stand apart. What makes them different is their quiet, often anonymous heroism. They are public servants. They serve their fellow citizens in a way that many people would find very difficult if not impossible to understand."

In the aftermath of September 11th, there has been a greater awareness and recognition of the importance of serving our communities, our nation, and, simply, our fellow human beings. The sacrifices of many public servants on that day and during those that followed have triggered an increased sense of the importance of contributing to the public good. But the same call to serve goes out to all. It's a part of our obligation and privilege as citizens. To be a citizen is to engage in service to a broader community.

What would be a fitting way, then, to remember the men and women who were injured and died on September 11th, as well as the countless citizens who worked to save and to serve them on that day and in the weeks and months that followed? We have heard many excellent proposals. But while symbols and ceremonies are important, moments of silence and plaques don't seem quite enough.

Why couldn't we make September 11th a National Day of Service? Rather than a passive remembrance, a National Day of Service could provide a living, active tribute to those who were killed or injured as well as a special remembrance of the sacrifices made by people simply trying to help others. What if every person in America set aside at least a portion of September 11th each year to engage in helping others? The results could be remarkable, not only for what would be done that day, but for how it could change the way we see ourselves as citizens.

How difficult would it be to implement this idea? What sort of legal authorization or administrative apparatus would be required? None, as far as we can see. All that would be required is for public

leaders and other influential people to get excited about it. It wouldn't require giving people the "day off" work – though that might be a good idea.

We would instead give people a "day on" service to the community. Work groups, offices, families, schools, corporations, institutions large and small could organize formally or informally to do something – anything at all – to make their community, their neighborhood, the lives of one or many, better. Local governments, hospitals, churches, nonprofit groups, schools and other organizations could organize and provides avenues for people to engage in service. The possibilities are as endless as our imaginations and our recognition of the many, many unmet needs around us.

A National Day of Service on September 11th would be a most fitting tribute. The call of citizenship is the call to serve others. September 11th would be a perfect day to hear and heed that call.

Janet V. Denhardt is Professor in the School of Public Affairs at Arizona State University. She authored such books as *Managing Human Behavior in Public and Non-Profit Organizations* and *Street-Level Leadership: Discretion and Legitimacy in Front-Line Public Service.*

Robert B. Denhardt is Professor in the School of Public Affairs at Arizona State University and Visiting Scholar at the University of Delaware. He has published fourteen books, including, *Managing Human Behavior in Public and Non-Profit Organizations, Theories of Public Organization, Public Administration: An Action Orientation, In the Shadow of Organization* and *The Pursuit of Significance.*

This article first appeared as an-on-line column at aspanet.org.

Books on September 11, 2001

It has been said that September 11, 2001 was a day like no other in the entire American history. And nowhere has that been more evident than in the world of publishing. The sheer number of books that chronicle and analyze those tragic events, pay tribute to the heroes and remember the victims is astounding.

Below is an annotated guide to the books written in response to the events and the aftermath of September 11th, 2001.

Photography

The September 11 Photo Project

Michael Feldschuh
ReganBooks
Feldschuh, the founder of the September 11 Photo Project, compiled all the photos, professional and personal, that were submitted to a donated gallery space in SoHo in the months after September 11. Now on national tour, the collection offers multiple perspectives on the tragedy.

New York September 11

Magnum Photographers
Introduction by *David Halberstam*
The events in New York City of September 11, 2001 are recorded in pictures by members of the prestigious Magnum Photo Cooperative, who were in the city for a membership meeting and stayed to document the day and the aftermath.

Above Hallowed Ground: A Photographic Record of September 11

Photographers of the New York City Police Department
Penguin Putnam
The photographs in this collection were taken at Ground Zero by members of the New York City Police Department, who had first access to the site. All royalties go to support the NYC Police Foundation, Inc.

September 11: A Testimony
Reuters
Prentice Hall
A group of 135 photographs from Reuters, one of the world's top news organizations, contributed to this book. All royalties are being donated to disaster relief.

New York September Eleven Two Thousand One
Edited by *Giorgio Baravalle and Cari Modine*
de.MO Publishers
Told in pictures, poems and essays, this book is a memorial to all of the dead of September eleventh, and contains contributions from Noam Chomsky, Richard Dreyfuss, Robert F. Kennedy Jr., Thomas Friedman, Bill Moyers, Salman Rushdie and Julian Schnabel.

One Nation: America Remembers September 11, 2001
Edited by *Life* magazine editorial staff
Introduction by *Rudolph Giuliani*
Little, Brown
The editors at *Life* magazine put together this collection of photos depicting various images from 9/11, including the fall of the towers, rescue operations, survivors, along with written testimonials from survivors and workers.

What We Saw: The Events of September 11, 2001 in Words, Pictures and Video
Edited by the *CBS News staff*
Introduction by *Dan Rather*
Simon & Schuster
This book follows the events of 9/11 as they were reported to us throughout the day and comes with a DVD of CBS news coverage. It also includes follow-ups by some of our best television and print reporters.

A Nation Challenged: A Visual History of 9/11 and Its Aftermath
The *New York Times*, edited by *Nancy Lee, Lonnie Schlein, Mitchel Levitas and Dan Barry* (*New York Times* staff)
Callaway
Taken from the *New York Times* coverage of 9/11, this book offers a comprehensive look at the attack and its aftermath.

Here Is New York: A Democracy of Photographs
Photographs by *Alice Rose George, Gilles Peress, Michael Shulan and Charles Traub*
Scalo Verlag
If a picture is worth a thousand words, then the editors of *Here is New York* have chosen very wisely to let the hundreds of images by amateur and professional photographers follow the people of New York through the horror of the moment and the immediate aftermath, and the city's attempts to make meaning out of the chaos.

Faces of Ground Zero: Portraits of the Heroes of September 11, 2001
Photographed by *Joe McNally*
Little, Brown
A *Life* book which presents portraits of survivors, recovery workers and mourners who flocked to Ground Zero in New York after 9-11. Includes a tribute from Mayor Giuliani.

Journalism

9-11: Terror in America
David M. Bresnahan
Windsor House
This is a collection of firsthand accounts by eyewitnesses, rescue workers and policemen who were on the scene when the towers collapsed.

American Ground: Unbuilding the World Trade Center
William Langewiesche
North Point Press
One of the best-reported and best-written accounts of the aftermath of September 11, this book was written by a reporter who had unparalleled access to Ground Zero and worked and lived with the engineers and firefighters taking apart the ruins of the Twin Towers.

Among the Heroes: United Flight 93 and the Passengers and Crew Who Fought Back
Jere Longman
HarperCollins
Longman, a *New York Times* reporter, explores the tragic story of United Flight 93, the plane whose passengers successfully resisted the terrorists but crashed in Pennsylvania. Throughout the book, Longman discusses how the actions of the passengers gave courage to so many Americans in a time of great uncertainty.

Twilight Sky: Air Disaster at the World Trade Center and the Pentagon
Tim Vasquez
Weather Graphics Technologies
Each chapter in this book focuses on one of the airplanes destroyed on 9/11, reconstructing as best as possible the events on board that led up to each crash.

Fallout: The Environmental Consequences of the World Trade Center Collapse
Juan Gonzalez
New Press
New York *Daily News* journalist, Juan Gonzalez, reveals the harmful effects of the smoke and toxins that dispersed through the air on September 11. In particular, he investigates how high profile government officials denied the dangerous and unhealthy air quality in the weeks following the attack.

Ground Zero
Nancy Louis
Abdo & Daughters
This is one of the few early books that focused more on the rescue efforts and the attempts to take apart the ruins of the World Trade Center. This book is a part of Abdo & Daughters' "War on Terrorism" series.

Everyday Heroes Series
E.R. Doctors by *Jill C. Wheeler*
Firefighters by *Jill C. Wheeler*
The National Guard by *Jill C. Wheeler*
Paramedics by *Nichol Bryan*
Police Officers by *Nichol Bryan*
The Red Cross by *Jill C. Wheeler*

Covering Catastrophe: Broadcast Journalists Report September 11

Edited by *Allison Gilbert, Phil Hirschkorn, Melinda Murphy, Robyn Walensky, and Mitchell Stephens*
Bonus Books
The tragic events of September 11 are related through the words of over 100 broadcast journalists, including Tom Brokaw, Peter Jennings, Mike Wallace and Dan Rather. All royalties received from the sale of this book will be matched by the publisher and donated to the Citigroup Relief Fund and The Society of Broadcast Engineers Relief Fund.

Biography/Memoir/Personal Experience

Women at Ground Zero: Stories of Courage and Compassion

Susan Hagen, Mary Carouba
Alpha Books
This collection of first-person accounts tells the story of 9/11 and the rescue efforts that followed through the eyes of the women who were working and mourning there.

Never Forget: An Oral History of September 11

Mitchell Fink and Lois Mathias
Regan Books
Fink and Mathias collected these personal accounts from former NYC Police Commissioner Bernard B. Kerik, Fire Commissioner Thomas Von Essen, Mayor Rudolph Giuliani, a Cantor Fitzgerald employee, a Red Cross volunteer, and others.

Father Mychal Judge: An Authentic American Hero

Michael Ford
Paulist Press
Ford's profile of Mychal Judge—the beloved New York City Fire Department Chaplain killed while delivering last rites to a fireman at the World Trade Center—is a touching tribute to a fallen hero.

Let's Roll: Finding Hope in the Midst of Crisis

Lisa Beamer with Ken Abraham
Tyndale House Publishers
Beamer offers a personal tribute to her husband, Todd Beamer, who uttered the titular phrase ("Let's Roll") before taking on the hijackers aboard United Flight 93, which was ultimately brought down in Pennsylvania.

Leadership

Rudolph Giuliani
Hyperion
This memoir from the former New York City mayor will chronicle in detail the events of 9/11.

The Heart of a Soldier: A Story of Love, Heroism, and September 11th

James B. Stewart
Simon & Schuster Trade
Investigative journalist James Stewart tells the story of Rick Rescorla, head of security for the Morgan Stanley firm at the World Trade Center. On the 11th, Rescorla managed to evacuate all of the firm's employees from the South Tower. In a final act of heroism in his adventurous and compassionate life, Rescorla went in to help others, and in doing so lost his life.

International Issues

Implicating Empire: Globalization and Resistance in the 21st Century
Edited by *Stanley Aronowitz and Heather Gautney*
Basic Books
These essays look at four crucial dimensions of globalization: its role vis-à-vis the current war, its impact on domestic U.S. policy, how it will alter national security and its future.

Why Terrorism Works
Alan M. Dershowitz
Yale University Press
Alan Dershowitz explains the role the U.S. has played in creating a global terrorist network, and explores the steps our nation has to make to reduce the threat and frequency of acts of terrorism.

The Age of Terror: America and the World After September 11
Edited by *Strobe Talbott and Nayan Chanda*
Basic Books
Eight leading historians and policymakers address exactly what happened here and why, and what the objectives of policy decisions post-September 11 are.

9-11
Noam Chomsky
Seven Stories Press
The book, based on a series of interviews with Chomsky conducted by a number of different interviewers, provides the renowned philosopher's opinions on topics like Osama bin Laden's culpability and the political uses of terrorism.

Who Becomes a Terrorist and Why: The 1999 Government Report on Profiling Terrorists
Rex A. Hudson and the *Staff of the Federal Research Division of the Library of Congress*
Lyons Press
This book comes from a landmark 1999 government study profiling terrorists.

How Did This Happen? Terrorism and the New War
Edited by *James F. Hoge, Jr. and Gideon Rose*
Public Affairs
Written by a number of contributors, this book is a scholarly attempt to place 9/11 in historical and political context.

The Age of Sacred Terror: Radical Islam's War Against America
Daniel Benjamin and Steven Simon
Random House
Former White House officials explain why the 9/11 attacks succeeded, why America was unprepared, why government protection efforts fell short and why al-Qaeda and radical Islam will remain our greatest threat.

American Government

Terrorism and the Constitution: Sacrificing Civil Liberties in the Name of National Security

David Cole and James X. Dempsey
New Press
Now, when people are demanding both safety and freedom, this account of how the events of 9/11 have impacted American civil liberties is invaluable.

The Cell: Inside the 9/11 Plot, And Why the FBI and CIA Failed to Stop It

John J. Miller, Michael Stone and Chris Mitchell
Hyperion
In this study, the authors reveal how much CIA knew about terrorist cells before 9/11. The book also features Miller's face-to-face interview with Osama Bin Laden.

Bush at War: Inside the Bush White House

Bob Woodward
Simon & Schuster
Pulitzer Prize-winning journalist Woodward analyses the Bush administration's response to challenges posed by 9/11.

Artistic Responses

110 Stories: New York Writes After September 11

Edited by *Ulrich Baer*
NYU Press
The first collection of the responses of writers of fiction, poetry and dramatic prose to 9-11 has people contemplating the events of the day and the future of their city. While journalists struggled to give the catastrophe a shape and understand the enormity of the attacks, these writers attempted to make meaning out of the disaster. Includes stories from 110 already-famous and up-and-coming writers, including Jonathan Ames, Paul Auster, Lynne Sharon Schwartz, Edwidge Danticat, Vivian Gornick, Phillip Lopate, Dennis Nurkse, Melvin Bukiet, Susan Wheeler and A.M. Homes, among others. Like the eyewitness accounts, the diversity of the voices in this collection give the reader a real sense of New York's response to 9/11, which affected people of all walks of life.

Poetry After 9/11: An Anthology of New York Poets

Dennis Loy Johnson and Valerie Merians
Melville House
This counts among the many New York poetry collection inspired by 9/11.

September 11, 2001: American Writers Respond

Edited by *William Heyen*
Etruscan Press
More than 125 writers contributed to this compilation of responses to 9/11, including John Updike and Robert Pinksy.

9-11: Emergency Relief

Edited by *Jeff Mason*
Alternative Comics Group

Emergency Relief is a comic book documenting the 9/11 tragedy.

Firefighters

Strong of Heart: Life and Death in the Fire Department of New York
Thomas Von Essen
ReganBooks
NYC's 30th Fire Commissioner writes about his career, the drama of September 11, and the challenges in the days that followed.

Firehouse
David Halberstam
Hyperion
Pulitzer Prize winner Halberstam profiled a beloved New York City firehouse which lost 12 of 13 brothers who responded to 9/11.

Brotherhood
Frank McCourt
American Express Publishing
McCourt's book is a tribute to New York's firefighters, with commentary by Rudolph Giuliani and Thomas Von Essen.

Last Man Down:
A New York City Fire Chief and the Collapse of the World Trade Center
Richard Picciotto and Daniel Paisner
Berkeley
Battalion Commander Richard Picciotto was inside the North Tower when it collapsed, and relates his story of rescue and survival.

Celebrating America

In Search of America
Peter Jennings and Todd Brewster
Hyperion
In this series of reports from across the country, Peter Jennings and partner Todd Brewster explore what it means to be American.

Because We Are Americans: What We Discovered on September 11, 2001
Edited by *Jesse Kornbluth and Jessica Papin*
Warner Books
These heartfelt Internet messages by Americans far and wide in response to the events of September 11, 2001 were collected by America Online and the publisher.

The bibliography above is from the www.bookmagazine.com/9-11 web site. For a more extended list of books on September 11, 2001 visit this site.

Call for Manuscripts

Public Voices is a unique journal that focuses on historical, artistic and reflective expression concerning public administrators and the public service. Published by the National Center for Public Productivity (NCPP), it is now accepting submissions for Volume VII.

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Sensemaking and Knotting: Tools for Understanding Our World

Barbara S. Liggett

How do we understand our world?
How do we make sense of seemingly senseless events?
How do we explain the terrorist attacks of September 11, 2001?
How do we explain the behavior of co-workers?
How do we explain established systems, like voting procedures, that suddenly appear error-laden?
What can we use to understand our world?

We look for explanations in our ways of learning, in our ways of working. For centuries, the means of understanding (and, thus the foundation for teaching) has been Newtonian physics – showing the universe to be ruled by orderly laws. We use a discovery method – the scientific method – in our educational systems. We collect data to describe what has happened, to predict what will happen, and to assist us in making decisions in the workplace. Everything we do is premised on order. And, yet, it is becoming more difficult to see the order.

Perhaps there is an alternative perception with the modern science of chaos theory, which finds there is order in what we perceive as chaos. Human beings try to impose order; they're looking for order in their lives, they are looking for order in their immediate environments – whether it be a classroom or a workplace; they are looking for order in their universe. How can we do this?

I propose that sensemaking as theorized by Karl Weick (1995) and knotting as an expression of sensemaking can assist us in understanding our world. Weick's sensemaking theory is seen as radical. It changes the foci of both students in the classroom and of public administrators in the workplace trying to make sense of their worlds. This article describes sensemaking and knotting in a graduate level classroom experience. The uses of sensemaking and knotting, however, are not confined to just classroom learning. It is hoped that sensemaking and knotting can also be used by anyone, including administrators in the workplace, to make sense of the seemingly senseless events in our lives. Sensemaking is a change in our thinking, our perception. Knotting is an alternative to our usual expressions of narrative writing.

Sensemaking

One of the best known theorists of sensemaking is Karl Weick. Weick (1995) describes sensemaking as "a developing set of ideas with explanatory possibilities, rather than as a body of knowledge" (p. xi). Lissack (2001) uses sensemaking as a manner by which a person or organization goes about describing, understanding, cognizing, and enacting its world. Mary Lynn Rice-Lively (1996) states that sensemaking names a theory and the process of how people (a) reduce uncertainty or ambiguity; and, (b) socially negotiate meaning during sensemaking events. Isn't this what learning is? Creating ideas along with possible explanations, possible definitions, possible effects, possible impacts, and possible actions? How do we create ideas? Sensemaking is a "frame of mind about frames of mind that is best treated as a set of heuristics rather than as an algorithm" (Weick 1995, xii).

The notion of framing something is to focus on a moment in time, a scene, or a set of ideas. Fairhurst, as referenced by the National Defense University (1996), describes framing as a set of skills employed by politicians, photographers, historians, teachers, artists, and ordinary people. The skill and depth used in appraising an event aid in helping to understand what might be taking place well beyond the limited knowledge of those who are involved in only part of the event itself. Fairhurst argues that the ability to frame is an essential tool to our understanding of the world around us. To determine the entire meaning of a subject is to make sense of it, to judge its characters and significance. Thus, sensemaking occurs.

The challenge, in a classroom setting, is for the faculty member to give the student not THE answer to a question, but rather to look at the process of getting an idea (let alone an "answer"), the settings for ideas, and the multiple perspectives in the creation of ideas. This is also true in the work setting when a manager is committed to letting the employees resolve issues. Weick (1995) states, "sensemaking is tested to the extreme when people encounter an event whose occurrence is so implausible that they hesitate to report it for fear they will not be believed" (1). How many of us observe events but do not comment on them, because "they just can't be," or because no one else has mentioned such events or written about them?

Weick says that when ideas are not commented on, not written about, and therefore not believed, people are driven to think it can't be; therefore, it isn't. He provides the example of the battered child syndrome. Here incidents were first reported in 1946, but publication on the problem remained minimal in the 1950s. The issue remained a professional blind spot until 1961, when Frederick Silverman chaired a panel, "The Battered Child Syndrome," at the American Academy of Pediatrics. Instead of only a few cases, 749 cases were identified based on a national survey of 77 district attorneys and 71 hospitals. The results were presented, along with an editorial, in the *Journal of the American Medical Association* and only then came public reaction. By 1967, 7,000 cases of battered child syndrome were reported, and by 1976, 500,000 cases were reported (Westrum 1982, 392.) The number is even higher today.

Are there other examples of the "it can't be so" – or "can it be?" for the current public administrator? The shock of the September 11 terrorist attacks certainly created the reaction of "it can't be so..." Were there Florida aviation instructors who heard comments about training for future major events, special callings? Were there landlords or hotel cleaning staff who observed flight training manuals written in Arabic and wondered why? Were there state driver's licensing officials who questioned residency status?

The "can it be so?" approach is also evident in employer-employee relations, situations like the glass and concrete ceilings in the workplace, and in the 2000 Presidential election and the chad voting fiasco. Who would have questioned the use of punching ballot cards or reading marks on ballot cards?

Had the public administrators become so accepting of the methodology not to see any possible problems with the process?

The terrorist attacks, battered child syndrome, employer-employee relations situations, and the chad voting fiasco are all instances in need of sensemaking. What makes these instances ripe for sensemaking? Weick uses seven properties to identify sensemaking: identity, retrospect, enactment, social contact, ongoing events, cues, and plausibility.

With the identity property, someone "notices something, in an ongoing flow of events, something in the form of a surprise, a discrepant set of cues, something that does not fit" (2). In the retrospect step, the cues are noted when someone looks back over elapsed experiences (in the year 2000 Florida chad scenario, the number of votes recorded versus the number of voters in an area). Then come the plausible explanations (the butterfly ballot, the chads hanging, the ballot marks erased, and the penciled marks outside of the circle or box). The property, enactment, Weick states, is when the person making the speculations publishes them in a tangible journal article that becomes part of the environment. In today's fast-paced world, few wait for a journal article. The news media personnel have become the recorders, and even the speculators – the explainers – of the events. The property of ongoing events dictates multiple occasions or evolving incidents, not the one-time, one-shot-in-the-dark exercise. Cues are necessary as the objects of study and supportive structures to the events.

Porac, Thomas and Baden-Fuller (1989), in an interpretative study analysis, note attention to cues, interpreting, externalizing, and linking cues. What is not discussed, however, are the origins of the cues or what happens when cues are varied or modified. Sensemaking constructs the cues and revises interpretations. Weick (1995) thus observes, "sensemaking is about authoring, as well as interpreting; creation, as well as discovery"(7).

The property stages, themselves, are not foreign to most public administrators. Many are comfortable and used to an exploratory learning model – looking at an event, identifying environments or domain, describing the event, and predicting what next happens. We encourage such "theorizing." The process of the explanation is usually with the administrator as the observer – the outside view. Sensemaking, with the use of retrospective accounts, in the work of Louis (1980) charges us *not just to observe, but take in the incident – the stimulus, and reflect on it from inside the stimulus.* Ring and Rands (1989) define sensemaking as an individual developing a cognitive map of his or her environment. Having made sense, one can then move to understand, and on to action. Sensemaking then is about languaging (Lissack 2001) or "authoring" (Weick 1995) as well as reading. The use of sensemaking – looking back – along with looking from within to the outside and expressing that look in the form of authoring is the next stage of making sense of our world. The learning experience of sensemaking can be expressed in a variety of ways, such as journaling, music performance, physical activity (including tribal shouting), and the usual paper writing. I suggest "knotting" as an expression for sensemaking.

Knotting as a Means of Expression

It is one thing to "take in the incident" as Louis (1980) demands. It is quite another to express the "taking in" experience to another. Lissack (1997) asked how can an organization make sense of continuing change, and answered that the how is contained in the word choices of the organizational members. Similarly, if one asks how we make sense of human behavior in public organizations, one can answer with word choice, expressed in "knots." Laing's *Knots* provides a template for such an expression. Although some would consider Laing's personal expressions as controversial, Laing's use of existential phenomenology is an accepted means of explanation and understanding of events with the emphasis on stressing a world of immediate and live experience that precedes the objectified and

abstract world of natural-scientific inquiry. Phenomenology thus provides a frame for the views of human behavior (Burston 1998).

Laing, in the introduction to *Knots*, provides some explanation for the means of looking at patterns, or sensemaking, to use Weick's word:

> *The patterns delineated here have not yet been classified by a Linnaeus of human bondage. They are all, perhaps, strangely, familiar. In these pages I have confined myself to laying out only some of those I actually have seen. Words that come to mind to name them are: knots, tangles, fankles, impasses, disjunctions, whirligogs, binds. I could have remained closer to the 'raw' data in which these patterns appear. I could have distilled them further towards an abstract logico-mathematical calculus. I hope they are not so schematized that one may not refer back to the very specific experiences from which they derive; yet that they are sufficiently independent of 'content,' for one to divine the final formal elegance in these webs of maya (Laing 1970).*

The first "knot" that Laing (1970) uses is the following:

> *They are playing a game. They are playing at not*
> *playing a game. If I show them I see they are, I*
> *shall break the rules and they will punish me.*
> *I must play their game, of not seeing I see the game* (1).

This particular "knot" is ideal for beginners trying to "language" their sensemaking. Most read into this knot all kinds of political requirements of being in the public arena. Rules and punishment provide the stimuli for focusing on one's own public administration experience. Of looking back – of making sense.

Continuation of the first Laing "knot" reads:

> *There must be something the matter with him*
> *because he would not be acting as he does*
> *unless there was*
> *therefore he is acting as he is*
> *because there is something the mater with him*
>
> *He does not think there is anything the matter with him*
> *because*
> *one of the things that is*
> *the matter with him*
> *is that he does not think that there is anything*
> *the matter with him*
>
> *therefore*
> *we have to help him realize that,*
> *the fact that he does not think there is anything*
> *the matter with him*
> *is one of the things that is*
> *the matter with him* (p.5)

Could this be an understanding of a terrorist? Or of a co-worker? Now we are into human behavior, expressed in a manner different from the conventional textbook approach, expressed in a manner from within an individual. It is this type of expression – the knotting – that is offered to challenge critical and creative thinking.

The Classroom Experiences of Sensemaking and Knotting

The classroom can serve as a safe place to "make sense" and "knot." In the classroom, the student can be expected to create knots on a variety of prescribed topics. For purposes of examples in this article, the knotting examples depict behavior in public organizations. A course syllabus provides direction with the following words:

> Except for the first class meeting and the last class meeting, one of your tasks for every class session is to capture some experienced aspect of your organizational or personal life and frame it in the structural prose form illustrated by Laing's *Knots*. Until you have the pattern clearly in mind, you may use *Knots* as a sort of template for your own work. Some students find this assignment quite off-putting and the best they can do at first is to roughly paraphrase Laing – slightly altering something about the context, or the structure, or the inner logic of Laing's observations. It is hoped that within a week or two you can be off on your own, moving beyond Laing's templates, constructing your own know-like structures. Many knots are so idiosyncratic that you just won't be able to make sense of them. But eventually you will find a few that "click." When they do, study them very carefully for the inner paradox and artful ill-logic that holds them together. Re-read the stubborn ones several times before you give up on them. Take note of your own sensemaking as you find some that "click." Just what produces this sense-of-click?

In the graduate classroom setting, requirements include the more traditional learning experiences of reading, reflecting, and writing papers on a variety of topics assigned by the professor. The reading, writing of papers, and oral presentations are the comfort zones of a course. The knotting (the expression of the Weick's sensemaking) in the style of Laing is the challenge for most students. Laing's technique is expression using words and patterns in words as they depict a reflection of an experience, not in the usual narrative form. The structure itself causes tension for some. The topics for the knotting are identified as "selected issues in human behavior in public organizations: decision-making, risk-taking, work styles, leading, following, spirituality, serving the public."

The Knots of the Students

It is always difficult to start. Graduate students are quite familiar with complex sentences, long paragraphs, and repetition of their thoughts. In the exercising of knotting, students are encouraged to express from the inside looking out, or sensemaking by being retrospective but without getting entangled in their usual mode of writing. The point here is to encourage them to write, without being bound by usual convention. So, the first assignment is difficult.

Decision-Making

The act of decision-making is usually not seen as senseless and therefore serves as a comfortable introduction to "knotting." Students are told to play with the concept of knotting. Just deciding what to observe and knot about becomes a knot. A result:

If you pick a circle,
You get a circle
If you pick a square and just trim the corners off,
You get another circle
If you pick a star and just trim the points off,
You get another circle

Now if all you needed was circles...

