



**VOLUNTEER STATE'S**  
**Best of Student**  
**Essays**  
**2020-2021**



**Volunteer State Community College**  
**Best of**  
**Student Essays**  
**for**  
**2020-2021**



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## Introduction

*Volunteer State Community College Best of Student Essays* highlights some of the best writing created by students at Volunteer State. Each year, instructors at Volunteer State nominate students who have demonstrated excellence in writing and invite them to submit an essay to our selection committee; that committee of Vol State faculty then works collaboratively to choose superior student work for publication. *Best Essays*, then, represents the exemplary writing of student authors, the support of their instructors, the efforts made by nominating faculty, and hours of hard work the selection committee does in reading and choosing the best of the best submissions.

The purpose of this publication is twofold: first, to showcase exemplary student writing by Vol State students, and second, to provide our faculty with helpful tools for teaching writing and critical thinking skills to our students.

The student essays published here exhibit the elements essential to high-quality, college-level writing. They are original, thoughtful, well-developed, well-organized, and carefully edited documents. The authors' voices are strong, the prose is engaging, and the pieces are written with a clear sense of audience and purpose. The work in this volume includes expository and personal essays, short research-based essays, analytical essays, and longer, more advanced researched arguments. The student submissions are separated into three categories, and one student in each category is awarded a prize for his or her work. Prize winners are chosen based on creativity, originality, critical thought, organization, and an awareness of the fundamentals of good writing.

Section 1 focuses on expository writing such as personal responses to selected topics, critical analysis, and essays, which do not typically include formal research. The essays generally rely upon the rhetorical modes of narration, description, illustration, and analysis.

Section 2 focuses on short research essays written for English Composition 1. This category gives first semester composition students the chance to show off their beginning collegiate research skills without having to compete with more advanced writers. Good research essays employ rhetorical modes such as comparison and contrast and/or analysis of cause and effect as a means of critical engagement. They include research from a limited number of sources.

Section 3 focuses on research essays written by students taking English Composition 2 (English 1020) and other courses in which research-based writing is required. The critical discussions are well-developed, and the research for some of these essays may be substantial.

The student essays appearing in this publication were submitted between the summer 2020 and summer 2021 terms. We think they demonstrate both the excellence and diversity of student writing at Volunteer State. We would like to thank all the professors who nominated student essays and encouraged students to submit. We'd also like to extend our sincerest congratulations to the students whose work appears here. It is our goal to continue to develop this project, and to publish the best student writing at Volunteer State in a way that is meaningful to both students and faculty alike.

Editor Emeritus Leslie LaChance, Committee Chair  
On behalf of the *Best Essays* Committee



# Table of Contents

## ***Section 1: Expository Essays***

**Prize Winner:** *“Boys Will be Boys: A Narrative on Womanhood”* by Alaina Rice 10

“Definition Essay” by Janae Finch 14

## ***Section 2: English 1010 Researched Argument***

**Prize Winner:** *“Hope for America to be what America Never Was”* by Michael Clower 18

“The Effects of Covid-19 on People with Substance Abuse Disorder” by Angela Easterling 22

“Literary Analysis: Rip Van Winkle” by Carol Gomez 29

## ***Section 3: Advanced Researched Argument and Essays from Other Disciplines***

**Prize Winner:** *“Separate, Unequal, and Inappropriate”* by Amanda Harland 35

“Dying to be Heard: How Acoustic Pollution Can Be Lethal to Cetaceans” by Sloane Jackson 45

“LGBTQA Adoptions in America – Unique Challenges and Progress” by Teri Schweiger 56





# Section 1: Expository Writing

### **CATEGORY PRIZE WINNER**

*In Alaina Rice's "'Boys Will Be Boys: A Narrative on Womanhood," readers follow along as a young girl comes to understand the reality of being a woman in our society. Raised as a tomboy, Rice did not fully comprehend the potential situations that women encounter in until one fateful summer afternoon. After her experience, and some very poor advice from a camp counselor, Rice comes to realize her strength and confidence as an adult woman in this powerful, narrative essay.*

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Alaina Rice

Professor Wood

2 December 2020

English 1010

#### **"Boys Will Be Boys": A Narrative on Womanhood**

When I was young, I had never really put that much thought into exactly what being a woman meant to me. It wasn't that I viewed it as unimportant, it was just that I simply never had to think about it. Growing up with my two best friends being classic rough and tumble boys, I never had to focus too intensely on what exactly femininity meant to me personally. I was better than them at a multitude of things, in which they always respected me, treating me no different than they would any other boy their age. The three of us were inseparable, and our mothers often found us climbing on roofs, building forts in the woods, or catching a multitude of slimy creatures for pets that would inevitably be deemed unfit for the house. My friends' chivalrous, respectable behavior has continued to this day. All to say, I was blessed to grow up in a bubble where any gender divides were virtually nonexistent. Naturally, I believed that the rest of the men in the world would of course hold women to the regard in which the men in my life had always held me. I never once worried about excessively covering myself up or being hyperaware of my surroundings, among other things. This belief I had, regarding the complete respect and total equality of gender, was one I held all throughout my childhood and early adolescent years.