This knot was written by a student who looked at me with great skepticism the first week of class when the assignment was given. I knew he was driven by logic, a computer framework. He seemed to think that he would not be able to do this assignment. Or, maybe he thought "this professor has lost it – why did we get stuck with her at the end of our program?" I knew he was good at decision-making in his work – in healthcare helicopter rescue management and in systems analysis for state health care programs. I think he started out well with his circle approach and the contemplation on decision-making.

Another student started out by not being personal, even though the nature of sensemaking is very personal. Keep in mind that the doctoral student is told to be an observer, to express what you observe – not to express what you have experienced. So, the first assignment is difficult in that it is a reflection about someone else. Or, maybe she was just trying to get into the mind of the "he." This public caseworker supervisor wrote:

He does not feel good
He assumes that they are all lazy
He is convinced that he is right
They think that he doesn't respect them
They think he is a poor leader
They don't respect him because he is a poor leader who doesn't respect them

He thinks they are lazy
Time passes, they become lazy
They think he is a poor leader
Time passes, he becomes a poor leader
They are all convinced that they are right

Another student reflected on the experiences of the knowledge gained in the public administration coursework, with a series of questions. Note that the knotter plays multiple roles – questioner and answerer, all in the process of decision-making. It is as if this is the transition to personal sensemaking:

I Don't Know, Do You?
"Historian, can you tell me if homosexual acts between comrades in the Grecian Army made it a more effective fighting force?"
"Well, I don't know for sure, but
I can give you some information, you can imagine the situation, and then decide whether it should be allowed in the present day army?"

"Government reformer, can you tell me if the "market model" will result in more elderly individuals dying as a result of cost savings program at the HMO's?"
"Well, I don't know for sure, but

the Treasury will give them some more money, let them pay their CEO a lot of money, and you can try to determine what the death toll will be among the elderly."

"Prognosticator, can you tell me if part of the city will fall into the earth with the next earthquake?"
"Well, I don't know for sure, but
review the historical records, regime values, do a projection of the city's earthquake infrastructure budget, and make a guess."

Busy Work

Students moved from knotting on decision-making to focusing on work styles in the public workplace:

I am happy, but busy
I have to keep myself busy
To feel happy
If I am not busy, I won't feel happy
Sometimes, I do idle work,
Just to keep myself busy
And then to keep myself happy.

Could this be a public administrator?

Or what about the appearance of being overworked in the public sector:

Jim is overwhelmed by work:
Work has inundated Jim.
If Jim was not inundated with work,
Jim would not be overwhelmed.
Jim is dramatizing the amount of work so he can be overwhelmed.

In trying to explain workplace behaviors, one student reflected on a particular boss:

Insensitive nasty and mean
Snide remarks
He thinks we are all cheating.
Were you here at 8:00?
Were you still here at 5:00?
These are important questions for him.
Not, what did you do today?
Not, how late were you here yesterday?
He thinks we are all cheating.
He is a very unhappy man.
All the world is cheating except him.
I don't think so.

The Knots of Public Administrators

Several students were quick to point out that their knotting experience was not from a "student only" perspective of sensemaking. These students, all public administrators, were emphatic that they wrote from the perspective of a public administrator and found the knotting to be the first experience of

expressing their reflections on their own public administration experiences. The following is from a city official who was trying to make sense of political correctness and reciprocity in the public arena:

What's a gotcha getcha?
Gotcha getsya gotten by them that's got what you wanna get
(or ya already got and they wanna get?)

Getting gotch'd getsya soya wanna getcha back.
Gotcha doesn't getcha somewhere, so whya gotta geta gotcha?
I don't get it (or I already got it?)

I am seein' gotcha's in the place we go ta getcha
Where I wouldna got that notion, had I not seen the gotcha gettum
But I know it'll gettem good – both ways and sides

In any case, I do know gotcha can getcha.

This same administrator also saw public workplace behavior as a set of choices:

Tension and balance
Organized and disorganized
Stasis and learning
Control and innovation
Order and disorder
Generic subjectivity and learning
Administration and politics
Solutions and problems
Single reality and no such thing as reality
Not seeing that for which one has no beliefs and seeing what one believes
Sense and nonsense
Words and slippage
Sleeping and learning
Valueless and valuefilled
Tight and loose
Mutual causality and independent variables
Binding and releasing
Simple and complex
Mechanistic and organic
Tension and balance

Not to be ignored is the issue of spirituality in the workplace. A public servant, with a long distinguished record in the state police wrote:

A Career Journey

I began the pace slow
The demand was not to be so
Thrust into the fire, forced to calm it so
I expected as much, they demanded more
Others demanded, and others still,
Public service "don't ya know."

Death, injury, pain and sorrow.
Theirs or mine the line I do not know, anymore
Do my eyes look old to you?
Look at my life, *up on the stage.*
Only thirty, but you say sixty
Death you taught me
Injury I learned
Pain I felt
Age only makes it linger
Sorrow I carry

They still wake me in the quiet of the night.
"Get down, Get down, look out, prepare to fight!"
Have I aged before your sight?
Did you ask me if it was right
I only sought to serve, "... what you can do for your country."
Yet as I age, I seek you more.
I bend, I mold to form to your desire.
Is this enough?
Or do I try higher?
I do not regret the path you laid.
I'd just like to know – Did I meet their need?

What a question for a public servant to ask!

Serving the Public

Reflecting on the State House of Representatives as a workplace, this knotter makes sense of the roles of the legislature and the expectations of the citizens:

The people's house is theirs,
The people's house is not theirs.
The people have built a house for you to serve them.
If the people's house is for you to serve them why aren't they welcome in their house?
The people come to their house to see you serve them.
The people come to their house to see what benefits your services will give them,
If you don't benefit the people, why should they let you serve in their house?
The people want to participate in the decisions made in their house,
the people do not want to participate in the decisions made in their house.
The people do not understand the decisions made in their house.
If the people do not understand the decisions made in their house, why not let the people participate in the decisions made in their house?
The people have entrusted you with the guardianship of their house to make decisions to serve their well-being.

Getting Started in Making Sense and Expressing the Voice

We try to understand our world. We examine the behaviors of the terrorist, the co-worker, the client, the citizen. Trying to make sense of the behavior may help us to understand our world. One method of

understanding can come from sensemaking. Sensemaking adds, not substitutes, a perspective. In addition to focusing on factors outside the individual (as in Ann Howard's *The Changing Nature of Work* and Clegg, Hardy and Nord's *Managing Organizations*), we can change our directionality by using Laing's expressions in *Knots* as a template to look inside-out and Weick's theory of sensemaking in looking backward. Thus, multiple approaches can be used for us to understand.

To get started, focus on the seven properties of sensemaking. First, the property of identity - noticing "something." What is going on in your workplace? What do you hear? What do you see? Is it unusual? Why do you consider it unusual? Second, know to look back - use the property of retrospect. With retrospective one is using other properties of sensemaking: social contact and cues. Trying to understand an event, or the seemingly senseless is not something to be done alone. Look around you. Talk to others. Listen to others. Are there cues? Go public - use the enactment property to draw attention not only to the event, but also to the cues. And be aware of ongoing events. Is the present repeating the past? Move on to the last property - plausibility. Given identity, retrospect, enactment, social contact, ongoing events, and cues, you are ready for plausible explanations. The process itself of sensemaking may aid you and others in understanding individual events, behaviors, and/or our world. Sensemaking could be the vehicle for you to ask new questions and share your observations.

Knotting could be the means for you to express your sensemaking. To get started with knotting, take an event that you are trying to understand. What words do you associate with the event. Jot them down. Link them together with other words. Is there a pattern developing? Does this lead to more expression? More knotting? I suspect knotting will not readily appear in annual reports or executive summaries, but it may appear on the doodle pages of administrators trying to make sense of their public workplaces. The free form, the free expression, ah - yes, the knotting may be a means to make sense. More than a doodle, one last knot:

What Metaphor Knot?

Initially spoke Laing in cryptic verse
What knot, what verse, were we to traverse
Do Putnam, Phillips, and Chapman in metaphor help?
Organizational communication the keystone to perspective what.
Attention to detail in transmission of what, information
Does sender to receiver matter knot. I think what.
These concepts challenged wit with what.
What knowledge does impart the elusive knot?
What metaphor doth add to understanding what?
Do channels of verse conduct information to what, or knot?
Doth Visser's forecast lens scan what is or future knot in this habitat?
We have gathered these many moons to network what and thread the knot
Socialization has been a what. Performance we question knot.
Of cultures we have experience what, our dialog was hindered knot
Voices seek chorus of supportable what, and journey true through ethical knot
Together we engaged discourse and dialoged with what.
Even Socrates can find reasoned fault knot
We've traveled many verbal miles of stimulating and exciting talk.
With new means we now communicate the public lot.
Adventure waits us does it knot

Both sensemaking and knotting could assist us in understanding our world and the means by which we serve the public. Both techniques are difficult, but not impossible. Try

them! At least, try one! Maybe you will have an answer to your question, "Can this be so?" Maybe you will say, "Aha, I get it. It makes sense."

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Law & Order And Natural Justice

James F. Pontuso

I. Introduction: A Perplexing Pleasure

I could not understand why I kept watching the show. The reruns came on just after the nightly news, and rather than doing what I was supposed to do, grading papers or preparing the next day's lectures, I would channel surf, hoping to find a program that might distract me from my work. There was not much worth watching at that hour, so I would run through all the channels, but I kept pausing at one, drawn to it in spite of myself. I was upset that I liked it. Finally I gave in and actually watched a whole episode. Then I was really upset.

Law & Order begins with the overly dramatic announcement, "In the criminal justice system the people are represented by two separate yet equally important groups: the police who investigate crime, and the district attorneys who prosecute the offenders. These are their stories." I never watch lawyer shows, not since Perry Mason was thin. Nor do real-life attorneys especially thrill me. Sure, I have friends who are lawyers, but I tell my students, most of whom study political science to prepare for law school, that being a lawyer is like reading your lease for the rest of your life. I encourage only students who are smart, diligent, and not particularly adept at political philosophy to pursue careers in the law. I have never been intrigued by fictionalized murder mysteries.

I am still baffled by my wife's devotion to that genre. She spends most of her days as a nurse saving people's lives, but in the evening she comes home to read "juicy murders." While I have nothing against prosecutors or police officers, my own experience with those professions has been a little unsettling. One of my best friends was a district attorney in a high-crime area in a major city in the Northeast, and he invited me to watch him try some cases. After two visits I had heard enough about wife beating, stolen cars, and child molestation cases to last me a lifetime.

My experience with the police was equally discomforting. As a teenager I was befriended by the toughest cop in my hometown; implausibly, he had the same last name as one of the policemen on *Law & Order*. Although he was good to me, he was a terrible sadist. One night he got into a row with a drunk who had more fervor than good sense. My friendly policeman beat him so methodically and brutally that it cured me forever of a fascination with police work.

Maybe *Law & Order* had an ensemble cast, I thought, and I was enjoying the character development. But there is very little revealed about the characters in the show, and the few personal tidbits that are supplied are irrelevant to the plots. Moreover, there is no ensemble cast. The characters change quite frequently and not one actor from the pilot remains on the show.[1] Next I tried the "surprise ending thesis." True, some episodes had dramatic twists, but most story lines let the audience know "who did it" quite early on.

Now I was really perplexed. I could not figure out why I liked the show, but I was watching the reruns twice a night and the original broadcast weekly. I was annoyed by the way the show presented the trials, introducing each scene with a few chords of music and a written date and time as if it were some important historic event. I really hated the way the network advertised upcoming episodes, declaring that the plots were "ripped out of the headlines." The very idea made me wish I could bring the show's writers up on plagiarism charges. Of course, unlike at Hampden-Sydney College where I teach, there is no honor code in Hollywood.

II. Cantor Wrestles Relativism

One day while I was re-reading Book One of Plato's *Republic* in preparation for class it struck me why I liked the show: *Law & Order* contradicts the Cantor thesis. Paul Cantor, Professor of English at the University of Virginia, is one of America's most insightful Shakespeare scholars. However, his notoriety has come by way of his popular culture writings.[2] Cantor's analysis of television is not in the typical line of criticism begun by Newton Minow which maintains that "television is a vast wasteland."[3] Quite the reverse; Cantor argues that television programming is a reflection of the current state of mores in our society; it is America, not television, that is a vast moral wasteland. "If wrestling tells us anything about our country," he explains, "and its widespread and sustained popularity suggests that it does—for the past three decades we have been watching a steady erosion of the country's moral fiber, and America's growing incapacity to offer functional models of heroism."[4]

Cantor's work suggests that America has lost its moral compass because of relativism; the widespread belief that all principles are of equal merit and that no proposition can be considered superior to another. So deep has relativism become ingrained into our psyche that it is now commonly held that every person's judgment about right and wrong is part of his or her values and cannot be challenged by others with different values. If there is no absolute standard of morality then it is impossible to live by the traditional virtues such as courage, moderation or justice since these "values" are no more privileged than others. Cantor's analyses of science fiction (the Enterprise's five year mission was to destroy any societies with an aristocratic love of beauty or distinction), situation comedy (Gilligan is the perfect democratic man because, unlike the rest of the characters on the program, he exhibits none of the traditional claims to rule, such as military spirit, knowledge, beauty, wealth, virtue, or good breeding), and most notably professional wrestling (unlike the early days when wrestling matches were a kind of popular culture morality play, it is no longer possible to distinguish the good guys from the bad guys since they act and talk alike), reveal the absence of moral principles in these leading examples of popular culture. Only the family in *The Simpsons* seems immune from this barrage of amorality. Somehow, the Simpsons have been partially able to shield themselves from the mores of the greater society in their small town.

III. Just the Facts

One of the most important tenets of relativism is the fact-value dichotomy which holds that it is impossible to make judgments about good and bad from the experience of everyday life. Phenomena can tell us only what is happening; they cannot guide us in deciding how things should happen. The facts exist in the world of experience, and judgments about the facts derive wholly from our wills. Thus, the values we adopt are entirely a free choice. Since all people have free will, every value choice is as good as any other.

Law & Order challenges this supposition. Most plots begin with the discovery of a crime, usually a murder. Neither the police investigating the crime nor the audience has any idea why the misdeed was committed or who did it. As the police look for clues, the truth slowly unfolds. Often there are false leads and the wrong person is arrested. Yet, when the truth becomes clear, it is evident who has perpetrated the offense and how he or she ought to be punished. The facts are all important in deciding what is true and therefore just. In effect, the facts quite clearly establish the "values."

The manner by which understanding what really happened leads us to comprehend what is justice becomes evident in an episode where the truth is never established. "Conspiracy" tells the story of a prominent black leader who is killed while leaving a rally. The police initially suspect a white man of the crime, but when he is exonerated, the audience is left with only surmises about who in the leader's entourage may have done the killing.[5] In other words, if it is true that we can make determinations about the just once we understand the facts, it is equally true that we can never decide what is just unless we grasp what actually happened.

IV. You Have a Right to Procedures with Problems

The judicial system embodies the human longing for justice. When people cannot resolve their differences or when they endanger each other's safety or rights, civilized societies empower the judiciary to decide how best to resolve the problems. The alternative method of settling disputes is force, and hardly anyone believes that the stronger are necessarily the more just. Because the judiciary is responsible for implementing such an important human aspiration, the deliberations of judges are usually kept from the public eye. Judges are supposed to be guided only by considerations of law and justice, not swayed by extraneous factors such as popularity or political pressure. Judges are the only public officials who wear ceremonial garb; their robes are a holdover from the age of monarchy when political leaders were distinguished from ordinary citizens by their attire. Judicial robes signify more than pomp and circumstance. They represent the reverence with which we view judges as expounders of the law and dispensers of justice.

There is a qualification, of course. Judges are not wise or disinterested enough to dispense justice on their own. Thus, political communities resort to enacting laws that apply to all citizens equally. Although the rule of law is not the same as justice, laws are made with the aim of approximating justice. Judges both apply and adjust the laws to particular cases in an effort to satisfy the dictates of justice. In the United States, judges are also bound by previous legal holdings, especially those handed down by the United States Supreme Court. Statutory laws and judicial precedents are meant to guide trial judges in their deliberations in particular cases.

Yet, exactly because of the comprehensive nature of laws and legal precedents, there are individual instances where applying the general rule can undermine justice in particular cases. In nearly every

episode of *Law & Order*, judges exclude evidence, suppress confessions, or rule out testimony. While District Attorneys Schiff, Stone, and McCoy often complain that the judges in these cases are grandstanding for the ACLU, and there is some truth to the claim, it may be more accurate to say that the courts are attempting to sustain the fairness of the procedures through which the law is applied. In order to maintain fair procedures, especially in an adversarial system such as is practiced in the United States, judges consider it their duty to tip the scale toward the defense in order to counteract the coercive power of the state.

Whatever the motivations of the judges, *Law & Order* makes it clear that justice is not the same as the law, and in doing so impugns a second supposition of relativism, positivism. Positivism holds that if there are no natural or divine supports for justice, then only the positive law, the rules made by human beings for themselves, can be just. Whatever the ruling authority in any society decides is just must be just, since there is no measure beyond the law by which to determine the justness of the law. Although there are any number of examples of how *Law & Order* demonstrates this proposition to be false, several episodes make the point in particularly dramatic fashion. In "Asylum," the evidence leads Detectives Cerreta and Logan to arrest a homeless man for a brutal stabbing. They find a knife covered with the murder victim's blood in the suspect's "home," a hovel of his belongings in Central Park. The judge excludes the knife as evidence on Fourth Amendment guarantees against unreasonable searches and seizures. The ruling nearly allows the hard-hearted murderer to go free.[6] In an equally unsettling case, Detective Curtiss uses the rapport he has established with a suspect to help her confess to the murder of her own children, a catastrophe she refuses to acknowledge even to herself. The judge excludes the confession on the grounds that the woman had not been read her *Miranda* rights, despite the fact that she had not really been a suspect until she made the confession.[7] In "Causa Mortis," a tape recording surreptitiously made by a woman about to be murdered is excluded form evidence because the police did not discover the cassette during their first investigation of the crime site.[8] The procedures which govern the rules of evidence are meant to guarantee a fair trial, but they actually interfere with the pursuit of justice. It is obvious to any observer that the law is not the same as justice and that while justice informs the workings of the law, it stands somehow outside and above the law.

V. No Law and No Order

Unlike the *Dirty Harry* movies in which the lead character is so frustrated by judicial rulings which let the guilty escape punishment that he takes the law into his own hands, *Law & Order* makes clear that whatever its shortcomings, there can be no justice without the rule of law. In "Prince of Darkness" and "Old Friends," the chief prosecution witnesses are executed by those suspected of the crimes. Without witnesses, the guilty go free, and society devolves into the rule of the vendetta. The cruel tyrannize the weak, making the practical operation of justice impossible.[9]

Absent the rule of law, those in power can also become arrogant and abusive. In the two-part "Refuge," District Attorney McCoy uses his authority to suspend the Writ of Habeas Corpus when a colleague in his office is assassinated by the ruthless Russian Mafia. McCoy has little evidence linking the Russians to the killing but issues warrants to have them arrested because he feels guilty for not having adequately protected an associate and a sense of outrage that his office has come under attack. The Appellate Courts reverse McCoy's high-handed action, but in the end, good detective work implicates the Russians in the murders, and they are found guilty and sentenced to prison.[10]

Human beings are driven by fear, anger, love, hate, revenge, honor, love of glory, and desperation as well as a sense of justice. The law constrains these baser instincts, making civilized society possible.

If sometimes the rule of law falls short of justice we should consider the alternative. Our lower passions would win out over our higher aspirations and life would become, as Thomas Hobbes wrote, "solitary, poor nasty, brutish and short."

VI. Eskimos on Trial

My sophisticated students almost always argue that there can be no universal principles of right since different cultures see things differently. Eskimos, they tell me, have twenty words for snow while we have only one. Not only do judgments of values differ from culture to culture, but the human perception of reality is different from place to place.

Law & Order takes up the issue of a universal standard of justice in "The Troubles" (a murder involving a federal prisoner who informed on the IRA), "Consultation" (the death of a young African woman who smuggles drugs for her tribal chief), "Serucritate" (the murder of a former member of the Romanian secret police), "The Pursuit of Happiness" (the death of an American at the hands of his mail-order Russian bride), "Blue Bamboo" (the murder of a Japanese businessman who had abused an American entertainer while she was living in Japan), "Blood Money" (the liability of an insurance company that had insured but refused to pay victims of the Holocaust), and "Vaya Con Dios" (the trial of a former South American dictator for the death of an American).[11] Each of these stories has one theme in common: Is the American standard of justice applicable to other places, cultures, and eras?

The answer is both yes and no. In "The Troubles," "Blood Money," and "Vaya Con Dios" America's international preeminence allows it to apply the rule of law to criminals who would otherwise go unpunished. "Serucritate" and "The Pursuit of Happiness" demonstrate that although extenuating circumstances experienced by those from another culture may mitigate the punishment meted out for a crime, these circumstances cannot excuse the commission of a crime in a society where civil liberties and citizen rights are in effect. On the other hand, it would be unjust simply to apply the standards of American justice to others since it is not evident that America is always just. Yet, if the American judicial system considers the claims of other societies during its proceedings, it can more closely approximate justice. Furthermore, even when the American judicial system is acting merely from the narrow perspective of its own culture, *Law & Order* does not lead the audience to take such a position. Some episodes indicate that Americans may act unjustly, as in "Blue Bamboo," where a jury acquits a woman of murdering her Japanese tormentor, more because she is an American and he a foreigner than because she deserves to get off. After an investigation, the District Attorney's office implicates the perpetrator of a senseless crime of greed in "Consultation." He is returned to his native country by his government only to face a more serious, and more just, punishment.

The implication of these stories is clear. In order to be just, just conduct cannot not be bound within the narrow horizon of a particular society. If justice exists it must be free of cultural prejudice. In a way, the fact that we can understand the problem of bias and think beyond it shows that there is a human definition of justice. Put another way, the "Eskimo thesis" does not prove that there is no justice. Quite the contrary, it indicates that those who hold the position already subscribe to one of the chief characteristics of justice: it is not entirely just to apply one culture's standards to another. After all, the cynics must have some working definition of justice in order to claim that the relativist-multicultural perspective discredits justice.

VII. Plato's Perplexity: Would You Give This Man an Ax?

A further criticism of justice maintains that there is no single clear rule under which justice can be applied in all cases; hence, no justice exists. Plato takes up this issue in Book One of *The Republic*. Socrates seeks knowledge about justice from the old and experienced Cephalus, but when finding justice turns out to be neither simple nor straightforward, Cephalus is at a loss. Socrates poses a deceptively simple question. If it is usually just to pay back what is owed, is it also just to give back a borrowed ax to a man who has gone crazy and may hurt himself or others?[12] The question indicates that justice is never simple or universal. Rather, justice is a combination of what is best and what is possible in a particular circumstance. Justice must necessarily grow out of the peculiar set of experiences. Since the facts are variable, what is just must change as well.

Law & Order has any number of episodes based on what I like to call meditations on justice. For instance, the murder of a man suffering from terminal AIDS should not be harshly punished, although to take no legal action against the perpetrator may encourage other, less warranted, mercy killings.[13] The death of an unsavory photographer is first blamed on one of his models who is also involved in prostitution. District Attorney Stone is intent on seeking the maximum sentence because he believes that the woman committed the murder in order to conceal her criminal activities and maintain her reputation. When it turns out that the woman's fourteen-year-old daughter killed the photographer after an affair in which he spurned and insulted her, Stone agrees that it is just to try the adolescent as a juvenile offender with a minimum sentence.[14] Class differences between two lovers may be a source of heartache and confusion, especially when the upper class partner breaks off the relationship, but economic disparities cannot excuse violence or murder.[15] Self defense is grounds for justifiable homicide, but not when the person threatened strikes back out of rage and frustration, going on the offensive in pursuing his tormentors.[16] There may be extenuating circumstances that lead a young man to murder his fiancée. He is manipulated by his psychiatrist, with whom he is having an affair, into committing the crime. But is the psychiatrist culpable? *Law & Order* makes us think she is.[17] A woman who kills her drug-addicted and abusive daughter must be punished, but protecting her family from the ravages of drug addiction calls for a light sentence.[18] Is there a genetic predisposition associated with violence? Even if a bad gene exists, human beings are responsible for their actions.[19] Although the rage a black man feels toward those who have humiliated him in his professional life may be justified, it does not absolve homicide.[20] An alcoholic stupor is not an adequate defense for murder. But if the young man who commits the deed has suffered years of abuse at the hands of his parents, his intended victims, the sentence may not be as harsh.[21] In a case recalling the kidnapping of Patty Hearst, a young woman seemingly becomes the accomplice of her kidnapper in a crime spree. District Attorney McCoy convicts her of the misdeeds despite the Stockholm Syndrome defense mounted by her attorney. However, when confronted with the possibility of a "mountain of testimony" showing extenuating circumstances to be presented by a battery of lawyers at the woman's sentencing hearing, McCoy has second thoughts. District Attorney Schiff states simply, "There is no law that says you have to oppose them."[22] A woman who kills her roommate makes us believe that if ever there was a justification for the insanity defense, this is it.[23] McCoy is challenged by a schizophrenic man on trial for murder. Under medication the accused man is a brilliant lawyer who mounts his own defense, but without drugs he is a dangerous lunatic. Treatment is clearly a better option than punishment.[24]

The multifarious nature of these episodes demonstrates that applying a simple and universal standard of punishment for criminal acts is unjust. Human beings are complex creatures and any normative judgments about their behavior must also be complicated. The variability of what is just in these cases is not proof that there is no justice, but rather affirms that human beings are capable both of understanding the intricacies of life and of applying normative rules that take those exigencies into account.

Law & Order makes it clear that human beings can comprehend justice in those episodes where it turns out justice is not done. For example, when the rich use their wealth and position to thwart the judicial system and avoid punishment for their misdeeds, the program leaves the audience with a clear impression that a wrong has been done.[25] Even more obvious are cases in which the wrong person is arrested or even convicted of a felony.[26] A particularly egregious instance of this occurs in "Ambition," where two night club owners who were coerced into dealing with the mob to keep their business afloat agree to act as witnesses for McCoy in a murder trial. However, they are double-crossed by a federal prosecutor intent on revenge against McCoy for interfering with an earlier case. The club owners are punished in spite of their decency.[27]

There are episodes in which the jury clearly decides cases unjustly. In "Secret Sharers," a twenty-something Hispanic is acquitted of the murder of a drug dealer who raped his fiancée. His lawyer mounts a defense based on the disgrace that rape victims must face in Hispanic culture. The audience learns, however, that the perpetrator himself had been a drug dealer and the rape was an act of revenge by his former partner.[28] "Out of Control" tells the story of college students who have sex with a drunken coed at a fraternity party. When she accuses them of rape, her sexual history is put on trial. The jury acquits the fraternity brothers more because of their clean-cut college looks than their innocence.[29] In "Blood Libel," the defense attorney causes a hung jury by arguing that the anti-Semitic boys who murdered their Jewish classmate were themselves the victims of a "Jewish Conspiracy" instigated by the District Attorney, Adam Schiff, who is Jewish.[30] As the name suggests, "Nullification" deals with a jury that nullifies the conviction of a group of men involved in a citizens militia. The group is clearly guilty of robbing an armored car and killing a guard in order to raise money for their revolution against the "corrupt" government. However, one member of the jury decides to suspend the rule of law and votes to acquit.[31]

Sometimes the legal system itself becomes unjust, as in "Intolerance," where the mother of the second best student at an elite New York high school murders her son's Asian competitor. The jury convicts the woman, but when it is learned that the murdered boy's girlfriend perjured herself on the witness stand, the conviction is overturned on appeal.[32] On at least two occasions, innocent people accused of a crime plead guilty in order to protect either family or friends from punishment.[33]

There are two episodes where defendants obey the letter of the law in order to behave unjustly. In "Misconceptions," a couple schemes to blackmail a married man who has fathered a child with one of the conspirators. The woman is found beaten and she has a miscarriage. She accuses the father, but, in reality, her boyfriend has attacked her at her behest in order to raise the amount of money they can extort from the father. The mugging takes place exactly twenty-two weeks after conception because the defendants are aware that they cannot be tried for the murder of the fetus until that time. District Attorney Stone convinces the jury that it is just to ignore the law and convict the couple of murder.[34] In "Breeder," a woman consults with an attorney to discover how far she can go in tormenting would-be parents who are caught in a bidding war to adopt her unborn child.[35]

In one case the District Attorney's office convicts a Wall Street swindler of homicide because of an off-hand remark that provokes one of his victims to murder a lawyer who is himself duping those who had lost money. The lawyer makes double victims of his unsuspecting clients by charging a substantial fee in order to retrieve their lost money. When the lawyer turns out to be a hoax, a man who has lost most of his family fortune calls the Wall Street swindler, who tells him that the lawyer really has all the money, but is keeping it. The man who has lost all his money is so enraged that he kills the lawyer. District Attorney McCoy indicts the Wall Street swindler because his remark shows "a negli-

gent disregard for human life," but he is well aware that the jury convicts because they dislike the Wall Street swindler, not because he is actually guilty of the crime.[36]

In all these instances the audience knows when an injustice is done. But, again, must not human beings have a sense of what justice is before they can judge an action to be unjust? As the example of Plato's ax implies, justice is so much a part of the human situation that, at the very least, every person has a sense of when an injustice is done to them. If this experience is universal, is there not, as Plato suggests, a form or idea of justice that informs our judgment?

VIII. *Law & Order* as Platonic Dialogue

Now cynics might argue that all these examples show that justice is impossible since every character or group represented in the program is capable of committing injustice, and none is immune from self-interest, self-righteousness, ignorance, or self-deceit. *Law & Order* has no Perry Mason or Sherlock Holmes-like character who knows the ending before the rest of us. Adam Schiff asks in almost every episode how the trial will play in the newspapers. As an elected official he seems worried about his popularity almost as much as he is about the integrity of his office. The Executive Assistant Attorneys are portrayed as competitive, egotistical, and willing to bend the law in order to win. In "Severance," Stone's rivalry with a high-paid lawyer challenges his ego, clouds his judgment, and almost loses him the case.[37] In order to win his cases, McCoy does not turn over evidence to the defense and violates the civil rights of suspects.[38] Even more damning is "Trophy," where McCoy's former Assistant District Attorney and lover tampers with the evidence in order that "her man," as she puts it, will win the case and gain a promotion.[39] Any number of episodes portray the police attempting to cover up the misdeeds of fellow officers.[40] The state's psychiatrist has trouble testifying objectively in a rape case because she was once raped.[41] There are fierce departmental and jurisdictional rivalries between local, state, and federal officials seeking to gain credit for bringing cases to a satisfactory that is, popular conclusion.[42] Even judges are shown as corrupt, career seeking, and lascivious.[43] Such institutions as the Catholic Church and the military protect their own interests rather than pursue justice.[44]

If it is admitted that all the characters act on the basis of narrow self-interest, how is it possible for *Law & Order* to depict justice? Of course, the audience does not have the same perspective as the characters. The audience has no interest whatever in the stories and is, therefore, impartial. The audience can see, but not feel, the passions, hatred, greed, anxiety, and ambition of the characters involved in the stories. The emotional distance of the audience from the events makes it more able to weigh the various claims, detect natural but self-interested motives of the characters, and come to some principled decision about what is just in each instance. Indeed, the producers seem to have planned it that way, for almost every episode leaves the audience with a sense of what is just in that particular case, even when justice is not done.

In a sense *Law & Order* much resembles a Platonic dialogue. To fully understand Plato's point in a dialogue the reader must pay attention to whole scene, not merely interpret the speeches. This is most apparent in *Lysis,* where Socrates and a young boy try to figure out what friendship is. Is friendship liking those things that are like you or liking things that are different from you? The two interlocutors never find the answer, and the dialogue ends with Socrates and Lysis claiming to be more confused than when they began the discussion. The reader can see friendship quite clearly, however, for although the idea may be difficult to define, friendship is apparent in the gentle, thoughtful, and respectful way Socrates and Lysis treat each other.

The reader of a Platonic dialogue must also be aware of who is talking, what his interests are, what his character is, what his relationship to the other men portrayed in the dialogue is, and where and against what political background the dialogue takes place. The reader must even consider whether the participants in the dialogue are concealing their real views, or even lying. At one point in *The Republic* Socrates chides Glaucon for presenting speeches that he does not believe. "For something quite divine must certainly have happened to you," Socrates says to Plato's brother, "if you are remaining unpersuaded that injustice is better than justice when you are able to speak that way on its behalf. Now you truly don't seem to me to be being persuaded. I infer it from the rest of your character, since, on the basis of the arguments themselves, I would distrust you."[45]

The characters on *Law & Order* lie, cheat, and attempt to deceive one another. But, just as the reader of a dialogue, the program's audience is able to see through these foibles. The adversarial system of our courts is much like a Platonic dialogue in which the truth is revealed through exchange of assertions. The viewers are best able to see justice in these situations since they are in an ideal position to judge the issues objectively.

IX. Religion and Natural Justice

Law & Order is similar to a Platonic dialogue in another way. Religion plays very little part in the recognition of justice. In fact, religious beliefs serve only to cloud our natural perception of justice. Religion makes people consider the spiritual realm of existence. It lifts their attention from the events of everyday life to a sphere beyond sensual experience. It places demands on people's behavior that are, at times, inconsistent with civil peace and the common sense dictates of right and wrong. For example, it is natural to understand that there is something wrong with murder because no one wants to be murdered, not even, and perhaps especially, the most cold-blooded murderers. However, religion can sanctify actions that the experience of social life teaches us are wrong because it claims to speak for a higher, more authoritative morality, one that outweighs the sense of limits gained through interacting with other people.

Law & Order represents the absolute power that religion can have over the human psyche in "Apocrypha," where all the members of a religious cult commit suicide when their leader is convicted of conspiring to plant a bomb to destroy those he considers morally corrupt.[46] In "God Bless the Child" *Law & Order* acknowledges the deep commitment that human beings can have to their religious principles. But, the story makes us doubt that it is just for parents, whose religious principles prohibit the use of modern scientific medical techniques, to deny their child, who has not freely chosen those religious principles, medical care that would save her life.[47] Abortion is one of the most contentious issues of our society. *Law & Order* does not attempt to resolve the issue, although it nicely represents the arguments and passions on both sides. The program does confront the issue of what response people opposed to abortion may rightly have. For example, if right-to-life advocates maintain that it is wrong to take the life of an unborn child, could it be right for them to bomb an abortion clinic and kill, not only a woman about to have an abortion, but also her unborn child? [48] "Progeny," actually depicts the struggle in a man's soul between his religious convictions and his sense of natural right. While he justifies proposing the use of violent means to close abortion clinics, when questioned on the witness stand he cannot bring himself to assert that murder is right.[49]

In an episode called "Thrill," the Catholic Church makes an absolute claim of priest-parishioner confidentiality when a teenager confesses to his uncle, who happens to be a priest, that he has murdered another teen just for the thrill of it. Although the only solid evidence linking the boy to the crime is

his confession, and although he may get away with murder, the Church refuses to back away from its privilege. This episode also indicates the power religion has for the good, because, in the end, the boy's religious scruples cause him to confess his sins openly. In a powerful closing scene, the mother of the murdered boy forgives her son's killers, an act of almost inhuman compassion that could come only from profound religious devotion.[50]

X. *Law & Order* contra Heidegger

Perhaps the greatest philosopher of the twentieth century, Martin Heidegger argues that our attempt to make sense of the phenomena of commonplace life stands in the way of our experience of existence. Our attempt to understand the beings makes it nearly impossible for us to grasp Being. Yet, without some awareness of Being, there can be no ordering principle for the beings. Without some grounding in a first principle, there is no hierarchy of values we can place on the things and events we perceive. The long and complicated endeavor to structure the beings in a manner that gives us guidance for living a worthwhile life has been a failure, according to Heidegger. Or, as he puts it, the metaphysics of the West, begun by Plato and deconstructed by Nietzsche, has not brought us to an understanding of the true and false, the just and the unjust, the beautiful and the ugly, the courageous and the cowardly, and indeed, any other human virtues. While it may be accurate to say that there is "truth," that truth changes from place to place and from age to age, Being speaks differently to different people and cultures. At one point in his career, Heidegger argues that whatever claims to virtue people make, they are really no more than an expression of the desire to overcome the emptiness of Being. Virtues are thus an expression of *Dasein.* They provide people with a standard by which to live and a reason for living. The virtues are an attempt to order the chaos of existence by placing constraints on our utter free will. But since the core of Being is nothing, there are no restraints on free will, and virtues are no more than salutary illusions.[51]

Law & Order does not directly contest Heidegger's claims about Being. However, it does remind us of Plato's proposition formulated at the beginning of the West's quest for a philosophic defense of the virtuous life. It may be impossible for human beings to know the first things, to grasp the whole of existence, or to perceive Being directly, but those facts do not preclude the existence of the virtues. After all, human beings are part of Being, and every sentient human has a sense of the virtues, especially justice. One can test this thesis quite easily by treating people unjustly and asking them if they feel mistreated. One could try cutting to the front of a long line of movie-goers waiting to purchase tickets, for example, and observe the reaction. Indeed, considerations of justice are so common in our daily lives that we almost forget their presence. Had Heidegger undertaken a phenomenological examination of his own account of existential anxiety he might have noticed that the idea of justice is ubiquitous, that it is an inevitable and inextricable part of the social life of humans, and that even he *assumes* its existence. He presents this account about the origin and destiny of humans,

> Once when "Care" was crossing a river, she saw some clay; she thoughtfully took up a piece and began to shape it. While she was meditating on what she had made, Jupiter came by. "Care" asked him to give it spirit, and this he gladly granted. But when she wanted her name to be bestowed upon it, he forbade this and demanded that it be given his name instead. While "Care" and Jupiter were disputing, Earth arose and desired that her name be conferred on the creature, since she had furnished it with part of her body. They asked Saturn to be their arbiter, and he made the following decision, which seemed a *just* one: "Since you, Jupiter, have given its spirit, you shall receive that spirit at its death; and since you, Earth, have given its

> body, you shall receive its body. But since "Care" first shaped this creature, she shall possess it as long as it lives."[52]

In "We Like Mike," Mike Bodak, a man at first wrongly accused of a brutal murder, agrees to be a witness for the prosecution against the real killer. He performs his civic duty despite the humiliation he suffered at the hands of the police when they arrested him at his wedding rehearsal party, threats from the killer's brother against him and his family if he testifies, and the possibility that his statements on the stand might incriminate him as a "runner" for a bookmaker. Mike's testimony is crucial in ultimately convicting the murderer, causing Adam Schiff to pronounce cynically that he was "glad the whole judicial system depended on a man like Mike Bodak."[53] But, of course, in a democracy or indeed in any civil society, the legal system does depend on the ability of the citizens both to understand and act on the basis of virtues. We especially like Mike because he also seems aware that it is sometimes necessary to exhibit civic courage to defend the virtues. Without these common human judgments about good and bad, there could be neither law nor order.

XI. Conclusion

I can hear my cynical students now. They would say, "Dr. P., you have really gone off the edge on this one." *Law & Order* is an America show, and therefore expresses only American, not universal, concepts of justice. They would tell me that it is much simpler to know what is wrong that what is right. Put another way, the elements of punitive justice are more readily comprehended than those of distributive justice. My student would even remind me that *Law & Order* is a television show and that the writers make the stories work out better than real life.

These criticisms are surely well taken. *Law & Order* is an American show and it is true that it attempts to find the pulse of American justice. But if the most just solution to any situation must take into account that situation's unique character, might it not also be true that justice must consider the uniqueness of a national culture? Is it not possible to say that some things are true for all times and all places but must be adjusted to the circumstances of a particular place and time?

It is unquestionably easier to grasp who should be punished for a crime than it is to discern how the goods of a society should be fairly distributed. What should be rewarded most: talent, knowledge, shrewdness, inventiveness, beauty, strength, courage, decency, or just being a person? These issues rarely arise in *Law & Order.* We do know from at least one program that such questions are difficult, but not impossible, to answer. The long, complicated, and painful history of race relations in the United States, for instance, does not excuse the injustice done by prejudice to a bi-racial couple who cannot openly express their affection.[54]

Law & Order does simplify situations. It is not real life, and it has to fit a story into a one hour slot. But, so what. The audience and the writers share a common desire and a common sense of justice, one that even the most sophisticated cynics should not overlook or ignore.

Cantor is surely correct in his assessment of the relativism portrayed in most television programs. He is also accurate is tracing that relativism to our social mores. Yet, the popularity and longevity of a show such as *Law & Order* indicate the tenacity of the human longing for justice. If, in an age when all beliefs seem to be in doubt and the virtues are held in such low esteem, a program that has justice as its theme strikes a chord with the populace, it might give us hope that the quest for justice and the other virtues is not lost.

"That was all very interesting," my students would say, "but no one has a right to tell someone else what to do. Who can say what justice is?" "Well," I tell them, "if you do not agree with my point of view, I will flunk you in this course." And they *always* respond, "Hey, that is not fair."

Endnotes

[1] There are seven recurring roles on *Law & Order* which have been played by the following actors:
District Attorneys: Roy Thinnes as Alfred Wentworth, Steven Hill as Adam Schiff, Dianne Wiest as District Attorney Nora Lewin.
Executive Assistant District Attorneys: Michael Moriarty as Benjamin Stone, Sam Waterston as Jack McCoy.
Assistant District Attorneys: Richard Brooks II as Paul Robinette, Jillian Hennessy as Claire Kincaid, Carey Lowell as Jamie Ross, Angie Harmon as Abbie Carmichael.
Police Detective Sergeant: George Dzundza as Max Greevey, Paul Sorvino as Phil Cerreta.
Police Detectives: Christopher Noth as Michael Logan, Jerry Orbach as Leonard Briscoe, Benjamin Bratt as Reynaldo Curtis, Jesse L. Martin as Edward Green.
Police Supervisors: Dann Florek as Captain Donald Cragen, S. Epatha Merkerson as Lieutenant Anita Van Buren.
Police Psychiatrists: Carolyn McCormick as Dr. Elizabeth Olivet, J.K. Simmons as Dr. Emil Skoda.
Until it was written out in 1998 another minor recurring role was played by John Fiore as Detective Tony Profaci.
General information on *Law & Order* can be found at Smokee's Webstudio, "The Complete Law & Order Database," at *http://pages.prodigy.net/suntech1/index2.htm*; Donna R. Lemaster, Bob Ashley, and Dan Buchan, "An episode guide to Law and Order," at *www.dickinson.edu/~buchan/docs/lo/law-and-order.html*; Kevin Courrier and Susan Green, *Law & Order: The Unofficial Companion* (Los Angeles: Renaissance Books, 1998).

[2] The "Cantor Thesis" is distilled from the following lectures given at Hampden-Sydney College where Cantor's popular culture career was launched: "The Closing of the American Ring: How André the Giant Has Failed Democracy," 1988; "Prospero and *Gilligan*: A Tale of Two Islands," 1990; "*Star Trek* and the End of History, Shakespeare in the Original Klingon," 1992, "*The Simpsons* as Regime," 1998; and "Pro Wrestling and the End of History," 2000, the full text of which can be found in Paul A. Cantor, "Pro Wrestling and The End of History," *Weekly Standard* 4 October 1999 Vol. 5, No. 3; on line www.weeklystandard.com/magazine/mag_5_3_99/cantor_feat_5_3_99.html. Cantor has since changed his relativism thesis. We are not witnessing the end of morals, or the end of history, he now argues, but the end of the nation-state. See his forthcoming *Gilligan Unbound.*

[3] Newton N. Minow served as Chairman of the Federal Communications Commission by appointment of President John F. Kennedy.

[4] Cantor, "Pro Wrestling and the End of History."

[5] "Conspiracy," Episode 46. Original air date: 30 September 1992.

[6] "Asylum," Episode 26. Original air date: 8 October 1991.

[7] "Angel," Episode 119. Original air date: 29 November 1995.

[8] "Causa Mortis," Episode 135. Original air date: 18 September 1996.

[9] "Prince of Darkness," Episode 52. Original air date: 18 November 1992. "Old Friends," Episode 88. Original air date: 25 May 1994. District Attorney Stone is so distraught by the murder of a witness he persuaded to testify that he resigns as a prosecutor.

[10] "Refuge," Episodes 204 and 205. Original air date: 26 May 1999.

[11] "The Troubles," Episode 20. Original air date: 26 March 1991. "Consultation," Episode 54. Original air date: 9 December 1992. "Serucritate," Episode 64. Original air date: 5 May 1993. "The Pursuit of Happiness," Episode 76. Original air date: 1 December 1993. "Blue Bamboo," Episode 91. Original air date: 5 October 1994. "Blood Money," Episode 212. Original air date: 1 December 1999. "Vaya Con Dios," Episode 228. Original air date 25 May 2000.

[12] Plato, *The Republic,* translated with notes and an interpretive essay by Allan Bloom (New York: Basic Books, 1968), 331c.

[13] "The Reaper's Helper," Episode 3. Original air date: 4 October 1990. Length limitations of this paper make it impossible to deal in detail with each of the instances mentioned in this paragraph.
[14] "Skin Deep," Episode 45. Original air date: 23 September 1992.
[15] "Forgiveness," Episode 47. Original air date: 7 October 1992.
[16] "Self Defense," Episode 51. Original air date: 11 November 1992.
[17] "Promises to Keep," Episode 58. Original air date: 10 February 1993.
[18] "Mother Love," Episode 59. Original air date: 24 February 1993.
[19] "Born Bad," Episode 75. Original air date: 17 November 1993.
[20] "Rage," Episode 101. Original air date: 1 February 1995.
[21] "Privileged," Episode 106. Original air date: 5 April 1995.
[22] "Hot Pursuit," Episode 116. Original air date: 8 November 1995.
[23] "Paranoia," Episode 117. Original air date: 15 November 1995.
[24] "Pro Se," Episode 132. Original air date: 8 May 1996.
[25] "Blood is Thicker ...," Episode 36. Original air date: 4 February 1992. "Black Tie," Episode 7. Original air date: 20 October 1993. "Family Business," Episode 142. Original air date: 20 November 1996.
[26] "The Serpent's Tooth," Episode 19. Original air date: 19 March 1991. "Act of God," Episode 105. Original air date: 22 March 1995.
[27] "Ambition," Episode 202. Original air date: 12 May 1998.
[28] "The Secret Sharers," Episode 18. Original air date: 12 March 1991.
[29] "Out of Control," Episode 30. Original air date: 12 November 1991.
[30] "Blood Libel," Episode 120. Original air date: 3 January 1996.
[31] "Nullification." Episode 162. Original air date: 5 November 1997.
[32] "Intolerance," Episode 42. Original air date: 14 November 1992.
[33] "Wannabe," Episode 104. Original air date: 15 March 1995. "Girlfriends," Episode 131. Original air date: 1 May 1996.
[34] "Misconception," Episode 28. Original air date: 29 October 1991.
[35] "Breeder," Episode 79. Original air date: 12 January 1994.
[36] "Scoundrels," Episode 97. Original air date: 30 November 1994.
[37] "Severance," Episode 35. Original air date: 14 January 1992.
[38] "Competence," Episode 94. Original air date: 2 November 1994. "Mad Dog," Episode 152. Original air date: 4 April 1997.
[39] "Trophy," Episode 123. Original air date: 31 January 1996.
[40] "Poison Ivy," Episode 8. Original air date: 20 November 1990. "The Blue Wall," Episode 22. Original air date: 9 April 1991. "Manhood," Episode 65. Original air date: 12 May 1993. "Kids," Episode 81. Original air date: 9 February 1994. "Bad Faith," Episode 108. Original air date: 26 April 1995. "Corruption," Episode 139. Original air date: 30 October 1996. "Entrapment," Episode 143. Original air date: 8 January 1997.
[41] "Point of View," Episode 53. Original air date: 25 November 1992.
[42] "The Troubles," Episode 20. Original air date: 26 March 1991. "Causa Mortis," Episode 135. Original air date: 18 September 1996.
[43] "Jeopardy," Episode 114. Original air date: 1 November 1995. "Justice," Episode 206. Original air date: 10 November 1999. "I.D." Episode 136. Original air date: 25 September 1996.
[44] "Thrill," Episode 158. Original air date: 1 October 1997. "Navy Blue," Episode 160. Original air date: 15 October 1997.
[45] *Republic,* 368b.
[46] "Apocrypha," Episode 73. Original air date: 3 November 1993.
[47] "God Bless the Child," Episode 27. Original air date: 22 October 1991.
[48] "Life Choice," Episode 12. Original air date: 8 January 1991.
[49] "Progeny," Episode 100. Original air date: 25 January 1994.
[50] "Thrill," Episode 158. Original air date: 1 October 1997.
[51] Martin Heidegger, *The Fundamental Concepts of Metaphysics: World, Finitude, Solitude,* trans. William McNeill and Nicholas Walker (Bloomington: Indiana University Press, 1995).
[52] Martin Heidegger, *Being and Time,* trans. John MacQuarrie and Edward Robinson (London: SCM Press, 1962), p. 198.

[53] "We Like Mike," Episode 154. Original air date: 30 April 1997.
[54] "Good Girl," Episode 137. Original air date: 2 October 1996.

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Changing Images of Government In TV Entertainment

Executive Summary and Analysis

Center for Media and Public Affairs

Background

The Council for Excellence in Government and its Partnership for Trust in Government, with support from the Ford Foundation, commissioned the Center for Media and Public Affairs in 1998 to study how television entertainment had depicted the public sector and people in government from the 1950s to 1998. That report, *Government Goes Down the Tube: Images of Government in TV Entertainment* was released in 1999.

To bring this research up to the present day—to the time when images of politics and government are increasingly becoming the stuff of popular entertainment—the Center conducted the second study in 2001. A sample of episodes from the 1999-2000 and 2000-2001 seasons was analyzed to see if any changes in the TV depiction of public servants had occurred since 1998. The findings of the second study were made public in the report *Changing Images of Government in TV Entertainment.*

The Findings

A More Positive View

The central finding of this study is that prime time portrayals of government are becoming more positive, as are portrayals of elected officials and civil servants. This finding holds true for both individual characters and thematic treatments of government.

Overall, nearly three-out-of-four government-themed shows from the previous decade (1992-1998) portrayed a faulty government. But among current series (1999-2001), nearly three-out-of-four episodes portrayed government as working well.

In the 1990s, three-out-of-four shows portrayed politics as corrupt, cynical, or unrepresentative. Among current series, three-out-of-five episodes portrayed political institutions as effectively serving the public interest.

Seven-out-of-ten shows in the 1990s portrayed the legal system as unjust, discriminatory or ineffective. In current series, eight-out-of-ten shows portrayed a functioning, fair and just legal system.

In absolute terms, the portrayal of government employees is still a mixed bag. But their image has improved relative both to that of the previous decade and to other occupational groups depicted in the current program schedule.

The proportion of characters that viewers associate with government officials (officeholders and civil servants) rose slightly, from seven percent of all characters in the 1990s to ten percent currently. The core group of government officials-officeholders, civil servants and staffers-made up one-third of the current sample (33%), up from one-fifth (21%) in the previous decade.

West Wing Ripple

The recent success of NBC's *The West Wing* seems to portend a more realistic and appreciative portrayal of public service in future seasons (shows about the Supreme Court, CIA and others will debut next season). So if television does not always celebrate the role of government in American life, it is beginning to depict it in a more sophisticated and textured way.

The West Wing was directly responsible for giving elected officials the second most improved image the study recorded among all occupations. The proportion of positive roles increased by eight percentage points (from 21% to 29%) and raised elected officials from dead last in the occupational rankings in the 1990s to twelfth currently—ahead of business characters and teachers.

Starring Public Servants!

Civil servants had the most improved images of any group other than medical doctors. Their positive portrayals increased from 22 to 30 percent of characters, bringing them from tenth to sixth place in the favorability index.

Judging Law Enforcement

Law enforcement remains the most visible part of government in prime time (standouts include *NYPD Blue*, *Law & Order*, *Third Watch*). Half of all government employees portrayed on television today are peace officers, mainly local police, but also federal agents, local sheriffs, etc.

Judges and prosecuting attorneys are the most favorably portrayed occupational group. In both studies, they were viewed in a positive light more than three times as often as a negative one (48 to 14 percent in the 1990s and 43 to 14 percent currently).

A Lesson for Teachers

Teachers had the least positive image of any group, reversing their relatively favorable ratings in the 1990s. This may be the result of a more textured and fuller portrayal of individuals in the occupation. Of special note is FOX's *Boston Public*, the first show to use the classroom to explore complex societal issues and conflict since *Room 222* in the 1970s. Public school teachers comprised the smallest group of government employees (seven percent during the 1999-2001 seasons) on television.

About the Study's Methodology

For this study, 161 episodes from all 122 fictional prime time series which aired on the four major broadcast networks during the past two seasons (1999-2001) were examined. The portrayals of all

characters identified as public sector civilian employees (in comparison to characters engaged in other occupations that are coded by the US Census Bureau) were analyzed. The shows in this sample contained 1658 characters with census-coded occupations. All program themes that addressed government practices and performance were also examined. Finally, these results were compared to the previously released findings for 540 series episodes and 4763 characters in census-coded occupations from the 1992 through 1998 seasons.

Complete texts of both reports are available on the www.trustingovernment.org web site.

Is There Anything New Under the Sun?

Herbert Simon's Contributions in the 1930s to Performance Measurement and Public Reporting of Performance Results

Mordecai Lee

> *"There is nothing new / Beneath the sun! Sometimes there is a phenomenon of which they say, 'Look, this one is new!' – it occurred long since, in ages that went by before us"*
> (*JPS*, 1999, pp. 1765-6).

Contemporary public administration practice and scholarship has had a major focus on performance measurement and its relationship to a citizen role in using this information for democratic accountability. Performance measurement calls for standardized ways to measure the activities of government agencies and to zero in on outcomes rather than outputs. It also focuses on using information not only for internal purposes, but also for distribution to the public-at-large to extend democratic accountability. For example, the National Center for Public Productivity at Rutgers University-Newark spearheads a major project on Citizen Driven Government Performance *(Citizen-Driven Government Performance*, 2002), including an exhibit booth and luncheon presentation at the 63rd annual conference of the American Society for Public Administration in 2002. The journal *Public Productivity and Management Review* changed its name in 2001 to *Public Performance and Management Review*. The American Society for Public Administration maintains a Center for Accountability and Performance to provide "education, training, advocacy, technical assistance, resource sharing and research into best practices in Performance Management" (Center for Accountability and Performance, 2002).