However, in the summer right before my freshman year of high school, I found my naïve perception to be mistaken; my personal definition of what it meant to be a strong, fearless woman was called into question.

It all shifted when my friends and I, all part of the same youth group, were on a mission trip in an impoverished town in Kentucky. We had attended the serve camp for kids with low-income families for many years before, and it had become a safe place for us. We felt secure there and, knowing the small town quite well, would often explore in the afternoons after our work at the camp was done for the day. One afternoon, six of us (all of us girls) decided to go take some pictures outside of the camp building. After some time, a few of us noticed a large truck that had circled around the premises too many times for comfort. Since we were still on property, we had no reason to believe anything was amiss. However, a few seconds later, the same hefty truck screeched into the parking lot and jerked to a stop right in front of us. Two men stepped out and started towards us, simultaneously catcalling us and making sexual comments about us and our bodies. With no adults in sight, my friends and I ran around the building and found a door ajar, a door that was supposed to be locked, and jammed it shut. Our good fortune, we now realize, possibly saved our lives. We promptly alerted the authorities, but by that time the two men had already screeched again out of the parking lot.

The experience in and of itself *was* alarming, but the truly eye-opening instance for me occurred a day later. A new counselor had come with us on the mission trip that year, and we, still terrified as we were, recounted the story to her. Her instant response was sharply telling us that it must have been our fault; our clothes were probably too provocative, or we had to have brought it on ourselves in some other way. After all, she said, boys will be boys. She proceeded to let us know that it was important to be aware of how we, as young women, needed to dress to

keep men from lusting after our bodies, and that we absolutely could not trust any men in our lives fully. Her words were deeply damaging to my friends and I, who were still in middle school and who had not dressed immodestly on the day of the incident in the least. I came home from that trip shaken in my definition of womanhood. My blood boiled with the injustice of it all. How many women lived like that detrimental camp counselor, I wondered, afraid to even go outside because of what a man might look at them and do? Why did men get to dictate how I lived my life at *all*, after I spent my childhood thinking we were all equals? It took me a few years to heal from that experience, to readjust my outlook on what I believed being a woman meant. I had to fully rewrite my definition to fit the world I now knew I lived in, and it was not a simple process.

After some time, though, I did regain my courage. Especially now, in the world we reside in, I deeply believe that it is vital to have courage as a woman in the face of a sometimes vastly unfair society. My view of womanhood is not broken. In fact, my experiences have taught me exactly what it *really* means to be a woman: not making myself smaller for anyone, being kind to myself and others, and standing *with* other women on precisely this topic. It means claiming my identity and not fearing how others may react to that confidence. Truthfully, I believe the exact opposite of what that harmful camp counselor told me what feels like so many years ago. Quite a few men in this world are good and honorable and, while I should be aware of the ones that are not, that awareness should not dictate my life in any way. My definition of what being a “true woman” looks like is still partially in flux, and it probably will continue to be so for many years as I grow and mature. However, I am quite certain that it means being emotionally intelligent, aware, fiercely kind, and protective of the weak and those that I love. Being a woman means understanding that quiet strength is still sufficient strength; that speaking my mind is essential

and that my voice is needed. It means viewing good men as equals and requiring them to view *me* the same way. At the end of the day, being a woman means knowing that I am a powerful force to be reckoned with, and I should always hold myself as such.

*A charming definition essay on what it means to be a woman, Jenae Finch's "Definition Essay" draws on the strong memory of the writer and how she viewed the ideal woman, Anna Jarvis. Finch does not list the typical characteristics of women but instead focuses on traits such as being a hard-working single mother who still embodies warm feelings of love with her jellies. This essay is an excellent reminder that children are very impressionistic and observant, and they see who the everyday heroes are – a truth that Finch describes in detail here.*

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Jenae Finch

Jessie McKinney

English 1010

7 March 2021

### Definition Essay

When asked- what is a woman? My mind is immediately scrambled with nice adjectives to describe women. I think of words like smart, talented, caring, and lovely. Despite these accurate adjectives, when I ponder which woman would be the best example of what a woman is, I think of Anna Jarvis. No one will ever compare to her. Anna was my best friend. She was intelligent, compassionate, and strong. She was everything I want to be as a woman. When I think of someone who could encapsulate what being a woman means with just her sheer existence, I think of her.