One of the foci of performance-centered government and citizen involvement in the results has been on creating 'popular reports,' whereby citizens can understand and use performance information. For citizen involvement in government performance to work, "the success of a popular report is measured by whether the message reaches the citizens" (Sharp, Carpenter and Sharp, 1998, 35). This requires that the content and presentation of performance information in public reports are relevant, understandable and useable. The Government Finance Officers Association has created an annual award for Popular Annual Financial Reporting that focuses on making the traditionally dense financial reports readable and meaningful to the lay public (Allison, 1995).

Harry Hatry, a contemporary leader in the development of performance measurement, focuses not only on the processes and procedures of this methodology, but equally on the importance of reporting results and presenting them in a format that can be used. "Summary annual performance reports can be an effective way to communicate with citizens and increase public credibility, as long as they are user-

friendly, timely, and provide a balanced assessment of performance" (Hatry, 1999, 155). The public can use performance information to hold government accountable. For example, the citizenry "gains a better understanding of what is being accomplished with tax dollars and a greater sense of value received for those taxes. CPM [Comparative Performance Measurement] may also help citizens understand what new value could be received from an additional investment, even a tax increase" (Morley, Bryant and Hatry, 2001, 96).

Yet this contemporary literature on citizen involvement in government performance does not routinely connect the historical origins of this subject to research conducted and published by Herbert Simon at the beginning of his academic career in the 1930s.

Herbert A. Simon (1916-2001) has been best known for his scholarly activities in the areas of decision-making, organizational behavior, economics, bounded rationality, psychology and artificial intelligence. His contributions to knowledge were recognized with the receipt of the Nobel Prize for Economics in 1978. He started his career in public administration and made several important scholarly contributions to it before moving to other disciplines. Most prominent was his book *Administrative Behavior* (Simon, 1947a), first published in 1947 and considered to be a definitive refutation of the field's previous focus on 'proverbs of public administration.' That book went through four editions (Simon, 1997) and continues to be used. Three years later, he co-authored a textbook, *Public Administration* (Simon, Smithburg and Thompson, 1950). Its value was affirmed when it was republished in 1991 (Simon, Smithburg and Thompson, 1991). Another influential early book of his in public administration, given the discipline's connection to organization theory, was March and Simon's *Organizations* (1958), also later reissued due to its continuing relevance (March and Simon, 1993).

Yet, Simon did not feel intellectually satisfied by public administration. In his autobiography, he describes the field as "an academic backwater" with published research of a quality that was "positively embarrassing." That made public administration "nearly invisible to mainstream social scientists. Even if a researcher made a contribution with potential beyond administration, it was unlikely that it would be noticed by anyone outside the field" (Simon, 1991, 114). After these early contributions to public administration, he moved on to other disciplines, largely leaving his interest in public administration behind. Also, he may have felt less welcome in public administration due to the fallout caused by the fierce public exchange he had initiated with Waldo in the *American Political Science Review* in 1952 (Brown and Stillman, 1986, 58-60). However, in 1997, towards the end of his life, he was invited to a meeting of the American Society for Public Administration to deliver the annual Donald Stone address. Looking back on the early years of his career, he lauded public service and flatly stated, "the belief that the profit motive is the only reliable motive for welding organizational actions to social needs is wrong" (Simon, 1998).

This, then, has been the conventional perception of Simon's contribution to public administration. Yet, what is oft-times forgotten is his early contribution, along with his mentor Clarence Ridley, to the literature of administrative measurement of municipal government and of public reporting to the citizens of governmental activity. This article summarizes those contributions that were ahead of their time and connects the current interest in citizen participation in government performance to this part of its intellectual history and roots.

Simon was an extremely prolific scholar. The most authoritative bibliography of his publications, maintained by the Department of Psychology of Carnegie Mellon University, lists 973 academic publications that he authored (*Bibliography of Herbert A. Simon – 2000*-2002). Of that extraordinary productivity, the first 21 deal solely with administrative measurement and public reporting (*Bibliography of Herbert A. Simon – 1930-1950s*, 2002).

Background: Simon Meets Ridley

Simon was born and raised in Milwaukee, Wisconsin, where he attended public schools, graduating from high school in 1933 (Simon, 1991, 3-23). He then moved to Chicago to attend the University of Chicago. He graduated in 1936 and stayed on for graduate studies there. During the fall of his first year as a graduate student, he was hired as a graduate research assistant by Clarence E. Ridley, the Executive Director of the International City Managers' Association (ICMA) who was also an adjunct (later associate) professor in the university's Political Science Department. Ridley, a former city manager and Ph.D. from Syracuse University, had directed ICMA since 1929. He was interested, both as a practitioner and academic, in the topics of measuring municipal government and public reporting by governments to the citizenry. He had written several pieces on those two subjects by the time he hired Simon (Ridley, 1927; Ridley, 1928; Ridley, 1937). Simon's primary assignment was to continue that research stream and co-author future articles or books that might emerge from their joint efforts (Simon, 1991, 64-5, 70-2).

Ridley had been focusing on municipal measurement and public reporting as two closely related topics. Regarding public reporting, he was part of a group of public administration professionals who emphasized that government managers in a democracy had an obligation to keep the citizens informed of the operations of each government agency. Periodic administrative reports from this perspective contributed to an informed citizenry, the *sine quo non* of democracy. This kind of regular and professional reporting would make public administrators accountable to the citizenry and thus strengthens representative democracy.

This perspective led to the emergence of a focus on public reporting as a feature of the new profession of public administration. For example, in 1919, Morris Cooke – an early practitioner-writer in public administration – had described municipal reports as having "the greatest room for improvement" of all aspects of government publicity (197). He lauded New York City's 1915 annual report as "a neat volume printed in good type filled with many easily grasped facts and altogether enjoyable reading. It is in reality a citizen's handbook" (Cooke, 1919, 204). In 1928, Herman Beyle of the University of Chicago published a major study of government reporting. He stated, "official reports of governmental authorities submitted or made available to the public as an accounting of official conduct might be made a more effective agency for the promotion of good government and an essential foundation of popular rule" (Beyle, 1928, 6-7).

Ridley continued developing this theme by developing principles of good reporting. The purpose of reporting "should be to inform the taxpayers of what their administration is achieving, of the attempts to meet the needs of the people and the cost of these activities" (Ridley, 1927, 244). This raised the question of the format and content of such public reports, which is why Ridley also began developing uniform statistical approaches for measuring administrative performance. A good public reporting system required

> the development of comparable cost-and-service data which will give reporting authorities some yardstick against which to measure performance. This will give reports an objective basis and will take them out of the realm of what are sometimes meaningless value-judgments and useless statistics (Ridley, 1937, 115).

Simon began working with Ridley in October 1936 to create standardized administrative measurement categories for use in regular reports issued by public agencies (Simon, 1991, 64). Simon was initially a bit intimidated by the responsibility, "especially since I had had virtually no first-hand acquaintance with government when I started, beyond the two term papers I had written" as an undergraduate

(Simon, 1991, 65). Notwithstanding his junior status, Ridley treated Simon as a full-fledged research partner:

> Ridley's role in the project was to participate in planning the series, to review my plans for the individual papers, to help me find people and experiences that could inform me, and to review drafts of each chapter. The initiative was in my hands, and so was almost all of the writing (Simon, 1991, 64).

Simon's Writings on Performance Measurement, 1937-1938

Simon, under Ridley's supervision, undertook to research and write a short article on a monthly basis, with each article focusing on different aspects of creating measurement standards for city administration. Simon's first (of 973) publication appeared in the February 1937 issue of *Public Management*, ICMA's monthly journal (Ridley and Simon, 1937a). Entitled "Technique of Appraising Standards," it provided the background, context, basic vocabulary and technique of municipal measurement. He was identified as "a graduate student and research assistant in political science at the University of Chicago" (Ridley and Simon, 1937a, 46).

The rationale for their undertaking was to create a systematic structure of measuring municipal operations and then reporting the results in a way that would be meaningful to citizenry and elected representatives in a democracy. Their goal was that "criteria be devised for the appraisal of governmental activities if the citizen, the legislator, and the administrator are to make intelligent decisions" (Ridley and Simon, 1937a, 46). Their approach was that "we must first make explicit just what the various governmental functions try to accomplish; and then we must devise methods of measuring the degree of accomplishment" (Ridley and Simon, 1937a, 46). Anticipating the contemporary differentiation between outputs and outcomes, they discussed performance versus results. The use of various measure of performance will "tell us how much work has been done; but they do not tell how well it was done, nor whether the particular work undertaken was appropriate to the desired end" (Ridley and Simon, 1937a, 47). Therefore, they emphasized the focus should be on results, i.e., a measurement of the attainment of the objective. As a second step, the attainment of goals would then be evaluated based on managerial efficiency,

> *measured by the ratio of the effects actually obtained with the available resources to the maximum effects possible with the available resources* (Ridley and Simon, 1937a, 48, italics in original).

The second article in the series concluded presenting their overall approach. They reviewed the literature, evaluated score cards that were then in use, such as the West Virginia Score Card, and described other uniform statistical measures that had been developed in the municipal administration field up to 1931. This early work in score cards, even the identical terminology, presaged the popularity of using organizational scorecards in the 1990's, largely triggered by Kaplan and Norton's writings in *Harvard Business Review* in the early 1990s (Kaplan and Norton, 1992; Kaplan and Norton, 1993). As for what to do with these statistics, they emphasized the importance of using the results of administrative measurements in the regular public reports issued by municipalities, such as annual reports, in order to improve accountability to the citizenry (Ridley and Simon, 1937b, 87).

The remaining 11 articles systematically proposed uniform measurements of results, standards, performance units, efficiency measures, schedules of effectiveness ratings, measures of efforts and costs, measures of performance and appraisal forms for the major subcategories of municipal administration:

Fire Departments (Ridley and Simon, 1937c)
Police (Ridley and Simon, 1937d)
Public Works (Ridley and Simon, 1937e)
Library (Ridley and Simon, 1937f)
Recreation (Ridley and Simon, 1937g)
Public Health (Ridley and Simon, 1937h)
Public Employment Situation and Personnel Agency (Ridley and Simon, 1937i)
City's Financial Status and Administration (Ridley and Simon, 1937j)
Public Welfare (Ridley and Simon, 1937k)
City Planning (Ridley and Simon, 1938a)
Public Education (Ridley, Simon and Rybczynski, 1938).

In 1938, ICMA published the thirteen articles as a book (Ridley and Simon, 1938b). The book's introduction described performance measurement in remarkably similar terms to contemporary times:

> The concept of 'administrative measurement' must be broadly conceived. Governmental activities cannot be measured in terms of simple units or indices which automatically evaluate results. Rather the term 'measurement' should be constructed to mean any technique which seeks objectively to appraise the results of a program of action or to compare the results of alternative programs.
>
> Efficiency cannot be measured by dollars and cents alone.
>
> Further improvement of measurement techniques, units, and records systems can be made through empirical studies of a statistical nature. Similarly, if standards of good practice are to be scientifically tested and improved, quantitative and qualitative evaluations are necessary, on the basis of actual governmental operations, of the relative effectiveness of alternative procedures (Ridley and Simon, 1938b, iii).

In 1943, in a second edition of the book, they were pleased that "interest in measurement research continues at a high level." However, the developing techniques and measures were making it "more rather than less complex." Therefore, the quality of information for experts was improving, but "the citizen does not yet have an entirely satisfactory yardstick, nor are prospects too bright that he will obtain it in the visible future" (Ridley and Simon, 1943, ix, xiv).

Simon published additional material about performance measurement in 1937. His first sole-authored article, and second separate item in his bibliography (since the 13 articles in *Public Management* are listed as one entry), appeared in November, discussing use of comparative statistics to measure the efficiency of government performance (Simon, 1937a). He also made a presentation on performance measurement to the League of Wisconsin Municipalities, of his home state. The League then published his talk as an article in the December 1937, issue of its monthly journal (Simon, 1937b).

Simon's first publication in a purely academic journal occurred in 1938. He co-authored with Ridley an assessment of different measures of efficiency for purposes of evaluating government operations for *The Annals of the American Academy of Political and Social Science* on "Better City Government." They emphasized that a good evaluation system must be "a measurement of the *result* of an effort or performance in accomplishing its objective" (Ridley and Simon, 1938c, 21, italics in original). Their overview was that

> The concept of efficiency can therefore be made the basis of a comprehensive and flexible framework for the evaluation and appraisal of government. It is a powerful tool for analyzing

> relationships of legislature and administrator. It is admirably adapted to quantitative treatment and objective techniques. In its broadest terms, it is scientific method applied to government (Ridley and Simon, 1938c, 24-5).

Besides the article, at the end of the issue, he was listed as co-compiler of a nine-page bibliography of government measurement (Ridley and Simon, 1938d).

Clearly, Simon and Ridley approached performance measurement in a rigorous, empirical and systematic way. Their contributions stand the test of time and continue to be relevant to contemporary interest in performance reporting, indicating that Simon and Ridley's writings were ahead of their time.

Simon's Writings on Public Reporting, 1937-1939

Ridley had always emphasized a connection between measuring municipal administration and the reporting of those results. For him, the statistical information was of little value unless it was disseminated not only to the in-house attentive audiences but also more importantly to the public at large. For democracy to work, an administrator had an obligation to inform the citizenry of governmental operations and to present that information in a way that could be used by lay citizens to reach judgments about the work of its government. Therefore, besides directing Simon to develop uniform measurements of municipal performance, Ridley also gave Simon a parallel assignment: promoting measurement information in public municipal reports.

Simon's first publication about public reporting was a sole-authored article in the 1937 edition of *The Municipal Year Book*, published annually by ICMA (and co-edited by Ridley). The article was titled "Inter-City Contests," but the subtitle summarized its purpose: "The authoritative résumé [sic] of activities and statistical data of American cities." The article described four annual competitions sponsored by national organizations. One was the annual competition, then in its tenth year, for best annual municipal reports sponsored by the *National Municipal Review*. Simon judged that practically all the submissions for 1936 "compare in attractiveness with the best periodicals" (Simon, 1937c, 143). However, directly connecting the value of such reports to performance measurement, he wrote:

> Because reports are now available which approach complete acceptability in these respects, it is felt that they will supply a model for other cities wishing to improve their reports and that there is now a need to develop similar models of excellence with respect to the content of the reports (Simon, 1937c, 143).

For the next two annual editions of the book, Simon sole-authored entries dedicated exclusively to evaluating municipal reporting. In the 1938 article, he was identified as a "Staff Assistant" at ICMA (i.e., no longer at the University of Chicago) and, a year later, as "Staff Member."

Reviewing the municipal reports issued in 1937, Simon applauded improvements in both the quality and content of public municipal reports. In particular, "reporting officials realized that the report must not only attract the citizen, but also must inform him" (Simon, 1938, 47). The next year Simon focused on reporting as an administrative activity that should go beyond publishing an annual report. "No longer a stepchild among municipal functions, a public relations program is being increasingly recognized as an indispensable element in effective administration" (Simon, 1939, 38). He felt that the quality of the information in annual reports was continuing to improve and had the effect of "showing how the citizen participates in local government" (Simon, 1939, 40). His survey of other reporting methods included informational inserts with municipal tax and utility bills, open houses, exhibits, radio programs and movies shown at local cinemas.

During that time, Simon also co-authored with Ridley an overview of public reporting in an academic journal. Significantly, Simon was now listed as the lead author (Simon and Ridley, 1938). The article presented a summary of their approach that municipal performance measurement and reporting were related subjects. They noted the improvement in both the format and content of government reports. "Even more encouraging that the improved appearance of recent reports is the attention now being given to the content and method of presentation necessary to arouse citizen interest" (Simon and Ridley, 1938, 465). They suggested that municipal reporting could now focus attention on the next stage of the democratic process:

> The traditional description of the municipal report as the means by which the public official gives an accounting to the citizenry of his stewardship is therefore a very incomplete picture. The report is equally important in helping the citizen discharge *his* responsibility to his government. Many progressive reports undertake the additional task of educating the citizen on questions of public policy which he may later have to determine at the polls. Here is a significant attempt to deal constructively with the relation between expert and layman in a democratic society (Simon and Ridley, 1938, 466, italics in original).

Simon continued his interest in public reporting into the 1940s. As an associate professor of political science and chair of the Department of Political and Social Science at Illinois Insitute of Technology, he was largely responsible for the revisions contained in the third edition of ICMA's handbook, *The Technique of Municipal Administration* (Simon, 1947b, viii). The last of the 15 chapters of the book was on public reporting. At the beginning of the chapter, he noted "the increased interest of municipal administrators in public reporting" (Simon, 1947b, 527). Reporting techniques summarized in the chapter included the annual report, other printed reports, exhibits and demonstrations, talks before citizen groups, and open houses.

Culmination of Research: Half a Century Ahead of the Curve

In 1939, Simon and Ridley merged their research about the related topics of performance measurement and public reporting. ICMA published their proposal for a uniform structure of annual municipal reports that would contain the categories of performance reporting identified in their 1937 series in *Public Management* (Ridley and Simon, 1939). They further refined their standardized structure in a 1940 version (*A Checklist*, 1940) and again in 1948 (Ridley and Simon, 1948). In the introduction to their third iteration, they stated their goal of "making reports more intelligible to the citizen ... in an attempt to ascertain whether he was getting his money's worth from his public dollar" (ibid, iii). Their final list of municipal performance measures for public reports consisted of 266 specific measurements, covering 16 subcategories of municipal operations. For example, one of the 13 measures for education was "per cent of high-school graduates going to college and per cent finding employment" (ibid, 22). One of the four measures for the city clerk was "percent of registered voters who voted at each election" (ibid, 24). One of the eight measures of the purchasing department focused on "ratio of cash discounts to purchases" (ibid, 30).

The 1948 volume culminated the work of Herbert Simon, and his mentor Clarence Ridley. Although they limited their horizon to public municipal reports, the research duo emphasized a comprehensive performance measurement system, results rather than outputs, a balanced scorecard approach and a regular public reporting format to encourage citizen participation – all based on their research conducted and presented in the 1930s. The relevance of that scholarship to the present time is striking. For example, Hatry's work focuses not only on the mechanics and internal uses of performance measurement but also on annual public reporting of performance measurement information and the

beneficial uses by the citizens of such data (Hatry, 1999, Chapters 10-1; Morley, Bryant and Hatry, 2001, Chapters 7-8). Simon and Ridley's scholarship on citizen-driven performance measurement uncannily presages the current literature – their work is as relevant and fresh for the contemporary context as it was when first published nearly two-third's of a century ago.

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The food I eat

Jody Helfand

I know every piece of concrete like my son,
and pick our home this week near garbage
with a fine standing. Tonight he eats bread
covered in a crust of cheese from hours ago.
The bread is still soft.
I watch my son—
he chews with the ease of habit,
small hands keeping their grip,
eyes rooted on the center of the beard
that he will save for last.
I leave him three feet away
to pull my body over the side of the dumpster.
I slip on tomato pieces, sogging lettuce,
and vinegar. The air I ruined, but
I smell of oranges and mint leaves.
There is a piece of chocolate cake with nearly
three bites taken, and I look back at my son
who will be surprised later, his smile
taking the place of plates of scallops
and garlic penne—my dinner for the evening.

Jody Helfand has an M.A. in English and an M.F.A. in Creative Writing. His poems have appeared in *Illuminations, The Rio Grande Review, Fireweed, Gertrude, The Bamboo Ridge Press, the Chaffin Journal*, and others. He currently teaches college-level English and Writing courses in Hawaii.

World Class Friction

Rowen Blake

Fingers drum and twist locks,
Heads bob for their sliver of space,
Shoulders narrow, arms crossed, and
Minds try to think critically during
The glaring interrogation without questions.
Tone on tone, Drip..Drip..Drip
Primly from those innoculated lips.
Sweet nothings sprinkle the air.
Process within process; step into the maze;
Find your level; seek a balance.
Learn the new game, grab the brass ring.
Stub without story to satisfy the Lady.
Just believe the fantasy and learn
Which should be your own party piece.
(Mr. Mustard in the ballroom with the candlestick?)
Red-cheeked winners lean to the task:
Enter the game; learn the new rules,
Figure the odds, set their sights
On the ruby slippers, oh so
Ready to click their heels, and salute,
As they fly back to Kansas.

(Written during the Performance Appraisal Training)

A graduate of Rutgers University, the author has worked in the federal government for 16 years as a mid-level manager.

Code 10, Consolidated Civilian Personnel Office, Washington

for Carole Rosti-Meaut

M. A. Schaffner

Opaque windows on the indoor garage;
one big bay where the metal desks
stood ranked without dividers.
Smell of the rehabbed ordinance shops,
the brown Anacostia's dormant flow;
we and the uniforms uneasily aligned.

Ten of us together slotted the civilian jobs
created by reorgs, appeals, or fantasies,
pegging the variously shaped charges of real work
into the square holes of occupational groups,
series of classes, and pay grades.
But every manager staffs like Genghis Khan,
and our manuals formed a decaying Chinese wall
of Binders, Black, numbered in white-out on the spine.
Who's got Computer Spec 3-3-4? We'd say,
or more often leave off the name,
rotating our cases and beats twice yearly,
thinking aloud over piles of blue forms.

Two, three, four of us might swat back a case,
the standards and factors like juggled birdies,
chain-smoking over pencil or ballpoint drafts,
signing out to visit activities, islands of the Nav
straggling from DC to Pax River,
Annapolis to Arlington – ComNav this and OpNav that –
the walls lined with pictures of warships,
war birds, and marines, our own arms loaded
with clipboards and memoranda,
telling Captains their secretaries were sixes,
the converted Lieutenant's billet just a five,
and their favorite's newly crafted GS-12
must be opened for competition Navy-wide.

It ended as quickly as one of those nights
we all made the O Club after work and drank
pitcher after pitcher to our wins and losses,
so the young men with the gold-striped shoulder boards
must have wondered at us in our shabby suits:
what wars had we fought? What battles lay hid
in the jargon of Accretions, Reductions-in-Force,
Mixed Grades and Series, Unclassified Duties,
Projections, Impact, Scope and Effect?
All the lore of civilian personnel: so arcane
it would seem useless if it didn't bring our pay,
or burn the long hours like unpuffed cigarettes.

It ended like one of those nights when the first departure
suddenly becomes everyone's Cinderella bell,
only instead of bummed rides to the subway
it was new jobs, laterals or promotions,
some to uptown agencies where everyone had
their own offices all to themselves,
the same rules for different cases and no need for help
from the turn of a head not two yards away.

So what was it for? We'd ask even then,
buried in bureaucratic scholastics
(how many voucher examiners can dance in the ladies' head?).
It's such a thin line, Mother Requa said,
between Position Classification and the meaning of life.
Jack scribbling at attention, smiling
behind his rack of pipes; Ross in a haze
of Camels, his voice smoked to a growl;
Delores knowingly majestic; Carole in a rage –
fellow workers and friends, we still wonder.

The position descriptions and volleys of mail,
the self-reversing reorganizations, all now seem
to have been daisies in a blizzard,
water colors in the rain, or maybe the weld
on the hidden main (the world needs sewers, too).
Or maybe in those beers and gifts of advice,
an unrecorded symphony, perfectly played.

The Directorate of Coastal Interfaces

M. A. Schaffner

We cut orders and hold meetings
in order to develop
more efficient and effective
structures and methods – hierarchies,
networks, and teams.
But the bottom
of all inverted pyramids
rests on a lone worker,
ragged and bored,
who carries
sand to the beaches,
grain
by
grain.

M. A. Schaffner has poems recently published or forthcoming in *Prairie Schooner*, *Imago* (Australia), *Orbis* (UK), *Poetry Salzburg*, and *Planet: The Welsh Internationalist*. Schaffner's first collection, "The Good Opinion of Squirrels," won the Washington Writer's Center publication prize and the Columbia Book Award in 1997. His first novel, "War Boys," is forthcoming from Welcome Rain Publishes.

Fiction

"Whose Swamp Is This, Anyway?"

Jay S. Mendell

Sheriff for twenty-five years and unopposed in the last four elections, Robert Hurston was a man of pride and power, the political kingpin of Caliban county. "I keep the folks happy, and they keep me happy. We are a happy bunch. I don't ruffle their feathers." Having declared universal happiness, he often locked his office door and snoozed. "Keeps the blood pressure down," he would explain. "Better than an HMO, and it costs the taxpayers zip."

"Zip" was a favorite word. Crime was nearly zero, nearly "zip." His budget was nearly "zip," too. The county commission loved a "zip" budget. It smoothed their feathers, as he would put it, and allowed them to overlook the abrasive Hurston who now and then stepped out from behind the pleasant facade.

He knew how to keep the electorate happy and his job simple, too simple. Fact is, Hurston was bored. His snoozes became more frequent, and in his dreams he replayed his exciting years flying a chopper in the 'Nam. And above all, in his dreams he yearned to dominate Caliban's Great Swamp, the last tract undefiled by interlopers.

Thirty years ago, when he came to Caliban, it was an adventure to go out to the swamp. Once you were clear of the city of Grenadier, you had to pick your way along two-lane roads, some of them no more than packed-down dirt. You would find Jemeny Dairy Road and follow it to Mayharry's Farm Road, and then look out for a grove of citrus trees, which meant you had intersected the unmarked Red Cow Highway. If you were not careful you would run up a dead end on an unmarked road or find yourself heading back into the city. Nobody would take a decent new car, because of mud and sand.

When the urban population began to climb, old man Jemeny sold out to a nursery, and not long after that, Mayharry put a fruit stand on his road and soon began to sell out-of-season mangoes. E-T reckoned the beginning of the end of Caliban as he knew it as the day the first mango was air-shipped from Mexico for Caliban's newly sophisticated palates.

What bothered Hurston whenever he toured the byways was that he could not remember what had been everywhere before. Probably some shanties or a block of mom-and-pops selling feed, hardware, and other basics of rural life – remnants of what the newbies snidely called "pre-Caliban Caliban." Development occurred so rapidly that there seemed to be hardly any connection between whoever and

whatever was here before 1965 and today's Caliban. He felt like one of those pre-historic life forms that persisted despite floods, melting ice caps, and asteroid collisions. The cockroach came to mind.

He had survived the influx of folks from Detroit and Chicago. He had survived the Miamians moving in to escape the Spanish-speakers, and the richer Spanish-speakers moving in to escape their poorer cousins. They loved him. He was blessedly uncontroversial. But he was very clear that the swamp was the last bit of the county the sheriff did not control. And that bothered him. That bothered him to the deepest part of his soul. Covet, treasure, desire were the few emotions that remained. Protect and preserve from bankers and lawyers. Protect and preserve from New Yorkers and Chicagoans, and Detroiters.

Law enforcement in the coastal strip of Caliban was straightforward and undemanding: hassle a few cheeky high school kids, let strangers know the fastest way out of town (whether they asked for directions or not), and maintain racial harmony by reminding the white contingent that this was not the 1930s, and the black ones this was not the 1960s.

Then the state offered him the keys to a cast-off but serviceable helicopter and told him, "take the 'copter, and the Great Swamp is yours to patrol, preserve and protect."

Hurston was not disposed to argue. His manifest destiny was to protect the swamp. He had lusted after it for years. It was so deliciously free of human perversity, so delightfully free of city people, immigrants, bankers, lawyers, everyone he secretly detested. And there was that helicopter to sweeten the deal, which he figured was pretty much like a bicycle: you never forget how to ride it. *Zoom.*

The deed was done, and the state struck from its budget a 'copter they had tired of scraping and painting. The county commission barely objected, even when they determined what it would cost to make their sheriff a fly-boy again. His budget was now a "nonzip" item, but his blood was pumping. So who cared?

When he told his wife about all those acres of swamp land waiting to be protected, she said, "The swamp is fine without your help. Leave it be." This he could not accept. His ol' lady, a school psychologist he had met while hassling her pupils, remained skeptical. "Don't foul up," she said. "And don't forget your little naps and don't come home cranky." He chuckled patronizingly, and she wanted to brain him with a fry pan. But she didn't, because she loved the crusty old reprobate. But she prayed he would not make waves, because she liked being a sheriff's wife.

This was going to be a cinch, a slam-dunk, a walkover. Right? This would be hours of sheer aerial ecstasy, right?

* * *

"Great Swamp," what a misnomer. Never having seen the Everglades, which lay to the south, early settlers thought the swamp was huge. Einstein was right: everything is relative.

It was, in fact, a modest swamp which ran the north-south length of Caliban county, leaving ten miles of dry land on the Gulf coast. From Redbeard's Spring in the north swamp, Poacher's Creek ran southward through hundreds of monotonous acres of wetlands until it emptied into Dufour's Pond in the south. Spring to creek to pond, the swamp was clogged by fallen trees and natural debris. It flowed slow and smelled putrid. It was alligator heaven.

Historically, a few hardy fisher-folk had shared it with the mosquitoes, bears, panthers, deer, reptiles, and other species that did not mind wet feet. A few small-time but scary poachers roamed the swamp, but they had been tolerated because they ran off anyone the Tampa banks sent over to develop the swamp. Besides, the swamp was impossible to control. Unless you had a helicopter. Then you could patrol the daylights out of every square foot of it.

Hurston's first act in the swamp was to swoop down in his helicopter and hassle the poachers. But the county commission quickly brought him to heel. Didn't he know, they asked, that the poachers were good local folk whose families would now go on the public assistance rolls? He didn't know this. "Jus' let them poach in the swamp fo' a while longer, an' don't you hassle those good folks 'til they get back on their feet," instructed one commissioner.

So stunned was Hurston by this, the first criticism in years from a commissioner, that he was unable to manage even an after-lunch nap. He careered irritably around the skies, oblivious to the cost of aviation fuel. Let the reprobates on the commission pay for a few more gallons.

The altercation with the commission was puzzling and frustrating and totally unexpected. He was used to a friendly quibble now and then followed by a conciliatory gesture of submission, over a beer. That was part of the give and take of politics. You let the politicians snipe at you, though on nothing important, because they have to pretend not to live in your pocket. But clearly there were people jealous of his new power, seriously suspicious and threatened and threatening. Soon enough, he would find them out and "educate" them.

Hurston acquired a nervous tic that others remarked on, though never to his face. He remained unaware of his new twitchiness and was convinced there were wrongs to be righted in the swamp, if only they could be dragged into view, and he maintained to his skeptical wife that it would be a piece of cake to manage the swamp. Well, if not a piece of cake, something he could handle.

She looked at him strangely. He thought, *Civilians!* She thought, *Cops!*

* * *

The swamp was unexplored territory, full of tiny waterways, some of them running eastward into habitable land, some of then north, west, and south into neighboring habitats. Now and then a 5-foot alligator would clamber out of a canal and eat some newbie's pampered, nervous, yapping little poodle, and the newspapers would speculate that there must be a bigger, older, reptile which had found its way into the swamp, asserted territoriality and driving the younger ones out.

Not long after Hurston became protector of the swamp, five 10-foot gators appeared in canals near inhabited areas. These being large enough to swallow a small child, Hurston's rose to the challenge. "There is a tough old, mean old, gator in the swamp now — a 15-footer, maybe – a bull gator chasing these boys out," the sheriff declared, "An' I am goin' to find him, and when I find him, I am goin' to deal with him." His heart pounded.

He wasn't clear what he was going to do if he found him, but he soared off over the swamp, flew slowly south from Redbeard's Spring, tracked the course of Poacher's Creek, and, sure enough, in Dufour's pond was what he was looking for, taking the sun on a fallen cypress tree. Except it was no 15-footer. No here was a monster, a beast, 20-feet, at least, maybe 25-feet, snout to tail.

TV would love this, he knew at once.

Cameramen flew in from as far away as Atlanta and taped Hurston reminding the viewers, in an excitedly mangled metaphor, that "this gator did not fall unheard in the forest," and he declared he would "deal with it at the appropriate moment, which will be darned soon, you can bet." He had not experienced such excitement since Vietnam.

A TV reporter from Tallahassee pontificated: "The monster moves confidently across the pond, serene in a confidence that denies the possibility of encountering a male of equal size and leathery armament. This gator is big and so old he is rumored to have thrown a scare into Andrew Jackson, the state's first colonial governor." The newsman had fabricated the Andrew Jackson story, of course. As Hurston stood by believing he looked heroic, the TV man continued, "Though the beast's backside bears two deep scars, acquired long ago, in battle with an older member of his species, we may be sure they were worth the prize, hegemony of all the beast surveys. The issue, in other words, for this tiny Florida community is, Who owns this swamp, the reptile or the sheriff?" It was the reporter's private belief that the gator ruled the swamp and Hurston was a bozo who would be lucky to escape uneaten.

That "who owns?" remark stung Hurston as bitterly as any words could. But the TV guy was right. The issue was, whose swamp is this, anyway?

For two days he flew back and forth over the pond, wondering what to do to the beast. Then he received a call from Tallahassee. "Idiot," screamed a woman, who turned out to be the cabinet secretary in charge of natural resources. "Don't you folks in Caliban stop and think? Your job is to protect that gator, not 'deal with it.' He has probably finished clearing his territory chasing other gators up into inhabited lands, and if we leave him alone we will be better off – the people, you, me, and the gator."

What did she mean by "clearing his territory"? Whose territory was this, anyway? Hurston was so greatly angered that he sparred with her gamely and (he thought) effectively, although obviously she did not know who he was, politically, or she would not be so cheeky. He argued that the gator had come from who-knows-where to upset the swamp as we know it, but Hurston was the electorate's choice to preserve and protect. An elected lawman obviously had eminence over an interloping gator, he maintained. "Idiot," the harridan screamed. Then he heard a click and was left holding a dead phone line.

Hurston tried to remember if he had ever provoked anyone to hang up in anger. People certainly were becoming touchy, these last few weeks. His shirt was soaked by sweat, and his little finger jerked spasmodically.

* * *

There was fellow in Caliban named A. K. Miller, who was a very bad fellow when sober and a sociopath when likkered. Taunted by his buddies, Miller one morning set out with them to dispose of the gator on behalf of the law-abiding folks of the county. Confronting the gator in Dufour's Pond, these vigilantes were barely able to muster the nerve to approach. He was even bigger in reality than TV revealed.

The confrontation between stupid human and crafty old gator lasted barely one minute. When it pleases them to do so, gators can move fast. Miller crawled after the beast on a fallen tree and made one off-balance pass with a gaff, and the beast crankily rolled forward and took off the very tip of the index finger of Miller's right hand.

Miller's friends brought him out screaming. The doc in the E. R. in Tampa took it for an industrial accident. "Nice clean amputation," he said. "Was it done by a punch press?"

Thus began Hurston's first travail.

* * *

Hurston was called to account.

"Why wasn't the fence locked at Redbeard's Spring? "

"Because some kids tore it down last month, and I didn't know," answered Hurston.

"Are you unaware of an obligation to keep the fence in repair? "

"The commission will not fund repairs, and [now snarling] there is only one of me . . ."

"Miller and his pals used a motorized canoe to visit the pond. Isn't that against the law, bringing a motorized vehicle within 200 feet of a rookery during the nesting season? Is there going to be an arrest?"

"Miller lost this much of a finger, [gesturing] for gosh sake. And you want him arrested, too?"

"Only a question, sheriff. No offense. But, on the subject, is the Great Swamp a rookery, or isn't it?"

"Yes, near Dufour's Pond is a rookery. And, no, you cannot bring a motor within 200 feet of a rookery this time of year. That would not be good."

"Really? Then why do you fly your helicopter into the swamp?

"Because I cannot do the . . . [vehemently] . . . stupid . . . job the state dumped on me without the helicopter, is why. "

"I do wish you would reconsider these flights into the rookery, sheriff. Not one of us is above the law, right? You risk disturbing a rookery, irreversibly rousing possibly hundred of birds from their nests, some of them possibly irreplaceable endangered species. And do you even know the endangered species, sheriff? "

"Right. From now on I will just fly over the swamp, and if something illegal is going on down there, I guess I'll just have to send in a summons by Federal Express."

"Oh, my. We haven't annoyed you with these questions, have we, sheriff? Frankly, your belligerence surprises us."

At first Hurston had no answer, then he muttered, "And I do have a list."

"Pardon?"

"A list of endangered nesting species. The state did give me a list."

"Well, never mind that now."

* * *

Hurston became risk aversive. If he flew lower than 220 feet over the swamp – twenty feet above the newly mandated glass floor – his eyes were drawn magnetically to the altimeter. When he wrenched his eyes away from the altimeter, his hands shook so badly on the controls that his chopper veered all over the sky. This was not fun.

He imagined commissioners and lawyers squatting behind him in the jump seat of the cockpit of his helicopter. They carried clipboards, he imagined. The hallucination was so vivid that he could hear them scratching out notes of his every action. He knew they were not there, but now and then turned around suddenly as if to catch them sitting and scribbling. Moreover, he imagined lots of little black somethings scuttling and swarming in the helicopter, only inches beyond his peripheral vision.

He cursed the politicians and shysters. Still, it never occurred to him to shirk his duty to preserve, protect, and dominate the Great Swamp.

* * *

Hurston saw no reason to arrest A. K. Miller. The little man had lost part of a finger, there was no public outcry for further punishment, and Hurston was busy enough zooming back and forth over the swamp and stewing over what to do about the interloper-alligator which had appeared from nowhere.

By now Hurston was chatting and arguing with the imaginary lawyers hunkered behind him in the cockpit. He told himself that he was merely thinking out loud, clarifying his options; but the truth is, he was alternately cajoling his companions and berating them, trying to win them over to his view that he must be given carte blanche in the swamp and trying to intimidate them. He wanted to ask his ol' lady what she thought of an officer – a hypothetical deputy, say – who emotionally engaged imaginary people; but Hurston knew she'd say the officer needed serious help. Hurston did not need help. He needed to recover the goodwill of Calibaners, which had been stolen away by the bastard interloper, the Beast of Dufour's Pond, and that other bastard, Miller.

* * *

His throbbing finger wrapped in bandages, A. K. Miller had meanwhile discovered that prescription painkillers work wonderfully well if drowned in liquor. A. K. was a hero. Everyone said so, everyone in the Blue Rose Lounge. He further discovered that he was not going to be arrested for attacking the gator and that Hurston was not even going to sweat out of him the names of his cohorts in the attack. "Hurston is a wimp," said the boys. "Right, and definitely on his way out," agreed three old boys in the lounge who were talking about running for sheriff, if one of Hurston's own deputies did not do so.

So, it seemed natural to Miller to go back to the swamp and finish off the gator. Why not? Miller's finger was in the beast's belly. What was half a finger worth? And so, late at night, under a full moon, the lot of them, the original bunch of gator vigilantes of the week before, tossed two aluminum canoes and various tools of punishment and several spotlights into a pickup and motored unsteadily to Redbeard's Springs and then canoed raggedly down the Creek, refreshing their chemically augmented courage, and then paddled into Dufour's Pond. And in the pond they played their spotlights over the surface until two red embers, eyes, which seemed in the darkness and alcoholic fog to be fully three feet apart, glowed back at them. Then it was not hard for the lone and reluctant experienced poacher among them to gaff and snag the gator, and after a terrific battle, they pulled it up on the shore and wrapped its ferocious jaws all around with duct tape, and while A. K. stood aside, they pummeled its head with a shovel, and whaled away at its jaws with a pick-axe, and scattered gator teeth (the teeth that were not kept as mementoes) into the poison-wood bushes.

* * *

Caliban being a small community, Hurston had heard of Miller's plans to revisit the gator, but had disbelieved that Miller was so brave or stupid or both. And, in the darkness of his heart, Hurston hoped that Miller would clear the big beast out of his — out of Hurston's — swamp. The sheriff dearly wished for undisputed sovereignty over those smelly, sloppy wetlands.

But, when he heard that Miller and the boys had carried out their plan, he thought about that cranky cabinet secretary in Tallahassee, and his skin crawled when he thought he would have to admit he had lost the big gator. She would flay him, he was sure. God forbid she should pay him a visit. What a humiliation that would be.

So, Hurston and the local animal doctor organized an expedition of deputies to save the alligator, launching six canoes from Redbeard's Spring and moving expeditiously down the creek to the pond. They brought lots of ice from the convenience store, much of which melted in the canoes during the slow, hot summer morning's trip down the creek.

The gator was hanging from a tree in Dufour's Pond, as big a reptile as anyone had ever seen, and it had been beaten mercilessly, about the head and jaws. The sheriff moved the torpid reptile into a fiberglass canoe and packed ice around its torso, while the doctor began to set its broken head bones.

Though the huge body was at first immobilized by trauma and shock and hypothermia, the vicious jaws were a threat as the doctor worked forward from shattered eye sockets to a fractured nostril; and as careful as they were at every step, the doctor and sheriff were several times caught by surprise by an unexpected sideways flick of the head and a rapid snapping, which they would not have expected from a moribund reptile.

A cameraman from the local TV lost a lens cap through momentary inattention during a close-up. Viewers for months recalled the single striking feature, the blank dangerous brown eyes, which glowed eerily red from within the skull. With its jawed clamped shut, the complete inability of the reptile to express the excruciating pain it had to be feeling drew all attention to those dark and dangerous eyes.

The beast had lost half a mouth of teeth and looked like some science fiction monster, and no one doubted it would become the swamp's equivalent of the old man whose dentures always hurt and who was always the crankiest, most complaining guy in the neighborhood, the killjoy who called the cops

on Halloween, Fourth of July, a New Year's Eve, with complaints about the neighbors, their kids, and their pets and now and then went utterly berserk.

As it was released, the gator emitted a loud but silent alligator bellow, a subsonic roar, which agitated the surrounding waters and caused them to momentarily dance. Then the monster slipped beneath the surface of the pond, casting a look of pure hatred on its saviors. There is no gratitude in nature. Hurston knew he was locked in competition with a dangerous, thankless opponent.

A. K. Miller would soon drag Hurston into his second dangerous confrontation with the great reptile.

* * *

It was a great day to be a gator, sunny, in the low 80's, and the great beast had crawled up onto a huge fallen cypress tree to enjoy the sun. Most alligators are lethargic, but this beast was obviously snappish, flicking its head from side to side and now and then rising up on its four legs, lifting its belly and settling down, without actually moving forward or backward.

Hurston's chopper hovered overhead, above the requisite 200 feet, but veered erratically, for the sheriff was trembling with rage. He could scarcely believe A. K. Miller's effrontery. After spending 30 days in the sheriff's lockup, Miller had announced to his cronies in the Blue Rose Lounge his intentions to go back to the pond, "find that ol' bull gator, and finish 'im off, once and for all."

If Miller touched that old gator, just laid a gaff in its mouth or whacked it with an axe or plinked it with a pistol, Hurston would have to put him away for three months, at least. No more Mr. Nice Guy: the sheriff now saw that Miller was as great a threat to his credibility as the gator. The boy had no sense of staying away from danger.

This very moment, as Hurston darted about wildly over the swamp, Miller poled a flat-bottom boat through the pond, various gaffs and pikes in plain sight. Too stupid to conceal them. Hurston would pick him up at Redbeard's Creek, but on his way out of the swamp.

The effrontery was beyond belief. Hurston was boiling. Miller did not even have the brains to sneak out at night like an ordinary poacher. No, he was daring the sheriff to take action.

But Miller had not outsmarted Hurston. No, Hurston had told his old lady, "Miller and his pals think I am washed up. Miller will go down to my swamp today and dare me to do something to him. All right, let him take another swipe at that bastard of a gator, squatting there in my swamp. Let him bash that old bastard, smash 'im and slice him. Let him finish him off, and then I am shed of him. Good! And you want to know the beauty part?"

His wife averted her eyes. Hurston was so agitated she was not sure which "him" the sheriff intended to be shed of.

"You want to know the beauty part? It is that I am going to fly around up there and watch him make giblets of that gator, and there is nothing I have to d-do to stop them, 'cause I can't fly b-below two hundred f-feet!"

"How long have you had that stammer?" Mrs. Hurston had asked.

Hurston had accepted the voices, now that he heard them distinctly, although he doubted his acceptance was healthy. It was comforting, in a way, to hear what he recognized as the competing voices of his conscience, yet profoundly disturbing to reflect on the resounding which would fulminate for his recall, if he mentioned the voices to a single person.

"People are no damned good," said his long-dead uncle. "Remember who told you so first. Gators are no damned good, too," added the uncle.

You are so right, uncle. I came here 30 years ago, when the old sheriff was shot down. I put on a badge, I knocked heads, I clean up this county. And what do I have to show?

"What you have is, the newbies call you a redneck. "
That's right, uncle, the newbies think I am a dummy. They say I must have a little tin box for graft, because I could have retired 5 years ago. They put new people on the commission who don't know our old ways and would break my back if they were not so much afraid. They would pave us over, if I let them.

And I can't make a move without being "accountable." They want statistics. They want a lawyer in my job, because they are lawyers. I can't be just a cop. I have to be a "public executive."

A snapper turtle edged off a log and slipped below the surface and began to paddle away from the big alligator, as if to renounce its privileged view in favor of distance from the coming battle.

Red-winged blackbirds angrily dive-bombed the flat-bottom as it passed between the margins and their nest on a hummock. Hurston admired the birds' assertiveness against humans, their sense of defending turf.

When Miller had approached within 30 feet, he paused and studied the gator. The gator then sinuously moved on the log, turning head toward Miller, a neat trick for such a huge reptile on a long, narrow fallen tree, and now he was ready to confront Miller.

On the shore, behind the alligator, Hurston saw a rustling in the saw grass. Something big, a panther perhaps, was moving hurriedly away from the pond.

The gator acknowledged Miller, by flexing its legs, raising its belly clear of the log, and opening and shutting its huge mouth, displaying a ragged row of teeth. Miller picked up a gaff, a pole with a large, wicked hook on one end and a rope on the other. He would thrust forward and snag the alligator by pushing the hook into its mouth, past the jaws and into the soft tissue of the throat. Above the whumpfing of his Pratt and Whitney turbine, Hurston heard nothing, but he knew the gator had emitted a prolonged, frightening hiss.

A stork left the deep cover of saw grass and gracefully glided deeper into the swamp, then small birds began to flee en masse, flapping nervously into the distance. It was the wont of most species to loop a great circle around the pond before flying off, but not today. The grasses were being evacuated abruptly, as birds flew radially away from the gator. Around the pond, turtles began to slide off logs and hummocks, and two small gators surfaced, then swam away from the monster reptile toward the creek that emptied into the pond.

Hurston had accepted the voices, now that he heard them distinctly, although he doubted his acceptance was healthy. It was comforting, in a way, to hear what he recognized as the competing voices of his conscience, yet profoundly disturbing to reflect on the resounding which would fulminate for his recall, if he mentioned the voices to a single person.

"People are no damned good," said his long-dead uncle. "Remember who told you so first. Gators are no damned good, too," added the uncle.

You are so right, uncle. I came here 30 years ago, when the old sheriff was shot down. I put on a badge, I knocked heads, I clean up this county. And what do I have to show?

"What you have is, the newbies call you a redneck. "
That's right, uncle, the newbies think I am a dummy. They say I must have a little tin box for graft, because I could have retired 5 years ago. They put new people on the commission who don't know our old ways and would break my back if they were not so much afraid. They would pave us over, if I let them.

And I can't make a move without being "accountable." They want statistics. They want a lawyer in my job, because they are lawyers. I can't be just a cop. I have to be a "public executive."

A snapper turtle edged off a log and slipped below the surface and began to paddle away from the big alligator, as if to renounce its privileged view in favor of distance from the coming battle.

Red-winged blackbirds angrily dive-bombed the flat-bottom as it passed between the margins and their nest on a hummock. Hurston admired the birds' assertiveness against humans, their sense of defending turf.

When Miller had approached within 30 feet, he paused and studied the gator. The gator then sinuously moved on the log, turning head toward Miller, a neat trick for such a huge reptile on a long, narrow fallen tree, and now he was ready to confront Miller.

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Suddenly, an evacuation was underway. Hurston felt jealousy gnawing at his gut. The birds and beasts had never made way for him. In the jump seat behind him, Hurston's claque guffawed.

Miller poled forward. He thrust the gaffe forward, though with damn poor aim, so the hook glanced off the hard skull behind the gator's eye. The gator threw its jaws open, and even over the turbine noise, Hurston knew it was roaring its subsonic roar. The gator rose from a squat to balance on its toes. Miller deliberately pulled in the gaff.

On his next attempt, Miller engaged a slightly open mouth. For a moment Hurston thought the gator would spit out the hook. But a gout of blood spilled into the pond: Miller had snagged soft tissue.

Abruptly, the beast rolled forward off its perch on the fallen cypress tree. This was no feat of strength: Mere gravity and the size of the reptile assured that Miller would have to allow this to happen. But Miller lost his grip on the gaff pole, and it disappeared beneath green scum as the alligator settled into the shallow end of the pond, taking with it several feet of slack from the coiled rope. Then the rope began to run out, followed by billows of blood. Miller took up his pole and followed the blood trail.

After a short while, the gator had moved into the shallows near the margin, and Miller had followed and picked up another gaff-pole.

Action began to unfold quickly. There was a great deal of brown muck churned up and quite a lot of bubbling, and suddenly the jaws and eyes and skull of the big beast surfaced directly in front of Miller's flat-bottom, seeming to explode upward, so that its front legs as well as its head momentarily protruded. The gator leveled off on the surface and lunged at the flat-bottom, bumping it hard, but failing to overturn so stable a platform.

Storks and ibises began to desert their nests, and within seconds they rose gracefully and began flapping off above the saw grass and out of sight. Dozens of gray birds, and white birds, and black birds soared off, some sailing low over the saw grass, some choosing to gain altitude rapidly. Vultures began to move *in* toward the pond.

There was pandemonium.

The gator now ferociously shook its massive head, and began to clamber onto a small peat hummock. Its head and front legs on the hummock, it thrashed spasmodically and churned the water with its tail. Then it roared its subsonic gator bellow, so intensely that the waters around it seemed to boil, and brown muck was sucked up from the shallow bottom to mingle with gator blood and green pond scum. From the surrounding trees and shrubs, there stirred birds of every size, some flapping restlessly, others floating away majestically from the altercation. Every pair of these birds represented a lost nest.

Miller stood staunch in the prow of his boat, poised for another thrust.

Abruptly, the alligator rolled sideways, yet not quickly enough. Miller struck quickly and engaged its soft underbelly behind its right front leg.

The gator again began to climb free of the pond — its tail was still submerged — when Miller draw another gaff-pole, stabbed at its eye, missed, and skidded his pike off the gator's armored brow.

Sprawled on the shore with its life running out, the reptile appeared, for the first time, to be less than majestic. Its four legs were twitching, rather than working in coordination, and its tail was gently stirring, rather than agitating, the pond.

Miller was poised for a thrust at a virtually immobile target. This hardly seemed a fair fight, to gut a monster that a few minutes earlier might have been emperor of its domain.

Behind Hurston, the audience of critics were murmuring loudly and almost distinctly. Were they commenting on his own predicament, his remaining aloof from the butchery below? On his losing a season of nestlings?

The alligator summoned a last bit of energy, threw back its head and emitted a roar, an audible roar that could be heard above the turbine racket, even at 200 feet. Hurston's blood ran cold. He had never heard such a sound. Its loudness aside, it expressed the sadness of a long life reaching its end.

And the dreadful sound continued without remission, so that by and by Miller set down his weapon. And from the margins of the pond and the trees and shrubs arose a throng — a veritable cloud of birds — small birds spinning frantically, circling their nests yet moving away in panic, large birds pumping purposefully, creating such an impenetrable mass that for a very short while the swamp was darkened by the eruption.

And in back of Hurston the babble of phantom monitors became louder, and, for the first time, clearer, so that finally there emerged the distinctive and recognizable voices of his many consciences, their identifies recognizable.

"Idiot," shrilled the cabinet secretary from Tallahassee, "now you have done it! Look, just look at those birds. Every bird in the swamp, every nesting bird in the swamp, every one of them is flying away. And what do they leave behind, you idiot?"

Hurston knew the answer. Though he had sedulously remained above the legal floor of 200 feet, nevertheless, the swamp had now lost a full year of eggs and hatchlings, as mothers deserted their nests.

The vultures would be back before the parents, if the parents ever found their way back.

"So," asked a voice, "don't you recognize who is about to be gutted down there? Take a closer look. Go down. You have already allowed a year's nestlings to be destroyed. Go ahead. Take a close look."

Gingerly, Hurston eased the copter down to 100 feet.

His cadre of imaginary observers now began to stir behind Hurston, buzzing unintelligibly and rattling their paraphernalia. Hurston felt his anger rising.

Yes, from 100 feet, he saw details. The gator was trembling. It was awful. He had no idea a reptile could tremble. He understood how awful it was to lose control. And he could see the alligator had regurgitated its stomach. There was foam on its jaws.

And the lassitude was stunning.

"You see it now, don't you. You do, don't you?"

Of course he did, now. Now he saw Miller was not just carving an alligator. It was Hurston he was slaughtering down there. The gator was big, had imagined — if a gator could imagine — had imagined it was invulnerable, had wanted the swamp to itself, had assumed — if gators assumed anything — that the swamp was its own territory. The gator lacked the sense to retreat in the face of a superior overwhelming force. That gator was no different than Hurston.

And now he, the gator, was being destroyed for all the world to see, most especially for Caliban to see.

Well. Damned if he, Hurston, was going to stand by and watch him, the gator, be picked to pieces for TV news.

With a shaky hand, Hurston forced the helicopter straight down into the space between the alligator and the pikemen. The men threw themselves overboard or were blown clear. The gator, finding a last bit of strength, unexpectedly rolled over, belly up to its savior. Aiming to land behind the gator, Hurston continued moving downward.
As he reached near the pond level, something snagged his left skid. He reached for additional power — it was a big old cargo copter he was flying — and inched the copter upward. Whatever he had snagged had come up with the copter, was still attached.

Flying would now be tricky. If the object abruptly let loose or was shaken loose, the copter would flip over altogether. So he had to gently shake it loose — whatever it was — or cruise low and scrape the object loose.

Then he understood, in a flash. He had engaged the gator. A 25-foot gator had snapped at his skids and its defective dentures had snapped tightly. Hurston recognized the opportunity to be rid of the beast beyond the unblinking eye of TV. He might fly east, out over Grenadier and past, and hope the beast would tumble free in the Gulf, or fly east into Caloosa county.

East would be safer — no chance of the gator falling loose en route and into the middle of someone's Saturday pool party in Grenadier. So he would fly east and hope he could scrape the gator loose against a tree in a pasture in the elevated farmlands to the west. Give some farmer a big surprise.