Anna was a family woman. She took care of her two children alone. She would work day and night with blistered feet to make sure her children were happy and fed. Anna's line of work was director of sales and catering in hotels. Through her line of work, she met countless people and would plan parties and weddings for them. She told me that people would come to her with their dream event or party and she would make it come to life with centerpieces, flowers, drinks, dance floors, and banquet tables. Out of all the events that she has told me about, the most impressive event that she planned was the Kentucky Derby and Thunder Over Louisville event because she was gifted a huge gold horse head centerpiece for her hard work. Though she met so

many amazing people, she also ran into plenty of hateful people too. She was fired and laid off many times when the people she worked with would find out that her two babies were black. Regardless, she was never ashamed of her children. Anna was also an outstanding chef. Her jellies and jams were heaven in a mason jar; she called them JOY, Jars of Yum. Anytime I was lonely or depressed, she would bake me a cake and keep me company.

Anna also endured homelessness, abuse, hunger, and loss. Despite having to go through these things she remained optimistic, and she always found solutions. Anna rarely took “No” for an answer. She was the most resilient person I ever knew. Anna was also extremely generous and caring. She would help whoever she could with whatever she had. Though she went to church and was a devoted Christian, she did not like to give her tithe to her church. She always felt like it was more useful if she gave it to a random person to pay for gas or food. When she did not have money for tithe, she volunteered for her church that had an outreach program for homeless people to have somewhere to stay and something to eat. She would cook at the church and even set up arrangements at her hotel to house some of the homeless. Anything she had, she was willing to share.

Anna also had a beautiful wardrobe of clothes. She had fur coats and capes, ball gowns and cocktail dresses, and even business suits and house dresses. She took care of her skin with creams and face masks. She invested in lovely perfumes and lotions. She kept her eyebrows waxed, her hair trimmed, and her nails painted. She believed in pampering herself and even had specific days of the week that she would take the time to do so. She would always say that pampering days were just important as laundry days.

Anna is what I like to think of when I think of the word woman. She was everything that the word connotatively means. She was strong, compassionate, fabulous, hilarious, and beautiful.



She sacrificed for her family in every way possible, and she did all of it with a little mischievous grin on her face. She successfully taught me what a woman was before she passed. She was my mom, my friend, and most importantly of all, an absolutely admirable woman.

Section 2:  
English 1010  
Researched Argument

### **CATEGORY PRIZE WINNER**

*Poetry and race clash in the prize-winning essay of *Researched Essays*. Michael A. Clower's "Hope for America to be what America Never Was" dissects Langston Hughes' poem "Let America be America Again" and analyzes how relevant this poem is today despite being written nearly a century ago. Clower demonstrates this connection by interweaving racial tensions and the modern sensibilities that often still leave people of color at a disadvantage.*

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Michael A. Clower

Professor Black

African American Literature 2055-C01

28 March 2021

#### Hope for America to be what America Never Was

Langston Hughes' poem, "Let America be America Again," is not only one of the most famous works of the Harlem Renaissance, but one of the most poignant, timeless works in American history. While written nearly a century ago, perhaps it has never been more relevant than it is now. Today, as one American proclaims, "black lives matter" another might reply antagonistically, "*all* lives matter," signifying the same back-and-forth for racial equality that would seem all too familiar for Langston Hughes. Cries of "America first!" harken back to the Jim Crow era in which Hughes lived and wrote through, first midwestern towns throughout his childhood and later in New York. "Let America be America Again," is notable for its relevance, power, and clarity of message which are created largely by the masterful use of two poetic devices: the speaker(s) of the poem and the addressee(s).

The multifaceted nature of "Let America be America Again," and its dueling style of speakers, makes it a compelling juxtaposition of the nationalistic American culture versus the culture of those that do not live with the same privileges: those victimized by the United States' white supremacist heritage. The former speaks as if wearing red-white-and-blue tinted glasses when they say, as if in response to a sudden wave of patriotic nostalgia, "Let America be America again. / Let it be the dream it used to be. / Let it be the pioneer on the plain, / Seeking a home where he himself is free" (Hughes 1-4). This proud

and reflective individual is basking in American exceptionalism without a second thought for the Native Americans slain so that the pioneer on the plain could feel “free.”