Then goodbye gator, goodbye Miller, goodbye trouble, maybe goodbye to the Greek chorus that commented on everything.

"East," said the voices behind him. "Fly!"

* * *

"Hold out your hands, sheriff. Not like this, palms down. Now make them stop trembling. You can't, can you? No."

"Even if you did not tell me you wake up screaming, argue with imaginary people, see cockroaches that are not there when you go to stomp on them, *I would know.*"

"I would know you are a classic case of stress."

"That big gator is *gone*, Hurston. Get over it. It's behind you. The symptoms will fade. No gator, no symptoms. So relax and let go of it."

"But meanwhile, do me a favor. When you are flying that copter all over hell and back, up, down, like a maniac, barely missing the treetops, don't buzz my neighborhood. We don't have any gators."

"Fly over Croker's Windings. My father-in-law lives there. I think he mentions me in his will."

* * *

Hurston was back, but only a shadow of the old Hurston, the in-charge Hurston. The gator had been scraped loose in Caloosa county and was presumed dead and picked clean by buzzards. There was a tacit arrangement between the sheriff and the council they would not ask about the birds. Miller had been taken straight to jail.

Hurston saw everything clearly now. That gator – It was too much like Hurston himself. Aggressive, stubborn, armored, cranky, and territorial. No wonder, toward the end, Hurston could not keep clear in his mind that Miller was attacking the gator, not the sheriff. Well, the bastard gator was gone.
He had feared he was about to be pushed aside by change. Well, the swamp was not going to change, now, so he would always have that little bit of the old Caliban.

For Hurston, the remarkable part, the comical part, actually, was that he failed to see that turning against the gator had not been a healthy reaction. It was just a mean old big lizard, and its perverseness had done it in. The bad ones always get what they deserve, in the end.

* * *

In a pasture near the far western border of Caloosa county, a gangly calf wandered away from her herd. Thrusting her snout into a clear stream, she felt something clamp down hard. Bleating loudly, the calf backed away and easily pulled free.

In the stream was a huge and almost toothless alligator. He had seized the calf as a reflex: the bovine face had been thrust between his jaws.

The big reptile had been trekking westward for a full ten days, directed by a compass hardwired into his nervous system. He had feasted on a fish kill five days earlier, which presented no problem for his toothless jaws. Hunger was not an issue. His teeth would have regenerated long before starvation became a threat.

What moved the beast forward through streams and creeks, over obstructions, across grasslands, under shrubs, was that wholly mindless hardwired instinct.

In his tiny brain, the alligator knew no past and no future. He knew only what was in his environment at the very moment. He would follows his compass, putting one foot in front of the other as he crawled through ditches, undulating through clean streams and opaque lakes, letting nothing distract him.

And when his compass told him to stop his migration, he would stay put wherever he was. And when his teeth grew back in due course, he would be an extraordinarily healthy creature.

The big reptile was free of malice, resentment, self-examination, neurosis, psychosis, dreaming, and imagining. He followed only what was immediately present and his instincts. And his instincts were to find and clear and dominate his domain, the tract that the people of Caliban knew as the Great Swamp and Robert Hurston called his own little bit of Paradise.

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Not Quite Civil

Larry Hubbell

Author's Note

The following fictional piece draws on the author's experience as a juror and the experience of other colleagues who have served as jurors. Although this story is fairly critical of the jury process, this is not to imply that all jury processes are flawed. However, as a teacher and student of organizational behavior and an OD practitioner, the author is particularly conscious of group dynamics. In the juries that he has participated in and interviewed other colleagues about, it became clear that some jurors' decisions were influenced by pathologies that these jurors brought with them into the courtroom. In other words, they did not so much weigh the facts of the case as they did act on unconscious influences, specifically projection, transference and depression. The author also witnessed and was made aware of several instances of groupthink, where the majority tried to drown out minority views and manipulate a consensus. This story represents a composite of those experiences.

The Setting

Twelve jurors meet in a spacious jury room in a small town in the Midwest. Carroll is a town slightly more affluent than most towns its size. During the late 80s when there was a brief two year surge in agricultural prices, the county's fathers went on a spending spree. They built a new prison with electronic locks and lots of cameras; all the sheriff's team got brand new Bonnevilles; and the aging, weather-beaten traditional courthouse was torn down and replaced by an expansive, many-windowed, solar heated new one.

The Trial

The jurors have just heard more than three days of testimony regarding an accident case. There was barely a statement made that was not objected to by the opposing side. "Leading the witness, your honor." "Your honor, opposing counsel is badgering the witness." "I don't know how this possibly could be considered relevant." "Your honor, I don't normally object during opposing counsel's closing statement, but he has just introduced facts in this case that were not presented during the trial and I strongly urge that his statement be expunged from the record."

Although many of the facts of this case are disputed, the undisputed facts of the case are these: The plaintiffs are Sherman and Rosie Atwater. Sherman is a computer programmer. Rosie is a sometimes-employed bank clerk. The defendants are Peter Stevens and his employer Fertility Farmers. Peter Stevens was driving a 25-foot flat bed truck filled with sod on a hilly winding portion of Rural Route 130 on June 1st. The truck was filled with sod, wheelbarrows, rakes and related gardening equipment.

Peter Stevens was followed by the plaintiffs, Sherman and Rosie Atwater, in a late model Cadillac Seville. Sherman was driving and his wife Rosie was sitting in the passenger seat. Both parties also agree that Mr. Atwater followed Mr. Stevens for about five miles. Rural Route 130 is a seldom traveled, paved, two-lane road in a rural part of Carroll County that usually has a posted speed limit of 50 miles per hour. However, the speed limit on the turn where the accident occurred is only 35 miles per hour. Despite the fact that this road is seldom traveled, there are frequent accidents on this portion of the road, a condition that the County Engineer raises periodically with the County Board of Supervisors.

The Atwaters claim that the defendant, Peter Stevens and his employer Fertility Farmers, are guilty of reckless endangerment because Mr. Stevens did not adequately secure some of the sod that was lying in his flat bed truck. According to the plaintiffs, this sod dislodged from the truck and flew upon the windshield of Mr. and Mrs. Atwater, obstructing their view and causing them to drive off the side of the road and into a tree and some barbed wire. As a result of this accident, the Atwater's Cadillac was totaled; they were treated at the local hospital for cuts; Mr. Atwater suffered a broken arm; and since the accident Mrs. Atwater has been receiving psychological treatment for post-traumatic stress disorder. The Atwaters are asking the Court $30,000 for the car, $5,000 for the couple's medical expenses $100,000 for the mental stress that Mrs. Atwater has suffered and $50,000 for reckless endangerment and leaving the scene of an accident.

The defendant Peter Stevens, a landscaping technician and truck driver, has been employed by Fertility Farmers for ten years. He has never had a moving violation or an accident during his employment with Fertility Farmers. Fertility Farmers is the largest landscaping company in the region and serves homeowners in eight counties. It is a subsidiary of a national conglomerate. Fertility Farmers employs more than 150 people in the summer months and close to 50 during the cold Midwestern winters.

Mr. Stevens testified that, as was his habit, he looked in his rear view mirror about every ten seconds, during which time he observed Mr. Atwater. Mr. Stevens claims that around one of Rural Route 130's turns, he lost sight of Mr. Atwater's Deville, thought nothing of it and continued on to his destination. Mr. and Mrs. Atwater make a very different contention. They claim that a large piece of sod blew off Mr. Steven's truck and landed on their windshield just prior to a sharp rightward turn on the road. They had previously expressed concern about the level of sod on Mr. Steven's truck which the Atwater's claim was above the wooden side railings of the truck and thus in violation of state law. (Mr. Stevens claims that the pile of sod in his truck was considerably below the highest wooden sideboard and as far as he knows none of it, except for perhaps a few particles of dirt blew upon the Atwater's windshield.) The Atwaters assert that although there was sod on their windshield, which obstructed their forward view, when they left the road on the rightward turn, they were able to observe Mr. Stevens through the left passenger window. They claimed that not only did they establish eye contact with him, but they saw him laughing. Both parties do agree that at the time that Mr. Atwater careened off the road there was no other traffic and no witnesses.

The Jurors

Jules Vern – "That's right it's pronounced Vern, like the writer, except without the 'e'. Jules is the executive director of a trade association in town, a Vice-President of the Chamber of Commerce, Activities Director of the Rotary Club and a member of numerous other fraternal and social organizations. He is a trim man in his late 50s, who is a retired, but not a retiring colonel.

Herb McNally – "I ain't ever been a juror before." Herb is a janitor at one of the local elementary schools.

Amanda Weils – "I hope this case is an interesting one." Amanda is a housewife and the type of person who could easily get lost in a crowd.

Steve Sworts – "I've never known a situation where rational people couldn't come to an agreement." Steve is an accountant with the largest accounting firm in the region.

Jake Devereux – "I hope that we can come to an agreement quickly. Jake is a construction worker who also is somewhat worried that the $30 a day compensation that he receives as a juror will only partially offset the money he could be making on construction during this time of year.

Coca Vigil – "If no one else would like to be the foreman, I'll volunteer." Coca is one of Carroll's leading real estate agents and last year was a member of the Million Dollar Club for the sixth consecutive year.

Shelton Mossbacher – "Can we get this over with quickly. I'm in the middle of an article and one of my classes starts next week." Shelton is a full professor in the business department at a nearby state university.

Max Rainwater – "We've got to stay here until we do right by the plaintiff. Those people deserve some money." Max is a social worker and part-time doctoral student in psychology.

Hour 1

Coca:	I'm glad we can finally talk about the case. I'm tired just talking about the weather and my kids.
Jules:	The judge told us that our first item of business should be to elect a foreman. Is anyone interested?
Jules:	I suggest we create three categories. Those who don't want to do it under any circumstances; those who would do it, if asked; and those who really want to do it. Why don't we go around the room?
Shelton:	No interest.
Amanda:	I'll do it only if no one else volunteers.
Coca:	I'll do it, if no one else feels strongly about it.
Amanda:	I'm out then.
Steve:	I hold a fairly strong view about this case. I think I would be the wrong person.
Herb:	No. I have no interest.
Max:	Not me.

Jake: I'd do it.

Jules: Ditto for me. Well . . . let's see. We have three candidates who say they would consider doing it. I suggest that we let each of them present their case.

Shelton: Do we have to be so formal?

Jules: Do you have an alternative suggestion?

Max: Coca . . . why don't you do it. You're good with people.

Jake: Yeah, Coca . . . you'd do a good job. How many people for Coca?

Four people raise their hands.

Jake: Coca, it looks like the job is yours.

The other contenders do not object. Coca walks to the chalkboard. Jules trying to hide his disappointment in not being selected foreman hands the chalk to Coca and returns to his padded chair around the elongated, conference table.

Coca: I guess our first order of business is to see where people stand.

Steve: There's little question in my mind. I'm strongly for the defendant. The plaintiffs just didn't prove their case. There were no eyewitnesses. The plaintiffs were never able to produce the sod that supposedly fell up against their windshield. I don't believe that the plaintiffs were credible. For me, this case is open and shut.

Herb: I gotta believe that the lawyers control too many things. Too many trials. Too much crap. People should solve problems themselves. I'm for the defendant. He looks like just a regular working guy.

Jules: I have to come out on the plaintiff's side. The Atwaters deserve some money. Maybe a lot of money. I've seen too many instances on the road when truck drivers have acted discourteously. And I'm sure that all of you have also had similar experiences. Hell ... it isn't right. It is our obligation to send the trucking industry and Fertility Farmers a message. You've got to teach your drivers to be more courteous. You've got to take responsibility.

That's a major problem with this country. Not enough people are willing to take responsibility. I think it's been getting worse ever since Nixon did away with the draft. If more people had to endure the trials of boot camp, we'd have better citizens. We wouldn't have the kind of crap that occurred on Rural Route 130. That was disgraceful! Laughing at another person as they're driving with full force into a tree and barbed wire. In a more responsible society, that guy would be hung. But . . . in this case, I'll be happy with a large settlement. Strongly for the plaintiff.

Jake: I'm for the plaintiff. Not strongly . . . but I got a feeling the driver is lying.

Jules: That trucker looked smarmy. You know, I do believe he cut me off in his truck on the way to the courthouse this morning. We've got to hold people more accountable, whether they're truck drivers or lawyers.

Coca: Amanda, where do you stand?

Amanda: My heart goes out to that poor women . . . Mrs. Atwater. I'm strongly for her. That must have been a terrible experience, going off the road and hitting that fence. She looks likes she's still suffering. We've got to do right by that family. I'm for the plaintiff and I don't think that they're asking for enough money.

Jules: In your mind, how much would be enough?

Amanda: At least a quarter million.

Jules: That doesn't sound unreasonable.

Shelton: How can you say that?
Jules: That's nothing to that company. Don't you remember? They employ 150 people in eight counties and they're part of a larger conglomerate. They must be one of the largest employers in the area. They're not going to go bankrupt, if we decide against them. Besides, their insurance company will probably cover their tab.
Shelton: And raise my rates.
Coca: I take it you're for the defendant?
Shelton: Yes.
Max: I'm strongly for the plaintiff. Very strongly.
Coca: I guess that just leaves me. I am for the plaintiff. Let me add up our vote tally. That's five votes for the plaintiff and three votes for the defendant. I guess we're pretty divided.
Jules: Let's all of us try to keep an open mind on this matter. Learn from each other. It wouldn't be wise if we came to a decision too quickly. It wouldn't be fair to the plaintiffs or the defendant and we wouldn't be upholding our duty to this court.
Amanda: Do we have to come to a unanimous verdict?
Coca: That's my understanding. We also have to be unanimous regarding the settlement, if we decide to provide one.
Amanda: That might be difficult, since we're split five to three.
Shelton: Are you sure that we have to be unanimous?
Coca: That's what the judge said.
Shelton: Oh great!
Jules: Madame chairwoman, I would like to move that we take a 15-minute break.
Coca: Is that okay with everyone?

Some people nod, others just stare blankly.

Hour 2

During the next three hours, each of the jurors explains his or her position. Some of them are very brief, others are particularly verbose, especially Jules Vern who holds the floor for almost one hour. The jurors learn only some relevant information. They learn that Jules is a retired full bird colonel and that prior to his current job; he was a manager at Anheuser Busch. Jules, the jurors learn, has two sons and one daughter and all of them are gainfully employed. He only eats meat that is lean; he does not smoke and he attends church every Sunday. He believes that celebrating Martin Luther King with a holiday is ridiculous and that everyone should fly their flag on Memorial Day, Independence Day and Veteran's Day.

In an emotional display, the jurors learn that Amanda Weils, like the female plaintiff Rosie Atwater, also suffers from post-traumatic stress disorder. Nevertheless, Amanda decides to hold back somewhat from the group and she does not reveal to them how she acquired this malady.

Herb McNally obviously has an antipathy towards lawyers. Apparently, he received a settlement in a workmen's compensation case several years ago, which he believes was woefully inadequate, although he provides his fellow jurors with only sketchy details about it.
Max Rainwater is a particularly intense individual. He speaks with dramatic effect. His statements contain no nuances. Max Rainwater infrequently maintains eye contact with any of his fellow jurors. His intensely delivered speeches seem to be directed at his shoes.

Coca Vigil throughout the three hours of discussion remains standing by the blackboard, a Type A personality who thrives on hyperactivity. Although, she has declared herself for the plaintiffs, she is by nature a person who searches for compromise. She has been doing this since she was barely conscious, being the second of three children.

This is a relatively new experience for Jake Devereux. He hasn't participated in such a discussion since he was in high school. He is much more apt to discuss the pleasures of shooting wild turkeys as opposed to shooting deer.

Steve Sworts is becoming increasingly frustrated by the discussion. He is also disturbed that he is in the minority. Isn't it evident to the others that the Atwaters seem a little crazy and that any claim of post-traumatic stress disorder is just an attempt by them to pile on the defendants and extract more money from them?

This is Shelton's first experience as a juror. Being mildly competitive, when he was selected as a juror from a pool of twenty, he felt like a prizewinner, albeit the winner of a minor prize. This would be an opportunity for him to learn first hand about our legal system. It would also undoubtedly provide him some grist for his classes. However, after four hours of discussion, he is beginning to regret that he didn't make some outrageous statement during the questioning of the jurors, outrageous enough to disqualify him from service.

After three hours, rather than a meeting of minds, positions are starting to harden. Tempers are getting shorter. The jurors are becoming more likely to ignore the logic or the lack of logic of their peers. After a 15-minute break, which is devoted to both small talk and lobbying, the jurors meet again.

Hour 5

Jules: It's my dinnertime. What's on the menu?

The Bailiff: We normally order pizzas for our jurors.

Jules: PIZZA! Can't you do a little better than that? No lean filets. I have to be careful about my diet.

The Bailiff: We've found that it gets too difficult to take individual orders from people.

Jules: It seems to me that the Court should do right by its jurors.

The Bailiff: We have only a limited food budget. If it's all right with everybody, I'll get one cheese and one sausage.

Hearing no further objections, the bailiff leaves the room.

Shelton: You know . . . it's starting to look like we may be deadlocked. Maybe we should tell the bailiff that we're hung . . . that we can't come to a unanimous verdict.

Jules: Let's not be premature. Justice must be done. I believe that we can reach a decision.

Shelton: We've been talking for four hours and we're not any closer to a unanimous decision. If anything, we're further apart.

Jules: Sometimes these things take longer than you expect.

Shelton: I don't have a problem with waiting, if I had some reasonable expectation that we would be able to produce a unanimous verdict, but I can't say that we're capable of doing that.

Jules: Give it some time man.

Shelton: I have. We all have given it some time.

Jules: Maybe a few more hours. The coeds can wait.

Shelton: What? What did you mean by that?

Jules: Isn't it evident?

Shelton: No, it isn't.

Jules: I know how pressed you are to get back to your students, but we must perform our civic duty.

Shelton: That wasn't my interpretation.

Jules: Come on . . . let's get on with it.

After that brief conflict, Jules recites probably for the fifth time, his interpretation of events.

Jules: Look . . . it is evident to me that Stevens probably put his foot on the brake rounding one of those turns on 130 and the sod fell off his truck and onto the Atwater's car. Stevens looks like the sort of fellow who wouldn't want to spend any more time on the job than he had to. I've seen how those fellows with Fertility Farmers drive and let me tell you, they're not careful. Furthermore, I've seen how they pile up that sod in their trucks. It's a wonder that this sort of thing doesn't happen more often. Or maybe it does and we just haven't heard about it.

Coca: How many people believe that Mr. Stevens was probably driving too fast?
I see five hands. How many people believe that he was driving at or below the speed limit? Two hands. How many don't know?

Shelton: I don't know and I don't know how anybody else could know. It's simply a case of the Atwater's word against the word of Stevens. How can anybody know? And just because, Jules, you claim to have seen Fertility Farmers pile up their trucks with sod on several occasions, that doesn't mean the sod was overloaded on Steven's truck on that day. There were no witnesses to that fact, except the Atwaters. Furthermore, if the sod fell off the truck while Stevens was braking his truck going around a turn, isn't it more likely that if any sod fell off the truck that it probably fell off to the side of the truck rather than directly back onto the Atwater's car?

Jules: I just know it.

Shelton: What do you mean, you just know it?

Jules: I'm a student of human nature. I've been studying it for a long time.

Shelton: Well, that's a highly subjective response. Can you enlighten us a bit more about why you believe Stevens is at fault?

Jules: When I was in the military I had a lot of men under my command. Most of them were honest, good men, who followed orders. If I told them to take that hill or something as mundane as how to shine their boots, they would do it and they wouldn't ask questions. But there were always some men in my company who just weren't cut out for military service. They didn't last long. I either got their ass out of my company or better yet forced them out of the military. I'll tell you one thing I could spot a fellow who didn't fit in the first time I looked at him. I could pick him out just like that. If his eyes weren't bloodshot when he stood at attention, then he didn't belong in the military. I was right at least 95 percent of the time. Oh, don't get me wrong, I

wouldn't be on a private just because I didn't see the red in his eyes, but I'd watch him carefully. As I said, most of the time I was right.

Shelton: Are you joking?

Jules: No sir, I'm not joking. That is a proven scientific fact. It's this simple. Stress results in bloodshot eyes and if you don't experience some stress when your commanding officer is glaring at you, well . . . then you don 't belong in the military.

Shelton: And how does this relate to our case?

Jules: I noticed that Stevens was sweating when he was testifying.

Shelton: And I suppose that you also have a theory about sweating.

Jules: I sure do. That boy was sweating all over. On his forehead. In his pits. Over his lip. It's a known fact that people who sweat are more likely to be liars than people who don't sweat.

Shelton: The room was warm. I was also sweating and I'm sweating now, does that mean I'm a liar or does it simply mean that perhaps I have a genetic predisposition for perspiration?

Jules: I'll let you decide that.

Shelton: I'm starting to get a little frustrated with you Jules. I feel like a prisoner here and you are increasingly resembling my jailer. Admit it, you have something against the defendants. It sounds to me like you're carrying out a vendetta against them.

Jules: That's outrageous! How can you suggest that?

Shelton: You suggested it yourself. You've been complaining the past few hours about how Stevens cut you off.

Jules: That was only a passing comment.

Shelton: Was it? And you've also been implying that a large settlement in favor of the Atwaters would have little impact on Fertility Farmers.

Jules: I was just stating a fact. That has no effect on my judgment.

Coca: Now let's all calm down. Why doesn't everyone tell me the reasons why they are for or against the plaintiff? I'll write them on the board.

Shelton: I'm tired of having every damn thing written on the board. What the hell does that accomplish?

Jules: A gentleman does not use profanity towards a lady!

Shelton: You were swearing yourself earlier.

Jules: But I didn't direct it at a lady. That is quite inappropriate.

Shelton: Oh hell!

Silence envelops the room. Shelton stares at the opposite corner of the room. Jules glares at the ceiling and scowls. Coca remains transfixed at the blackboard with chalk in hand. Max breaks the tension by standing up and heading for the bathroom. The bailiff arrives with two boxes of pizza. Without permission or assent the group takes a 30-minute break.

Hour 6

Max: Steve, your name is Steve isn't it?

Steve: Yes.

Max: Why do you feel so strongly for the defendant?

Steve: It's very simple. The plaintiffs didn't prove their case. There were no eyewitnesses. No proof of any sod on their windshield. It's simply their word against the driver's. They may be just trying to go after a company with deep pockets as far as I know.

And that claim about post-traumatic stress disorder. I just don't buy it. I remain unconvinced.

Amanda: PTSD is real. I know.

Steve: PTSD?

Amanda: Post-traumatic stress disorder. I was treated for it for more than three years. I still receive occasional treatment. My heart goes out to Mrs. Atwater. I can tell that she's suffered a lot. It's not easy having a near death experience.

Steve: How do you know they had a near death experience? They testified that they weren't driving faster then 35. It was summer. The roads weren't slick.

Amanda: Her psychiatrist testified that she had recurring nightmares about death.

Steve: A psychiatrist that SHE HIRED. What do you think he was going to say? She's cured. That would mean an end to the psychiatrist's gravy train.

Look, I have nightmares too. Does that mean that I suffer from PTSD?

Amanda: Don't make fun of it. It's a serious condition. During my initial bout with it, I took more than two months off of work.

Amanda starts to cry, discretely at first, but after a few tears fall from her left eye, additional ones follow and finally she raises her hands to cover her face. Once again, the other jurors fall silent.

Amanda: It's an awful condition. You don't know when it's going to come over you. You get panic attacks. You're afraid to leave home. Afraid to even go to the grocery store to buy food. It's not fake it's real. I KNOW.

Steve: I don't doubt that some people suffer from it, yourself included, but I'm not certain that Mrs. Atwater suffers from it.

Amanda: People do not go to a psychiatrist for the fun of it. They go when they have problems they can't deal with.

Steve: I don't mean to be overly cynical, but how do we know that Mrs. Atwater didn't go to the psychiatrist because she was trying to establish a better case for her "mental stress." She might have done it on the advice of her lawyer.

Amanda: That woman is in pain. When she cried on the stand, I knew she was hurting.

Steve: Or maybe she is a very effective actress.

Coca: I know that we're still divided about whether the defendant is guilty or not, but I would like to pose a question to everyone. How much would you award the plaintiff?

Steve: Isn't that rather premature? We haven't decided that the defendant is guilty.

Coca: I know we haven't. I just want to see if we're very close on this issue.

Steve: Well . . . okay, but I have not changed my opinion. The plaintiffs should get nothing.

Jules: What did they ask for Coca?

Coca: $5,000 for the medical expenses, $30,000 for the car, $50,000 for reckless endangerment and leaving the scene of an accident and $100,000 for mental stress. That's $185,000 in all.

Jules: I can't believe that their medical expenses only came to $5,000. Why it usually costs $500 just for a person to be admitted to an emergency room. The $5,000 is a given. A '99 Cadillac Seville has got to be worth at least 30K.

Steve: Their lawyer did not submit any proof regarding it's worth.

Jules: Granted, he was somewhat incompetent, but we shouldn't lower the settlement for that reason.

Reckless endangerment – I don't know about that. Piling sod above the railings of a flat bed – is that reckless endangerment? I know that the way some of these teenagers drive around town on Saturday night is reckless endangerment. I

know that driving while drunk is reckless endangerment, but I'm not sure that piling up too much sod in a truck, is equivalent to that. I'd give them 25K.

Mental stress – that s hard to prove. She sure looked shaky to me. We've got to show that woman some compassion. In the spirit of compromise, I'd give her $55,000. Let's see that's $85,000.

Jake: I'd like to award the plaintiffs $100,000.

Jules: You know I may have to amend my award. I like that – $100,000. It's a nice round number. That kind of settlement would definitely send a loud and clear message to Fertility Farmers. Coca – change my award. I'm with Jake.

Max: I think that you people have not taken into account the seriousness of this accident. The plaintiffs asked for $185,000 and they ought to get $185,000. Anything less than that amount would be an insult. Frankly, that's not very much money, considering that Mrs. Atwater may suffer from PTSD for many years. If I had been their attorney, I would have convinced them to ask for more than twice that amount. Fertility Farmers is getting off easy. Let's not make it any easier for them.

Amanda: I agree with Max. $185,000. That's lower than I think they should get, but I'd like to see us come to an agreement.

Herb: I'm stickin' with what I said before. No reason for me to jump ship.

Jules: Herr Professor, what about you? Sometimes people are convinced by the logic of other people's positions.

Shelton: You're absolutely right Jules and your logic, in particular, has been flawless.

Jules: You don't have to be so defensive.

Shelton: And you don't have to be so condescending and annoying. I wouldn't award them anything.

Coca: Let's stay on task. I would award the Atwaters $100 thousand.
Let's see where we stand. We've got two people who want to award the Atwaters $185,000. Three people who want to give them $100,000. And three people who don't want to give them anything.

Jules: You've summarized it well my dear. Now we've got to convince our three friends at the other end of the table of the wisdom of the majority.

With that comment, Shelton gives out a barely audible groan. For the next 1½ hours members of the group engage in several conversations. Shelton and Steve try to assiduously avoid talking about the case, but are occasionally interrupted by Max and Jules in an effort to lobby them. Herb and Jake hang out by the refrigerator and slurp some free sodas and fruit juices. Amanda seems emotionally exhausted, but occasionally exchanges some pleasantries with Coca. The bailiff interrupts the group's conversation with a question from the judge.

Hour 8

Bailiff: The judge wants to know whether you're likely to come to a decision tonight?

Jules: Tell the judge that we haven't yet reached consensus, but we're getting closer.

Shelton: Who appointed you as our spokesman?

Jules: Okay professor, how would you interpret our situation?

Shelton: Stop calling me professor.

Jules: You are a professor, aren't you – a molder of young minds.

Shelton: It's the way you said it. I haven't called you a Babbitt.

Jules: A Babbitt? I assume you're being derogatory.

Shelton: Take it any way you like. Yes, a Babbitt. Have you ever read Sinclair Lewis?
Jules: No.
Shelton: Why am I not surprised?
Coca: Tell the judge we're trying. I'm ... we're becoming more optimistic. Give us another hour.
Bailiff: Okay ma'am.
Coca: Why don't we talk among ourselves for a few minutes? Who knows what might come of it.

The jurors break into small groups. Jules, Max and Amanda, the Atwater's strongest proponents start to sense impending victory. Each of the three huddles with the three jurors who still favor the defendants – Shelton, Herb and Steve. Jules studiously avoids Shelton and chooses to try to sway Steve, employing more than a little pressure. Max meets with Shelton and tries a soft sell. Amanda works on Herb and plays the personal angle by asking him about the injury he previously incurred on his job. After 30 minutes, Coca once again calls the meeting to order.

Shelton: Max has convinced me that the Atwaters deserve some money.
Coca: How much money?
Shelton: I'm willing to give them $15,000. That's half the alleged cost of their Cadillac.
Jules: That leaves just Herb and Steve for Fertility Farmers. Herb, you're a working man. Don't you think the Atwaters deserve something?
Herb: Why should they get something, I got next to nothing. It ain't fair that they get a big settlement and I end up handing over most of the money I won to my do-nothin' lawyer.
Jules: You've got to separate these two cases in your mind. I'm sure that the legal system gave you a bad break, but let's not compound the problem. The Atwaters seem like decent people. Can't you find it in your heart to give them a little cash?
Herb: Nobody did anything for me.
Jules: Yes, but I can see that you're a bigger man than that. I don't think that you would want them to suffer, just because you suffered.
Herb: Okay . . . put me down for $10,000.
Jules: You're a good man, Herb. A good man.
Shelton: Could you tell that by looking at his bloodshot eyes?
Jules: Let's rise above pettiness, shall we.
Coca: Steve, let's hear your argument again.
Steve It's very simple. The Atwaters didn't prove their case. They produced no physical evidence and no eyewitnesses. I can't believe that I'm standing alone on this. I get the feeling that some of you just want to get out of here. Well . . . I'm not willing to compromise my principles.
Jules: Seven people, seven good people have come to one conclusion and you've come to another. Why not give us benefit of the doubt?
Coca: Would you consider any kind of settlement for the Atwaters?
Steve: Why are you people so damn concerned about getting them some money? You sound like you're they're advocates.
Jules: The seven of us are just trying to do what's right.
Steve: And I'm not?
Jules: The vote is now seven to one. We've had some pretty tough nuts to crack this evening. The professor was difficult to convince. Herb's run-in with the legal system left him with a few wounds. What about you? Is there something under your skin?

Steve: No . . . there's nothing under my skin. Maybe that's my problem.

Jules: We've all given a little, Steve. Amanda started out wanting to give the Atwaters a quarter million. I was also inclined to up the ante. Some people have switched their position.

Steve: It sounds like you're just trying to wear me down.

Jules: Well . . . maybe I've said enough.

Shelton: Amen. Hallelujah.

Coca: I'm not certain that we'll ever know what happened on Rural Route 130. However, we do know that Mr. Atwater had a good driving record.

Steve: Do we?

Coca: Yes, his lawyer introduced that into evidence. It's hard for me to believe that on a near perfect, early summer day that he would lose control of his car, drive off the road and ram into some barbed wire. Sometimes, even with regards to the law, you have to make a leap of faith.

Steve: With all due respect, you can leap, but I won't, but I will make one concession. I'm willing to rule in favor of the plaintiffs and award them one dollar.

Jules: That's hardly a concession.

Steve: It's a chance for them to save face.

Jules: What does face matter when a woman's mental health might be on the line?

Steve: That's all I'm willing to do.

Jules: That's damn ridiculous!

Coca: Well, at least we can tell the judge that we are unanimous on a verdict. But we're a mere $185,000 apart on the settlement.

Max: Steve, let me take a different tack with you. I've traveled that road everyday for the past five years. It's highly unlikely that the Atwaters would go barreling into that barbed wire fence, if it were not for some unusual event. The road is winding, but it is well graded. I've never seen an accident on it.

Steve: Fine, but we don't know the conditions that existed on it during the day in question. The weather may have been bad that day. The weather that day was not discussed by either lawyer during the trial.

Max: I know what the weather was like that day. I keep a daily log of the weather. It was 75 degrees and clear.

Steve: You can't introduce evidence. You're a juror, not an attorney.

Max: I don't see anything wrong with it.

Steve: Coca, I want to call the bailiff. I think I should talk to the judge. This may be grounds for a mistrial. We shouldn't consider evidence that was not brought up during the proceedings. This is highly irregular. I believe that these proceedings have been tainted.

Jules: Now, don't get your panties wet.

Steve: Would you shut up!

Coca: It's been a long day. Maybe we had better tell the bailiff that we won't be able to reach a decision tonight. Let's sleep on it. There's no telling how much a good night's sleep can clear out some of those nasty cobwebs in our minds. Just to review, we are agreed that the defendant is guilty, but our settlement decision ranges from one dollar to $185,000.

Jules: We would have reached an agreement by now, if some people weren't so damn sensitive.

The jurors stand up en masse and silently and somewhat grimly head for the door. The next morning the jurors return, but the proceedings are delayed because Jake, Herb and Shelton show up five to ten minutes late. The discussion is delayed further as most of the group mills around the coffee urn.

Coca: I hope everyone got a good night's sleep.

Jules: I had an epiphany last night. I can't in good conscience award the Atwaters only $100,000. I don't come to this decision lightly. I want to double the award to $200,000.

Coca: How did you arrive at $200,000?

Jules It's a round number and it sends a message to Fertility Farmers – don't put the public's lives in jeopardy.

Shelton: Yeah, but they only asked for $185,000.

Jules: Two lives should be worth more than a mere $200,000.

Shelton: But they didn't lose their lives.

Jules: But for only some luck on the Atwater's part.

Max: I've got to agree with Jules, except I think we need to double the Atwater's settlement. I'm for awarding them $370,000.

Amanda: I agree with Max. I want to raise my settlement to $370,000 also.

Shelton: This is getting totally out of hand. How easy it is to offer someone else's money to a third party. We're never going to come to consensus.

Jules: I can't violate my conscience.

Shelton: Well . . . if that's the position you take, aren't you asking other people to violate theirs?

Jules: I won't be able to sleep well at night, unless we fulfill our duty in an honorable manner.

Shelton: What a bunch of crap!

Disturbed at Shelton's comment, Jules hurls a binder clip at Shelton. The binder clip misses Shelton and ricochets off the blackboard and bounces off Coca. Shelton freezes up, prepared for future missiles. Rather than hurling something back in retaliation, he chooses instead to level a sustained scowl at Jules. The tension is broken when Max rises and heads for the bathroom.

Coca: Does anybody else want to change the amount of money we're going to award to the Atwaters. Hearing nothing, I just want to review where everybody stands right now:

Max	$370,000
Amanda	$370,000
Jules	$200,000
Jake	$100,000
Coca	$100,000
Shelton	$15,000
Herb	$10,000
Steve	$1

Coca: We're still far apart, but we're getting closer. Amanda and Max, do you feel that you could come down any?

Max: This is a matter of conscience for me. Mrs. Atwater is likely to suffer from PTSD for some time, maybe the rest of her life. I can't in good conscience reduce the amount of money I believe we should award her.

Jake: How did you come to that amount?
Max: I took what they asked for and I added to it an amount for pain and suffering.
Shelton: They didn't even ask anything for pain and suffering.
Max: Just because their lawyer didn't ask for it, we shouldn't penalize them.
Shelton: There's that argument again. I think their lawyer did a perfectly good job representing them. I see no reason to provide them more money than what they asked for. Do you have any idea how much plaintiffs are normally provided in these cases?
Max: No, but I know the cost of mental health treatment. An hour with a psychiatrist normally costs about $100 an hour. Multiply that amount times 52 weeks that's $5,200. Mrs. Atwater is in her 20s, let's assume that she will need psychiatric treatment for the rest of her life, that's approximately 60 years. 60 times $5,200 per year is more than $300,000. Fertility Farmers is still getting off cheap.
Shelton: You seem to be providing her current psychiatrist and her future psychiatrists with what amounts to a full employment program.
Max: That's a very cynical attitude.
Shelton: I'm only being cynical, because I am being faced with an increasingly absurd situation and some increasingly absurd people.
Coca: Steve, are you willing to raise your offer a little.
Steve: No and I don't think we're going to be able to come to agreement - too big of a gap. I wouldn't mind if we told the judge that we're hung.
Jules: The judge wouldn't accept that.
Shelton: How do you know that? Juries are hung all the time.
Jules: I have experience with these things. The judge wouldn't want to have this case re-tried. He'd tell us to go back and deliberate some more.
Shelton: How do we know that if we don't ask him?
Jules: I'm telling you – that's what he would say.
Coca: Why don't we think a little bit about what's gone on here this morning? We can talk among ourselves for the next 30 minutes or so.

Several jurors make a beeline for the coffee urn. Jake and Herb nonchalantly head toward the doughnuts. Jules huddles with Steve, locked in an intense conversation. The rest of the group mingles, engaged in what other circumstances would be non-serious party talk. The breaks are becoming longer.

Hour 10

Coca: Is there a change in anyone's position?
Steve: Why is everyone looking at me? Why aren't you looking at Max?
Coca: Why doesn't everyone tell me the best number they can live with.
Max: I would like this thing to be over with, but I also want to be sure that the Atwaters get a reasonable settlement. I'm willing to go down to $125 thousand. That is my line in the sand. I can't go any lower.
Jules: That's very gracious of you Max.
Steve: It's easy to be gracious with other people's money.
Jules: In the spirit of compromise, I'll ignore that comment.
Coca: Thank you Jules.
Jake: I'll go down to $60 thousand.
Coca: Why $60 thousand Jake.

Jake: With $60 thousand I figure both the Atwaters can get late model Cadillacs. Then we don't have to argue about PTSD or whatever.

Jules: As usual Jake, you've cut to the chase. I'll go with $60 thousand too.

Amanda: I'm afraid we're starting to shortchange the Atwaters, but I'll lower my number to $120 thousand.

Coca: I'll support $60 thousand.

Herb: You all know that my lawyer screwed me, but I guess that's no reason to take it out on these people. I'll go with $60 thousand.

Jules: I knew you'd come around Herb. You just strike me as that kind of guy.

Shelton: I don't believe that they deserve $60 thousand, but you have worn me down. I'm for $60 thousand.

Steve: I'll raise my settlement to $5 thousand, not because I think they deserve it, but I don't want to be unreasonable.

Jules: $5 thousand! That's nothing! I would be embarrassed if we gave those people that amount.

Steve: That's my position and like Max I've drawn my line in the sand. I can go no higher.

Coca: We're making progress. We're closer than where we were last night.

Jules: Max, you know I agree with you, but this is not a perfect world. Do you think you could come down a little bit?

Max: No!

Jules: If we don't reach an agreement, the Atwaters may not get anything. You wouldn't want to be responsible for that, would you?

Max: Don't hang that over my head. This is a question of principle. I couldn't live with myself, if we gave them too little.

Jules: Sometimes you have to bend.

Max: I don't see Steve bending. I've come down $250 thousand. He's only gone up $5 thousand. Is that fair?

Jules: Maybe if you come down a little, Steve will come up a little.

Max: He has to move first.

Coca: Max, would you be willing to write down a lower number on a piece of paper and only show it to me.

Max: Steve has to do it first.

Steve: I didn't say I'd do it.

Jules: C'mon men stop acting like some goddamn ayatollahs.

Coca: Could you write down your numbers simultaneously?

Max: What good would that accomplish? Steve would probably lowball me.

Coca: Why don't we just try it? Steve, what do you think?

Steve: I'll do it, if he does it.

Max: Okay.

Coca: I hope you both come up with your best number. Amanda, can you live with Max's revised number?

Amanda: Yes.

Steve and Max hand Coca folded pieces of paper. With all the drama of a daytime game show, Coca opens the folded papers.

Coca: Once again, we've made some progress. Max is at $75 thousand and Steve is at $35 thousand.

Max: Didn't I tell you he'd lowball me. I came down $45 thousand and he only came up $30 thousand.

Steve: Yeah, but I don't believe that Fertility Farmers ought to pay the Atwaters anything. Besides, I increased my number by seven times.

Jules: Stop behaving like a bunch of mealy-mouthed kids!

Max: Would you shut up! If you say anything more to me, I'm going to go to the bathroom, lock the door and not come out.

Jules: Coca, you have the floor.

Coca: I'm not sure I want it. Look, why don't we take another break – a long one this time.

There is remarkably little conversation between the jurors. Jules has stopped trying to lobby his fellow jurors, having alienated the two primary dissenters. Only Coca continues to work the room, ever optimistic that consensus is possible. After more than an hour, the bailiff asks Coca whether the jurors are close to making a decision. Hearing that a decision is not impending, he orders two more large pizzas.

Hour 12

Coca: It would be a shame if we don't come to an agreement. We're so close.

Steve: It wouldn't bother me.

Max: How can you have so little compassion?

Steve: This is not about compassion. This is about fairness!

Max: That woman will probably suffer from PTSD most of her life and we're not going to provide enough money to treat her adequately.

Steve: Yeah, but all of you are willing to fork over enough money for two new Cadillacs. What sense does that make?

Coca: Steve, could you come up a little more? We're all getting tired of pizza.

Steve: I could eat pizza tonight and tomorrow, if I had to.

Max: You expect me to compromise with this guy?

Steve: I'm just expressing my eating preferences.

Max: I'll make one last offer. I'll go with $65 thousand.

Coca: Steve, how does that sit with you?

Steve: That's better, but not good enough.

Max: C'mon, do you want to see the Atwaters bleed?

Steve: I don't want to see anyone bleed, especially Fertility Farmers.

Coca: A little higher Steve?

Steve: Okay, I'll do $50 thousand, but that's much higher than I want.

Coca: I appreciate your gesture.

Max: I don't. He's lowballed me again. How come he always gets the credit for raising his offer, but I don't get credit for lowering mine?

Coca: How about we flip a coin?

Steve: I don't like that. It's not rational.

Max: $60,500. That's my lowest.

Steve: $59 thousand. That's my highest or I walk.

Max: You can't leave the conference room. I'll call the bailiff.

Steve: And I renew my call for a mistrial.

Shelton: Would you take the $59 thousand? We want to get out of here.

Max: Would you shut the fuck up. I hate you people. I'm always the one who is expected to give in. I'll agree to the damn $59 thousand offer. I hope that makes you feel good Steve. You won. I lost. Now I'm going to close my mouth and not say anything more to any of you.

Coca: Are we agreed then, $59 thousand.

Shelton: Yes, two late model Cadillacs, minus two of the bumpers.

Coca walks out the door to get the bailiff. The bailiff appears to be very relieved happy that the deliberations will not go into the evening. Coca walks over to Jake and whispers to him.

Coca: This wasn't really about the Atwaters, was it?

Jake: No, I guess it wasn't, Coca.

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An American Dream

R. J. Hansen

I voted for a television character. Like most Americans that day, I had planned to vote for one of the major party candidates. So when my "choice" flashed on the screen, I figured the new technology had malfunctioned. I never would have guessed that fictional characters would receive *any* votes, let alone more than 20 million, or that the ensuing controversy would eventually reach the Supreme Court.

Granted, if I were going to vote for a television character, it would have been Jed Bartlett from NBC's "The West Wing." Played by Martin Sheen, Bartlett spoke with authority on subjects ranging from classical mythology to astrophysics. More important than intelligence, he embodied the noblest aspirations of the American experiment and inspired others with an idealism untainted by illusion.

At work that morning, I received manic calls from friends and family. There was excitement in their voices, but it was mixed with concern. Even fear. My aunt, a Republican, was surprised to discover she had voted for John Kennedy. She was nineteen when Kennedy was shot.

"I remember thinking he was handsome, of course. The photos on the yacht. The windblown hair, the golden tan. People talk about Jackie. But Jack Kennedy on a yacht? Now *that's* glamour."

She savored the image for a moment, then recalled why she was troubled.

"But he's a Democrat . . . and he's dead."

My colleague from the university was mortified to learn he voted for John McCain. A proud liberal, Jake was undecided between Gore and Nader. It simply never occurred to him to vote for a Republican. Jake's wife recently gave birth to their first child, and he was haunted by the possibility that fatherhood was changing his politics.

"Promise me that's not what's happening here," he pleaded.

I didn't have the heart to tell him it was possible. I told him I would have voted for McCain myself if he hadn't dropped out of the race before the Illinois primary.

"Think of it this way, Jake. He charmed the *media* with that 'straight talk express' routine." I let it sink in. He nodded, clearly relieved.

Reports of mass confusion at the ballot box first appeared on the Internet. There were persistent rumors that the declared candidates weren't getting many votes. It wasn't official, of course. Since reports of a landslide can suppress voter turnout, exit poll results are customarily embargoed until the polls close. But once the news leaked, it spread like a supervirus.

The networks lagged behind the Internet. I listened to NBC's audio feed on a local radio affiliate. Summoned to the studios to preside over the evolving crisis, Tom Brokaw spoke in vague generalities about voting "irregularities." We were made to understand that social taboos prevented a full and open discussion of the elephant in the room until 7 p.m. EST, when the polls closed in most eastern states.

Meetings kept me away from developments for much of the afternoon. In truth, I might as well have gone home. We sat around conference tables with mugs of decaf, a futile effort to keep the adrenaline in check. It was like a support group for survivors of alien abduction. Our stories were unique, though there was one common denominator: each of us voted for someone that we never would have considered, as if our ordinary political perspective masked unconscious desires.

I made a point of being home for the early returns. Election Night was my Super Bowl, my Olympics. In the blue glow of the television my gin and tonic was phosphorescent. I was ready for the show.

At seven o'clock, a grave Peter Jennings shuffled papers and cleared his throat. "What we are about to tell you may come as a bit of a shock. According to exit polls in eastern states, Michael Douglas, the actor, has taken an early lead in the presidential race."

The Internet and my own anecdotal evidence had prepared me for kinks in the system. But I assumed the irregularities were more or less local, and that the vast majority of the country was unaffected. I flipped stations to verify the report.

It was as if Dan Rather had been preparing for this moment all his life. Throughout that strange night, Rather would entertain his audience with unwitting masterpieces of folk parody. Noting, for example, the early lead for Douglas: "The folks in Austin must be nervous as armadillos on the interstate." I must confess, Rather's wrecked soul held a certain sick fascination. We all had our theories about what his tortured smile conceals. Perhaps young Dan was a little too high-strung for the stoic men of Wharton, a small ranching town between Houston and Corpus Christi. His faux-Texan figures of speech, I imagine, were calculated to win their approval. I forced myself to pull away.

On NBC, a graphic showed the leader board based on projections from the exit polls. Michael Douglas held a narrow lead over Martin Sheen, the actor who plays Jeb Bartlett. In third place was Bartlett, followed closely by Andrew Sheppard, the character played by Douglas in "The American President." Thus two actors and the characters they played occupied the top four slots.

In fifth place was Harrison Ford, who played President Jim Marshall in "Air Force One." Bringing up the rear was Dave, presumably the Kevin Kline character who in a case of mistaken identity is confused with President Bill Mitchell in the romantic comedy "Dave."

Bush and Gore were notably absent from the leader board, as were the two leading third-party candidates—consumer rights czar Ralph Nader and conservative firebrand Patrick Buchanan. A lack of enthusiasm for the official candidates wasn't surprising. In spite of his reputation for superior intelligence, Gore failed to deliver the knockout punch in the debates. And though Bush is said to

possess great personal charm, the public saw precious little of it during a campaign that turned nasty following McCain's stunning upset in New Hampshire. But Michael Douglas?

Caught off guard with the rest of us, the pundits turned philosophical. Presidential politics, CNN's Jeff Greenfield observed, had been heading in this direction since the 1960 election. "It is often said that John F. Kennedy was the first television president. Like Reagan and Clinton after him, he was a master of the medium. In fact, it could be argued that Kennedy's performance against Nixon in the first televised debates made it possible for actors, or even the characters they play, to become president. Reagan was a former actor, of course, and it showed in his ability to connect with the American people. But that was different. Known by his admirers as the 'Great Communicator,' Reagan had served two terms as the governor of California before becoming president. But while television and the presidency have a rich and storied relationship, it's fair to say that nobody—and I mean nobody, Bernie—saw this coming."

Head cocked at the trademark 45 degrees, Bernie Shaw turned to senior analyst and pollster emeritus, Bill Schneider. "Is it back to the drawing board for the Voter Intention Act, Bill Schneider?"

Schneider nodded. "We know dead people have a habit of making their way to the polls in Chicago, Bernie, but this is not your standard election controversy. Divining the intention of the voter is one thing. Giving fictional characters access to the nuclear codes is something else again.

"You may remember, Bernie, that critics of the bill had warned against tinkering with the most fundamental of American rights. But in the end, opposition faded when a parade of experts told a Senate sub-committee that voter 'error' would become obsolete, a bit of election trivia for political historians. Following an aggressive lobbying campaign financed in large part by the biotechnology industry, Congress passed a bill providing matching funds for any states willing to use the new technology. Hailing the legislation as his legacy to election reform, President Clinton signed the bill into law with great fanfare on the White House lawn during the dog days of August in 1999. With the exception of Illinois and Florida, which continue to use the old reliable punch cards, most states subsequently passed legislation in time for Election 2000."

Schneider explained the new technology in laymen's terms while CNN ran stock footage from the Senate hearings. The hardware seemed almost quaint. Scanners were attached to the skull, like some B movie from the fifties.

"But don't let that fool you," warned Schneider. "This technology is very, very sophisticated. Scanners monitor neurological activity in the zone of the frontal lobe associated with political thought. In most cases, the scanners detect a *conscious* intention to vote for a particular candidate. Even when voters haven't made up their minds, when there is cognitive dissonance, certain neurological patterns are interpreted as evidence of unconscious voter intent. Unfortunately, Bernie, the software failed to discriminate between eligible and ineligible candidates."

"It may be a simple programming error, Bill Schneider, but it may be responsible for the most surreal election in modern history."

Greenfield chimed in. "Surreal indeed. Bernie, the first election of the 21st Century . . ."

"Experts tell us it's the last election of the 20th Century," interrupted Judy Woodruff. Since jumping to CNN from PBS, Woodruff often appeared lost when operating without a script. That night she was the proverbial deer in headlights. The panelists stared for a moment, then decided to ignore her.

"This election may come down to the status of the Bartlett votes," continued Greenfield. "Thus far, we've been assuming that votes for Martin Sheen and his character, Josiah Bartlett, are separate and distinct. But what if election officials rule that Bartlett votes should be awarded to Sheen? Exit polls show that the combination of Sheen and Bartlett would overtake Douglas and Sheppard."

They posted a revised leader board to illustrate Greenfield's hypothetical scenario:

1. Martin Sheen/Jeb Bartlett
2. Michael Douglas/Andrew Sheppard
3. Harrison Ford/Jim Marshall
4. Kevin Kline/Dave

"It remains to be seen whether local election officials will actually report votes for fictional characters," Greenfield conceded. "Or, indeed, whether the secretaries of state will accept them if they do. But if they do, and if votes for characters are awarded to the actors who play them, Martin Sheen may well become the 43rd president of the United States."

Bernie Shaw interrupted him. "Doesn't allowing votes for fictional characters open Pandora's Box, Jeff Greenfield?"

Greenfield was positively giddy with the possibilities. "It raises any number of thorny questions, Bernie. For example, is a television character *eligible* to hold office? What *is* a television character? Is it an extension of the actor? And if so, should votes for the fictional character be awarded to the actor playing him? Perhaps a character should be viewed instead as the intellectual property of its creators. If that's the case, and the American people elect Jed Bartlett, what role should writers and producers play in a Bartlett administration? Should the creators have the right to replace Sheen with
... say
. . . Kevin Costner?

"And what about votes for Michael Douglas? Are they as straightforward as they appear? Perhaps some Americans intended to vote for another Douglas character altogether, but couldn't remember the name. Isn't it possible that at least some voters were thinking of Douglas' role as Gordon Gecko in Oliver Stone's 'Wall Street'? Sure, Gecko was a classic Hollywood villain, but his 'greed is good' message might have resonated among certain elements of the free market crowd.

"Finally, should a distinction be made between the *real life* Michael Douglas—the husband and father about whom the general public has only superficial knowledge—and the screen persona who has entertained audiences since co-starring with the great Karl Malden in 'The Streets of San Francisco'? These are metaphysical questions, Bernie, and there are no easy answers."

Sensing his audience needed a break from Greenfield's maddening riddles, Shaw asked Schneider to break down the exit poll data. According to Schneider, New Hampshire's favorite television son was doing well with young people who reported being attracted to Bartlett's liberal social agenda. But there was a gender gap between the ages of 35 and 60. Whereas men gave a slight edge to Sheen/Bartlett, women overwhelmingly preferred Douglas/Sheppard.

"They don't necessarily remember the name of the character Michael Douglas played. But they responded to the fact that this president was not only handsome but an eligible widower."

Woodruff was troubled. "Did I hear you right, Bill Schneider? I thought it was perfectly obvious that Michael Douglas would marry Annette Benning. Aren't these women being a little unrealistic?"

"Hope springs eternal, Judy. At least that's what the voters are telling us."

Drilling deeper into the data, Schneider found that middle-aged men identified with the idea of the president as action hero. A number of them voted for Harrison Ford. They ran a clip of a forty-something white male talking to a local reporter through the open window of his SUV. "I don't know," he shrugged. "I kind of liked it when he told the Russian hijackers to get off his plane." He took off his sunglasses and stared into the middle distance. "The way I look at it, if you're gonna have a commander-in-chief, you might as well have one who can kick some ass."

Ford faced an uphill battle. The aging actor wasn't doing particularly well with women voters. And a number of ballots that might have gone to Ford went to another action hero in the Oval Office, Bill Pullman as the high-flying President Thomas Whitmore in the patriotic alien invasion vehicle, "Independence Day."

The elderly were still fond of Reagan, of course, and a surprising percentage of them recalled Jimmy Stewart's Oscar-nominated performance in "Mr. Smith Goes to Washington." African Americans continued to support the "first black president," as Bill Clinton was affectionately known. Unfortunately, it was impossible to gauge the true level of support for candidates made ineligible by term limits (Reagan, Clinton) or death (the ultimate term limit). These votes usually went unreported, even by canvassing boards flexible enough to accept ballots for fictional characters. A notable exception was an election official in rural North Carolina, a tobacco farmer who in defense of fictional characters told a reporter that "if they're on T.V., they ain't dead."

When the networks realized the early returns were no fluke, they scrambled to locate the frontrunners. The candidates weren't talking. On ABC, George Stephanopoulos surmised they were meeting with advisors. If Stephanopoulos was the object of some derision as the poster brat of the first Clinton Administration, he had since developed into an outstanding analyst.

"They're probably working on a set of talking points. Expect a formal statement to be released soon, Peter."