A brief, almost weary American interjects to say, “America never was America to me” (5). This individual represents the Native American, the African American, the woman, and the non-affluent male; all the individuals that occupy America and see her flawed façade for what it is. This is our first introduction to our dueling speakers but far from the last; they each represent one pole of perspective on America’s divisive history. Our proud nationalist speaker goes on to say, “Let America be the dream the dreamers dreamed— / Let it be that great strong land of love, / Where never kings connive nor tyrants scheme, / That any man be crushed by one above” (6-9). The irony of one speaker enjoying the limitless spoils of a land where “never kings connive nor tyrants scheme,” while representing the oppressive forces of white supremacy that bound African Americans to slavery and Native Americans to a perpetual state of slaughter and relocation, is not lost on our weary speaker who, as if speaking for those whose dreams were extinguished before inception, simply offers, “It was never America to me” (10). Our boastful speaker goes on to say, “O, let my land be a land where Liberty / Is crowned with no false patriotic wreath, / But opportunity is real, and life is free, / Equality is in the air we breathe” (11-14), only to be interrupted by the weary voice stating more boldly, “There’s never been equality for me, / Nor freedom in this ‘homeland of the free’” (15-16).

In this moment, the focus of the poem shifts; the loud, proud nationalist steps back after asking, “Say, who are you that mumbles in the dark?” (17) and listens now as the once weary voice can no longer listen to the fantasy being offered and instead offers a measured rebuttal. Collectively, speaking through one—long overlooked and ignored—voice of America. The speaker represents the everyman: “the poor white,” “the negro,” “the red man,” and “the immigrant” along with the farmers, workers, servants, the “humble [and] hungry.” These are the people that dreamt the dream of freedom in the Old World while still serfs to kings and those that were stolen away and forced here, but they are all, unequivocally, American, but with very different stories to tell.

The addressees to “Let America be America Again,” are represented by the speakers: the proud nationalist related to the vast swath of the United States population that views their country through an infallible American exceptionalism paradigm, while the weary voice that eventually takes over the poem represents Hughes’ peers, minority groups, and those who long for equality. The poem exists at once to persuade and educate those who have not lived the plight, as well as to put a common frustration into communal words. In this way, the use of two speakers allows Hughes to give voice and characterization to each group, so that the reader can recognize who they do and do not identify with early on, before the poem takes its thematic turn. For those that identify with the proud nationalist’s sentiments in the opening stanzas they can take comfort and find commonality in the words before going on the journey of understanding that follows. For the other groups, they would likely roll their eyes at the opening before surprisingly, or perhaps not given the author, seeing a familiar voice reflected, subtly and then all at once. The once hushed voice of the outsiders continues to grow to a fever pitch, addressing readers sympathetic to the nationalist’s scree by questioning if they were truly free when living in poverty, unable to strike for better wages, and filled with unfulfilled dreams. Next, the voices of the outsiders turn to the thought of making America America again: “O, let America be America again— / The land that never has been yet— / And yet must be—the land where *every* man is free. / The land that’s mine—the poor man’s, Indian’s, Negro’s, ME— / Who made America, / Whose sweat and blood, whose faith and pain, / Whose hand at the foundry, whose plow in the rain, / Must bring back our mighty dream again” (Hughes, 61-68). All art is meant to be consumed and interpreted by its audience, however the brilliance of “Let America be America Again,” is that Hughes leads two diametrically opposed addressees down two different “create-your-own-adventure” paths in hopes of achieving the same goal: expressing and exposing the fact that the American dream has been and continues to be an American nightmare for many, but also unifying both camps with the agreement that the promise of all men being created equal is a powerful one. The addressees, once miles apart in perspective, are then brought together with a common hopeful rallying cry, “America never was America to me, / And yet I swear this oath— / America will be!” (76-78).

A single poem may not be able to resolve centuries of racism, classism, oppression, and hate, however the attempt—the simple act of broaching the thought—is how progress and understandings can be made, and the novel way in which Hughes captured that in “Let America be America Again,” still resonates today. Brilliantly written, Hughes’ poem leverages the poetic devices of speaker and addressee masterfully to create something both stirring and inclusive.