As if on cue, Douglas issued a brief statement through a "trusted family friend" who doubled as his agent and lawyer:

> I am deeply humbled by this spontaneous expression of support. Though totally unexpected, patriotic duty requires that I honor the will of the American people. In the spirit of good sportsmanship, I offer my best wishes to all other eligible candidates.

Jennings asked Stephanopoulos for a translation.

"Don't be fooled by the reference to good sportsmanship, Peter. This is a shot across the bow. Notice the reference to all 'eligible' candidates. If Bartlett votes are added to Sheen's, Douglas becomes a historical footnote. Obviously, the Douglas camp has decided to get out front on this issue."

A thoughtful Jennings stroked his chin. "Cokie Roberts, is this a 'shot across the bow,' as George Stephanopoulos suggests?"

"You bet, Peter. By defining the terms of the debate from the very beginning, his people hope to discourage liberal interpretations by local and state election officials. George should be familiar with this type of pre-emptive strike. The Douglas team has taken a page right out of the Clinton playbook."

Jennings interrupted Roberts for a special report. A local affiliate had reached Martin Sheen at his home in southern California. He and his wife were sitting on a love seat, hands clasped together in heartwarming solidarity. Sheen wore a sweater, his wife a casual pants suit. Even sitting down, Janet Templeton towered over the actor. President Bartlett's only shortcoming, it must be said, was . . . well, his height. Americans like their presidents tall.

Sheen was explaining why this election was a defining moment in American history. "In the next four years, we have a unique opportunity to cure the twin ills of corporate greed and American imperialism. The face of America would change under a Sheen administration, and for the better."

I may have "voted" for Bartlett, but I had no intention—conscious or otherwise—of supporting Sheen. Born Ramon Estevez, Sheen was the son of a Spanish American father and an Irish Catholic mother. A passionate Catholic and political activist, Sheen's views were closer to Marxist liberation theology than to the party of John Kennedy, his idol while coming of age in Dayton, Ohio. A self-described pacifist, Sheen was once arrested for trespassing at Fort Benning while demonstrating against the School of the Americas, which trains Latin American soldiers.

In contrast, Bartlett was a moderate Democrat. Though liberal on social issues, he was no enemy of free market capitalism. He held a doctorate from the prestigious London School of Economics and received the Nobel Prize for his work in the so-called "dismal science." And unlike Sheen, Bartlett was willing to project American power when our national interests were at stake.

Like Bartlett in one of his dark moods, Sheen's face grew stern. "Let me say this," he warned, pointing at the camera. "Don't be surprised if cynical Washington insiders try to make arbitrary distinctions between characters and the actors who play them. Any attempt to thwart the will of the people must not be tolerated. This is America. And in America, every vote must count."

Back in the studio, Sam Donaldson could no longer contain himself. "Peter, if this is any indication of how Mr. Sheen performs under pressure, we may see not one but two terms."

George Will pursed his lips. "Let's not get ahead of ourselves, gang. The polls haven't closed out west and Sam is ready to commission a new bust for Mt. Rushmore."

Jennings looked to Stephanopoulos.

"The battle lines are drawn, Peter. Unless we see a dramatic reversal, and soon, this election will come down to those votes for fictional characters. Typically, these kind of technical decisions are made at the local level. We may be in for a very long night."

A long night, indeed. It wasn't until early returns came in from the western states that it became clear Sheen could only win if he received the Bartlett votes. Unfortunately for Sheen, most election officials rejected ballots for fictional characters. Even in rare cases when votes for characters *were* reported, they were subsequently rejected by the secretary of state or were moot because they were not awarded to the actor. New Hampshire, one of the few states where combining votes would reverse the outcome of a state race, was an early exception. Perhaps not surprisingly, the Granite State gave the benefit of the doubt to its former television governor. But in the ruthless calculus of the Electoral

College, New Hampshire was irrelevant. It soon became apparent that only California, with its mother lode of 54 electoral votes, was large enough to reverse the outcome of the national election.

Early returns from California gave Sheen a reason for optimism. San Francisco, Los Angeles and Alameda were the first heavily populated counties in the nation to accept votes for fictional characters. Everything was coming up roses for Sheen. Until, that is, San Francisco County sought confirmation it was acting within its purview by accepting ballots for fictional characters. It was a tactical blunder. The Division of Elections conveniently failed to mention that its opinion, once issued, would be legally binding not only for San Francisco County but statewide.

The election now turned on the question of whether California's Republican secretary of state, Bill Jones, would accept the lower standard established by traditionally liberal strongholds. At 2:30 in the morning, a spokesman for the Division of Elections left no room for doubt: "California election law contains no provision allowing fictional characters to serve in high office."

The networks finally declared Douglas the winner. Sheen was expected to make a concession call. It never came. Sheen eventually appeared on the floodlit lawn of his house and announced his intention to challenge the Jones ruling in court.

Embarrassed once again by having failed to anticipate a major turn of events, the networks were forced to retract their declaration. Dan Rather rose to the occasion with a geographically challenged yet still masterful use of folk idiom: "Elvis has left the Alamo, and he's headed for San Antone."

I finally fell asleep in the small morning hours, my tumbler a graveyard of crushed limes.

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When I awoke to the sound of the clock radio a couple of hours later, Douglas still clung to a thin margin of 288 to 250. Close enough that if California flipped, Sheen would receive more than the necessary 270.

In the days and weeks to come, the election controversy developed into a national obsession. Everywhere you went, people wanted to talk about it. Personal relationships were tested. I supported Douglas not so much because of his virtue as a candidate but because I disliked Sheen's extremism and, perhaps more important, I thought it was self-evident that ballots for fictional characters were invalid. I had bitter arguments with colleagues. Oliver, a communications professor, supported Sheen because he was more "radical." For Oliver, "radical" is roughly the secular equivalent of "holy." Though a fervent backer of Sheen, Oliver smugly observed that both candidates were left of center. For him, the new technology did not go awry. It simply revealed a truth Oliver had long suspected—that deep down in their hearts, Americans realize the liberals are right.

"Not at all," I replied. "It's not surprising our fantasy presidents are liberal. It's a reflection of Hollywood's limited political imagination. When was the last time you saw a movie about a good-hearted Republican president tormented by mean-spirited Democrats?"

Oliver accused me of conservative bias.

"I voted for Clinton," I said. "Twice." He didn't want to hear it.

Sheen's chief legal advisor, media gadfly and Harvard professor Alan Dershowitz, filed suit in three handpicked counties: San Francisco, Los Angeles, and Alameda. In the legal brief, Dershowitz argued

that voter intent was perfectly transparent in this case. Bartlett supporters clearly intended to vote for Martin Sheen but couldn't remember his name. The court had no choice but to reverse Jones' opinion and allow individual counties the discretion to establish their own eligibility standards.

On ABC's "Nightline," Dershowitz savagely attacked Bill Jones, who in the aftermath of Election Night had become a punching bag for the late night comedians. His lips trembling with rage, Dershowitz insisted that Jones was a party hack. In his view, it was perfectly preposterous to suggest that Jones could have any motive other than disenfranchising hundreds of thousands of citizens.

"We haven't seen this kind of outrage since the days of Jim Crow," he hissed.

"With all due respect," interrupted Koppel, "comparing the rights of television characters to the systematic disenfranchisement of African Americans is a bit of a stretch."

Koppel's attempt to bring a little perspective to the debate was wasted on his guest. His face now a fire engine red, Dershowitz compared the Jones opinion to the infamous Dred Scott decision of 1857, which dealt a powerful blow to opponents of the Peculiar Institution by reaffirming the rights of slave owners. Alarmed by the nearly apoplectic condition of the professor, Koppel cut to commercial break.

After the break, a rising star in the legal world responded for the Douglas camp. David Boies was fresh from triumph in the widely publicized Microsoft case, but it was during the California Recount Wars that he would become a household name.

"We have always believed, and we continue to believe, that a uniform standard must be applied if we hope to avoid a constitutional crisis. As Secretary Jones has indicated, there is no provision in the California election codes that would lead us to conclude fictional characters are eligible for public office. Ted, I suggest we have our standard."

Douglas quickly emerged as the establishment choice. His liberal credentials were solid, having been recently named a United Nations Messenger of Peace for his efforts to abolish nuclear weapons and small arms proliferation. Wisely, though, he expanded his base by moving toward the center. He sent a powerful signal to corporate America in brief remarks before ringing the opening bell at the New York Stock Exchange. Referring to the infamous line of his character, Douglas joked about the paradoxical truth that greed is good (Greenfield must have smiled at the emergence of Gordon Gecko as a campaign issue!). The reference may have been ironic, but the message was clear enough: Wall Street would have a loyal friend in the Oval Office.

His early announcement of a transition team reinforced the impression of a *fait accompli*. Understanding the need to reassure the Beltway establishment, Douglas assembled a bipartisan staff led by the husband-wife team of James Carvill (D) and Mary Matalin (R). Carvill didn't waste any time pointing out that winning the unofficial count made Douglas the president presumptive. On "Larry King," the Ragin' Cajun dismissed Sheen's legal challenge as "selfish and petty, a pointless detour on the turnpike to destiny."

Douglas was quintessentially presidential with his elegant suits, hypnotic voice, and perfect hair. He was, in fact, virtually indistinguishable from his role as Andrew Sheppard. His young wife, the beautiful Catherine Zeta-Jones, captured the imagination of a public yearning for a glamorous First Lady. At their first press conference together, the actress wore a smart pink suit and matching hat. Comparisons to Camelot were inevitable.

In the days after the election, the couple appeared together for tantalizingly brief moments in Manhattan: stepping out of a black limousine for lunch at the aptly named Le Cirque 2000; arriving at the Met in black tails and black sequined evening gown created for the occasion by a noted Japanese designer; and waving to well-wishers crowded behind rope lines after emerging, radiant, from the palatial lobby of the Plaza Hotel, where the transition team occupied several floors.

The scripted appearances created a sense of aristocratic entitlement, of inevitability.

Sheen was a study in contrast. Outflanked by the mainstream establishment, he cultivated the image of a virtuous outsider and champion of the underdog. In South Central, he hugged Jesse Jackson and Maxine Waters during an emotionally charged town hall meeting on racial profiling. While touring a Hispanic community center in San Diego, he extolled the benefits of an open border with Mexico. He held a curbside press conference at a sweatshop in San Francisco's Chinatown, and he fielded calls at a rape crisis center in Berkeley. He was Ralph Nader without the bile, a messianic populist with a heightened sense of humanity. But while he captured the imagination of liberal activists, he failed to expand his base. A classic case of preaching to the choir.

His post-election "campaign" team was amateurish at best. With few political strategists willing to risk being blackballed for supporting a genuine threat to the status quo, Sheen turned to his loyal staff on "The West Wing." The only defection was John Spencer (Bartlett's loyal chief of staff, Leo McGarry), who cited contractual issues. In Spencer's place, Sheen appointed his son, Charlie, who took a leave of absence from "Spin City." The rest of his television staff was intact. If Rob Lowe's speechwriting lacked the panache of Sam Seaborn, deputy director of communications for Bartlett, the gamble was nonetheless shrewd. California held all the cards, and if any state is mesmerized by star power, it is California. The Golden State was Sheen's golden opportunity for a Hollywood-style miracle, and he knew it.

Hollywood's talent instinctively supported Sheen. In their view, Douglas had sold out to the more conservative East Coast establishment. It didn't help when Douglas asked Hollywood to dial down the sex and violence. What Washington called good corporate citizenship, Hollywood called censorship. Besides, hadn't the co-star of "Fatal Attraction" made a career out of sex and violence? Equally important, Sheen's battle for the rights of television and film characters tended to validate their career choices. So it was not surprising when the stars came out for a benefit concert at the Hollywood Bowl. Organized by Barbra Streisand, the concert helped pay for Sheen's soaring legal costs.

At first it was unclear whether the studios would side with the talent. Sheen moved quickly to reassure the money boys, floating a 20% tax cut on studio profits—a massive federal subsidy for an industry notorious for princely extravagance. The "Gone With the Wind Incentive Program" was sold as a means of keeping studios from making films in Canada, where production costs were cheaper. But it was corporate welfare, pure and simple.

The Douglas camp booked Mary Matalin on "Meet the Press," where she accused Sheen of hypocrisy. In her charmingly nasal voice she ridiculed Hollywood, a sharp and sometimes shrill critic of corporate America, for failing to see the irony in receiving its own form of corporate welfare.

"The mandarins of Beverly Hills experience no embarrassment of riches, Tim. They seem to think their own wealth doesn't come from paying customers but from doting gahhhds. It's okay if Martin Sheen makes an obscene salary for a single episode, but Gahhhd forbid that a stockbroker makes six figures a year. Let's face it, when it comes to the poor working stiffs who live outside 90210, their attitude is 'Let them eat celluloid.'"

Capitalizing on the popularity of the series, Sheen and his television wife granted an interview to Diane Sawyer. On the same love seat where he appeared with his "real" wife, backlit by the same crackling fire, Stockard Channing and the candidate acted like a couple that had managed to stay together through all the crazy years. If Janet Templeton was resentful, it was kept out of the public eye. There was outrage in the Bible Belt, of course. Video stores in Biloxi, Mississippi pulled the entire Sheen catalog, from "Apocalypse Now!" to . . . you guessed it, "The American President." In one of those delicious ironies of history, Sheen had played A. J. MacInerney, chief of staff to President Andrew Sheppard.

Lacking the finesse of C.J. Craig, Bartlett's press secretary, Allison Janney told a stunned press corps that the Puritans from flyover country were beside the point. "Who cares if it plays in Peoria?" she scoffed. "This election will be decided in Malibu."

Support from the entertainment industry was just the opening punch of a one-two combination. Far from the reach of Hollywood's empire to the south, Sheen's support for Leftist causes struck a chord in the Bay Area and in local pockets of counter culture strung along the picturesque northern California coast.

At a Sheen rally in Berkeley, a riot broke out when anti-globalists, anarchists and other foot soldiers of the anger industry rampaged through the streets. When the crowd reached Oakland, leaving a landscape of overturned cars and broken glass in its wake, it was met by a phalanx of officers behind menacing shields. Oakland's mayor may have earned his nickname as "Governor Moonbeam" while serving as the state's chief executive in the seventies. But Jerry Brown had no intention of allowing anarchy to wreak havoc in his city.

It was a standoff. With no stomach for a diet of tear gas and batons, the crowd broke into a spontaneous chant:

Hey hey,
Ho ho,
Gordon Gec-ko
Has to go.

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Developments on the legal front were no less absorbing. The circuit court in L.A. was the first to weigh in with a verdict. Judge Alejandro Pena Moreno nimbly sidestepped the key issue of whether fictional characters were eligible in the first place. In a written opinion, he ruled that Bill Jones had acted within his authority as the state's chief election officer. But in a clear nod to diplomacy (he was up for re-election in two years and couldn't afford to alienate a largely pro-Sheen constituency), Pena Rodriguez urged the Secretary in the strongest possible terms to reconsider his opinion in light of the spirit, if not the letter of the law. With a precedent thus established, grateful judges in Alameda and San Francisco counties issued similar verdicts.

Nobody wanted to handle this hot potato. Least of all, perhaps, the California Supreme Court. Anyone familiar with the Sacramento Court will tell you it leans left. How *far* left was the question. Perhaps it wasn't ideology that prompted the state's high court to intervene but legitimate legal questions. At any rate, Sacramento became the new ground zero of the controversy.

Arguing before the court, Dershowitz focused upon a seemingly obscure point in California's election codes. It all hinged on the question of write-in votes—an artifact of the election system before the Voter Intention Act, now obsolete because of the new technology but still on the books. According to the statutes, write-in votes using diminutives instead of the candidate's legal name *must* be accepted. However, ballots using nicknames *shall not* be accepted. Thus while "Ron Reagan" was valid, "Dutch" was not. Fair enough, acknowledged Dershowitz. But another section of the code specified that the Secretary of State *may* refuse ballots using nicknames. This implied, of course, that he *may accept* them.

So what did this have to do with votes for fictional characters? Simple, according to Dershowitz. He drew an analogy between nicknames and fictional characters. In both cases an individual assumed a kind of role. Was playing a television character really that different from, say, Earvin Johnson playing the role of "Magic"? Sure, but it was only a matter of degree. The principle was the same. If the "may accept" clause blurred the distinction between diminutives and nicknames, and nicknames were analogous to fictional characters, then surely it stood to reason that fictional characters *may* be accepted. And accept them he must, Dershowitz insisted. Given the profound ambiguities surrounding the "may accept" clause, the secretary of state had no choice but to err on the side of protecting the intent of the voter—the *sine qua non* of California's electoral scheme.

"Nonsense," retorted David Boies. "It's not a question of whether voter intent is sacred. It is. But when voter intent is unclear, as it surely is in this case, divining voter intent is a matter of pure speculation." Moreover, while the statutes conflict on whether nicknames are valid, they are unequivocal about where final authority to make that determination rests. The secretary of state *may* refuse ballots using nicknames, but he is not *required* to do so.

The privileged position of the secretary of state in Boies' interpretation of the election code didn't sit well with the Sacramento court. In a 4-3 opinion, the court ruled that "hypertechnical distinctions between characters and the actors who play them must not thwart the transparent will of the voter."

Writing for the minority, Justice Chan argued that the majority glossed over the issue of transparency. "Nothing could be more opaque than the reason behind voting for a fictional character that has no material reality apart from a two-dimensional screen image."

Chan was whistling in the wind. The Court ordered a statewide recount in which each county would establish its own standards. The bonanza of Bartlett votes put Sheen over the top. Or would have, had the United States Supreme Court not halted the recount pending Douglas' appeal.

Like most election junkies, I remember where I was when the news hit. I stepped on the accelerator, rushing home so I could monitor developments on cable news. Unfortunately, there was precious little to report. The Supreme Court is as secretive as the Freemasons. No cameras or tape recorders are allowed in the chamber, and the staff either doesn't talk or doesn't know anything.

In the absence of hard news, the networks turned to legal scholars. The experts were nearly unanimous in their belief that the high court would not take the case. Citing the majority's support for state rights, they argued that federal intervention in a California matter would be anathema to the conservatives. My college friend, a real estate director for a famous coffee house chain, thought otherwise.

"I'm sure they wish it hadn't come to this, but they *have* to take it. There's no way in hell they're going to let a lower court rewrite state election codes *after* a federal election and then make it

retroactive. They can't let a presidential election degenerate into a statewide bingo game run by partisan local election officials."

My friend was right. The Court heard arguments the following Monday and issued its controversial ruling on Friday night. "Bloody Friday," as Bradley Whitcomb (Josh Lyman of "West Wing") called it on the Sunday morning talk shows.

The iron triangle of Rehnquist, Scalia and Thomas failed to convince swing members that the California court had violated the Constitutional prohibition against foreign-born citizens serving as president. Fictional characters, the arch-conservatives argued, are analogous to foreign-born citizens. As such, they are ineligible.

Kennedy and O'Connor were more sympathetic to the issue of unequal protection. Writing for the 5-4 majority, Antonin Scalia argued the lower court violated the Constitution's equal protection clause in ruling that fictional characters are eligible candidates. In the election scheme constructed by the California court, the ability to draw votes from a roster of characters that function as virtual alter egos gives actors an unfair advantage over conventional candidates with only one identity to attract voters. Simply put, it was a numbers game. Allowing Sheen to draw votes from fictional surrogates is the mirror image of a system that allows some but not all citizens the opportunity to cast multiple ballots. In both cases there is unequal treatment, and that compromises the integrity of a federal election.

Writing for the minority, Justice Stevens dismissed the equal protection argument. Heretofore a critic of state rights, Stevens waxed poetic in describing the inviolate sovereignty of the Sacramento court.

The election controversy left a bad taste in everybody's mouth. America hadn't been this divided since Vietnam. Or perhaps disco. At his inauguration, Douglas squandered whatever remained of the dignity of the Oval Office with a surprising lapse in taste. Filing out of the reviewing stand after the ceremony, a reporter appeared to catch Douglas's attention.

"President Douglas," he began. "You've just been inaugurated as the 43rd president of the United States. What are you going to do next?"

Douglas winked at the camera and delivered his line. "I'm going to Disney World."

The Magic Kingdom.
Florida.
The Election.

The radio gradually coaxed me back to consciousness. Something went wrong in Palm Beach, apparently. It was all coming back to me. Michael Douglas was just a movie star, after all. I felt a sense of relief. This little thing in Florida will get resolved in a day or two, if not sooner, I thought. I had no way of knowing the first election of the 21st Century (or was it, as the dream Judy Woodruff insisted, the last election of the 20th Century?) would evolve into the greatest election controversy in American history. At that point I still had faith in the sanity of the federal election system. Yet even then, as I replayed the dream election in my mind, I was struck by one incontrovertible fact: Dan Rather was much, much stranger on the real Election Night.

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Book Review

The Unreal Administrator: Lessons and Challenges from Poems, Novels, Movies, Television, and Other Stuff & An Instructor's Guide to the Unreal Administrator

by Kenneth Nichols, Burke, VA: Chatelaine Press, 2001

Reviewed by *Iryna Illiash*

By common consent, public administration is an eclectic field: not exactly science, nor truly art, it draws from many disciplines—philosophy, ethics, political science, psychology, economics, and pedagogy, just to mention a few. That is why its subject matter presents quite a challenge both for students and teachers. Students find traditional means of learning "dry," unappealing and divorced from everyday managerial practices. Teachers, on the other hand, find it equally frustrating to convey to students all the richness and complexity of the field of administration in the "sterility" of the classroom setting.

As a way out, some faculty resort to works of fiction and cinematography to supplement traditional textbooks. According to Goodsell and Murray, "the vividness and concreteness of these media of learning cannot help but buttress traditional pedagogical methods" (1995, 7). In a similar vein, Holzer et al. argue, "The use of novels, or excerpts from novels, has led to an awareness, often more implicit than explicit, that literature can provide a more interesting and perhaps more effective approach to administrative studies than can more orthodox texts and teaching methodologies" (1979, vii). And while not being able to substitute the professional and scientific literature, these "unorthodox" methods are believed to expand the knowledge about administration and the world of organization by helping "restore what the professional-scientific literature necessarily omits or slights: the concrete, the sensual, the emotional, the subjective, the valuational" (Waldo, 1968, 5).

We find these or similar arguments in Dwight Waldo's *The Novelist on Organization and Administration* (1968), Barbara Czarniawska-Joerges and Pierre Guillet de Monthoux's *Good Novels, Better Management: Reading Organizational Realities in Fiction* (1994), Charles Goodsell and Nancy Murray's *Public Administration Illuminated and Inspired by the Arts* (1995). By rejecting a purely utilitarian view of the field, these books explore the interplay of art and administration (Goodsell et al., 1995, 5) and show how art can broaden and sharpen our understanding and mastery of administrative and organizational theory.

A special place in this category of books is occupied by anthologies. Among them—*Politics through Literature* (1968) by Henry Holland; *Understanding American Politics through Fiction* (1973) by Myles Clowers and Lorin Letendre; *Literature in Bureaucracy: Readings in Administrative Fiction* (1979) by Marc Holzer, Kenneth Morris, and William Ludwin; *Managerial Insights from Literature* (1991) by Sheila Puffer. While the majority of the above mentioned works target students from other

disciplines, namely, political science and management, the topics covered there are also relevant to the study of public administration.

The scarcity of purely administrative textbooks of this kind makes even more laudatory and timely the appearance of a new reader *The Unreal Administrator: Lessons and Challenges from Poems, Novels, Movies, Television, and Other Stuff* by Kenneth Nichols. It is designed primarily for undergraduate and graduate students of schools of public administration but can be also helpful to those taking courses in nonprofit and business management and political science. The new anthology tackles complex administrative issues by drawing on the works of North American and English literature. It spans a broad spectrum of genres and is comprised of short stories by Isaac Asimov, Ray Bradbury, William Faulkner, Herman Melville, Edgar Allan Poe, James Thurber, and Ann Miller and Karen Rigley; poetry by Robert Browning, Debra Conner and Shel Silverstein; and excerpts from the novels *Catch-22* by Joseph Heller, *Being There* by Jerzy Kosinski and *Star Trek* by Gene Roddenberry, coupled with references to corresponding film and television productions. It also brings scholastic limelight to the selected lyrics by William Gilbert from the musicals *H.M.S. Pinafore* and *Pirates of Penzance;* and, rather unexpectedly, even pays tribute to children's favorite *Mother Goose* nursery rhymes.

Evidently, the selections have been chosen according to two criteria: their value as a case study pertinent to a significant aspect of administration, management, or public policy and their ability to appeal to diverse tastes and backgrounds. They cover a wide range of themes: functions of government, ethical dilemmas, leadership, planning and budgeting, performance evaluation, law enforcement and justice, organizational and small-group behavior, diversity and multiculturalism, and democratic principles. Each selection of the anthology is preceded by a brief introduction containing the overview of the work. At the end of each selection there is a set of questions to stimulate discussion and a number of exercises to develop better understanding of the issue. Additionally, a list of literature and Internet sites pertaining to the author and the topics discussed in the selection is provided. The anthology ends with a bibliography of administrative fiction.

The overarching purpose of the reader, as stated by Nichols, is to help students "integrate their overall university experiences by promoting an appreciation that, in reality, no gulf exists between liberal arts and the myriad activities that make up our civic and professional lives" (2001a, vi).

Students are not the only beneficiaries of *The Unreal Administrator*. The reader also comes with a separate methodological guide that has an arsenal of teaching tools for the instructor. To begin with, the guide contains a one-page table that allows one to view "at-a-glance" the administrative themes discussed in each literary selection and determine the extent of their in-depth coverage. For example, from the table one can see that government functions, ethics, administrative decisionmaking and organizational behavior are the dominant themes of the Poe selection, which also addresses the issues of planning and budgeting, policy evaluation, law and justice, and even touches upon the problems of leadership and multiculturalism.

Furthermore, the instructor's guide incorporates some other helpful features that facilitate the instructor's role. These are:

- Discussion points and themes in combination with some practical advice;
- Commentary on the questions and exercises given in the reader (a prompt, of a sort, containing a version of the answer);
- Ideas for entertaining learning opportunities (from invitations of guest speakers to role plays);
- References for further reading and research on issues raised by the selection (Two lists of suggested readings are provided: one is drawn from literary studies to supply more detailed

information on the author of the selection and his/her work; another consists of traditional public administration texts—an engaging way for students to build the edifice of theoretical knowledge on the insights derived from works of fiction); and finally

- Suggested questions for discussion and essay examinations.

The guide also contains another, more detailed, table that identifies administrative themes explored in each question and exercise provided in the student reader and addressed in the section of additional activities of the guide. The author believes this feature can be especially useful to the instructor in developing the course syllabus (Nichols, 2001b, vi).

In conclusion, Nichols does not attempt to substitute the traditional textbook with his reader. He conceived and wrote *The Unreal Administrator* as a supplementary tool to aid students with little or no practical experience in "navigating the jungle" of administrative issues. After all, literary works and scientific research are not that much different—both are inspired by a quest for insight and knowledge (Czarniawska-Joerges et al., 1994, 8). Fiction, however, has an additional advantage: "it combines the subjective with the objective, the fate of individuals with that of institutions, the micro events with the macro systems" (Czarniawska-Joerges et al., 1994, 8-9). I believe it is long overdue for the anthologies such as *The Unreal Administrator* to make their way into the syllabi of public administration courses. This book will definitely help both the students and their teachers to hurdle the scholastic challenges often associated with public administration as the field of study.

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