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*Addicts have long been an underserved and an underrecognized minority in American society, and unfortunately, the group have been overwhelmingly harmed by the lack of resources caused by the Covid-19 pandemic. “The Effects of Covid-19 on People with Substance Use Disorder” by Angela Easterling details the heartbreaking reality of fewer 12-Step meetings and specialist appointments faced by individuals with Substance Use Disorder through detailing the rise in incidences of overdose, relapse, and suicide since the onset of the pandemic.*

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Angela Easterling

Professor Black

English 1020

11 July 2021

### The Effects of Covid-19 on People with Substance Use Disorder

The year 2020 presented numerous challenges for everyone. The Covid-19 pandemic created an uncertainty most have never encountered. People were isolated from loved ones, frightened, and many lost their jobs. One of the populations adversely affected was people with substance use disorder (SUD). People with SUD are much like those who have diabetes, cancer, or other chronic diseases and need access to medications, clinical staff, and social supports.

The COVID-19 pandemic led to unexpected mandatory shutdowns of clinics, centers, and patient services which kept people from accessing vital services as well as the normal social supports they typically relied on. Furthermore, many 12-Step meetings were shut down, creating barriers to important daily/weekly rituals which many recovering people rely on to remain healthy. Statistics show from May 2019 to May 2020, there were approximately 81,000 overdose deaths in the United States, the highest number of overdose deaths ever recorded in a twelve-month period (CDC). During the mandatory shutdowns, people struggled to stay clean and sober due to a lack of available support meetings, Medication Assisted Therapy (MAT), and contact with clinical support. Unfortunately, people relapsed, returned to maladaptive behaviors, and

died from overdose, infections, and suicide. Without these critical services, we can expect to see an even higher increase of overdose deaths from this treatable disease.

The swift change to telehealth and online 12-step meetings during the COVID-19 shutdown helped people stay connected and provided access to much-needed services such as medications, and clinical and social supports. Participation in recovery programs or 12-Step meetings for a person with SUD is very important as they begin their journey. Many people in early recovery focus on creating healthy relationships with others which helps them to develop a support system. This step is important to the newcomer or the frequent relapser because it allows them to gain the support they will need as they begin to address the causes and conditions of their disorder.

One solution to address the lack of available services is for hospitals and clinics to continue to focus on investing in their telehealth and virtual infrastructure, which will help improve the connection to those who are not able to be reached for in-person therapies, dispensing of medication, treatment, and referral. Cellphone donations, loans, and programs would also help those who do not have access to telecommunication devices (Attonito, Villalba, Fontal). To break down barriers for people in rural areas or without access to the technology needed for telehealth services, treatment systems need to create outreach programs that will allow clients to be seen in person and treated within their community in a non-stigmatizing and effective way.

Many of the SUD treatment providers and 12-Step meetings found their systems overwhelmed by the outreach of clients in crisis during the COVID-19 closures. Service providers quickly attempted to set up virtual services, but the much-needed infrastructure was not in place to serve thousands of people via telehealth and virtual meetings. The switch to new



online platforms will take continued efforts by treatment providers as they create new ways for people to access their services.

Currently, service providers are continuing to work to reopen clinics and centers while offering virtual services to those who cannot make it to in-person appointments, or self-help meetings. Alcoholics Anonymous reports many A.A. members are, for the first time, reporting a shift from in-person meetings to digital platforms. However, online 12-Step meetings have been challenged due to the lack of anonymity in public, virtual meetings. Anonymity is the foundation on which many of the 12-Step programs stand, and virtual meetings threaten the promise of anonymity. For many alcoholics around the world, remote connections and digital platforms are how they initially encountered and maintained their recovery in A.A during the pandemic shutdowns (Alcoholics Anonymous). There are hundreds of thousands 12-Step groups offering online meetings, which are helping to keep people connected and giving them access to recovery materials and support.

One of the major concerns of virtual services is the safe handling of healthcare information, which is extremely sensitive. Providers must abide by the strict Health Insurance and Portability and Accountability Act (HIPPA) laws which initially restricted many treatment centers and clinics from using telehealth when the COVID-19 shutdowns began. According to Sachin Nayyar, CEO at Securonix, a security analytics, and operations management company says, “The [COVID-19](#) pandemic has had a tremendous ripple effect across all industries, with one of the most impacted being healthcare. Providers have had to quickly adapt to supporting patients ‘virtually’ in a secure manner, while simultaneously developing procedures to support accurate reporting to government organizations” (Nayyar). Substance use disorder centers and MAT clinics began to offer telemedicine and telehealth appointments to help clients access

medications and therapy services within weeks of the initial closures. The quick implementation of online and telehealth services has not gone without much controversy and backlash, but the efforts have been extremely important in providing stability and important services to this population.

According to *OncLive*, an online medical journal, “Prior to the coronavirus disease 2019 (COVID-19) pandemic, the use of telehealth was limited by geographic and provider restrictions. During the pandemic, the expansion of covered services for telehealth by the Centers for Medicare & Medicaid Services (CMS) and private insurers has provided a safer alternative for patients and physicians” (Abrams and Kaplan). Many people struggle to attend in-person meetings due to lack of transportation or childcare, while others are homebound for medical or legal issues. So, offering virtual 12-Step meetings, group therapy, and telehealth can take down many barriers for those who struggle to attend in-person services.

In an article by authors Kumar and Nyhan, “Substance use and substance use disorder, in relation to COVID-19: protocol for a scoping review,” states, “it is imperative that health care systems continue investing in hospital-based Addiction Consult Services (ACS) during public health crises.” It is important to prepare for ongoing COVID-19 issues or additional “waves” of shutdowns by addressing barriers to treatment such as stigma, lack of clinicians, and training (Kumar Nyhan). To address the problem, treatment clinics, hospitals, and centers need to be more prepared with well-trained staff to serve this vulnerable population by providing more telehealth communication and changing medication dispensing protocols, so patients are not going for long periods without their medication or the necessary support needed for successful outcomes.

While creating and offering virtual and telehealth services during the COVID-19 pandemic was a solution to people being able to access services, we still face an ongoing problem with addiction. Substance use disorder is a difficult subject to discuss and even harder to understand. Many people still see it as a moral failing or a choice, and it is easy to see why because it is an ugly, dangerous, and soul-sucking disease that takes loved ones from their families. Most people know someone with SUD or have struggled with it themselves. Addiction causes people to do things they might not normally do because addiction hijacks the brain and leaves the person hopelessly seeking drugs at any cost, such as family, jobs, homes, and often their lives. Once the physical craving and mental obsession take over the brain, the addicted person loses the ability to make good choices and end up hurting and disappointing those they love. A young child dreaming about their future doesn't say, "When I grow up, I am going to drink myself to death," or, "When I grow up, I am going to leave my children motherless or fatherless." People don't expect to become addicted to substances, they don't plan to use their rent money on drugs or bring dangerous people into their homes, and they don't plan to put their children at risk.

The article by The National Institutes of Health reports, "Large surges of dopamine "teach" the brain to seek drugs at the expense of other, healthier goals and activities" (NIDA). Addiction is a painful and destructive disease that affects the whole family, it does not discriminate, and it affects people across the globe.

When a person decides to get help for SUD, they need a well-rounded team of professionals to assist them. Some of the important needs are, inpatient or outpatient substance use and mental health treatment, detox, medication, therapy, 12-Step meetings, but most importantly support from family, friends, and community. Having easily accessible resources for

people who are seeking help for their SUD is extremely important to a person in early recovery because they have very few coping skills and lack manageability in their lives. When people with SUD must go without support, 12-Step meetings, and medications, it can create life-threatening barriers for this vulnerable population. This was the case during the 2020 Covid-19 pandemic. Offering low threshold, non-stigmatizing access to treatment and support services for people with SUD is the beginning of the healing process and will break down some of the immediate barriers for people. We will need to create new and effective policies, procedures, and guidelines to avoid disruption of services and continue to provide lifesaving treatments and services to those with SUD. Lastly, addiction is a disease that isolates people, so having easy access to groups and therapies would greatly enhance the chance for better outcomes for people with SUD.

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*Reexamining the Revolutionary War and America's longing for freedom is the basis for Carol Gomez's "Literary Analysis: Rip Van Winkle." Readers can expect to see the British government recast as a nagging wife, with America as the mistreated Rip Van Winkle, who turns to the mountains for peace of mind. The strength of this essay lies in its organizational structure and the methodical way the author lays forth her evidence while comparing our country to the titular character.*

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Carol Gomez

Professor Chanin

Early American Literature

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### Literary Analysis: Rip Van Winkle

Written by Washington Irving in 1819-1820, "Rip Van Winkle" is a classic short story, and its protagonist Rip is a loveable and perhaps lazy character. The timing of "Rip Van Winkle" is important because it is set at the time of the Revolutionary War. Rip falls asleep pre-Revolutionary War and wakes up after the United States is an independent nation. The story provides a before-and-after snapshot of American lives from just before the war, to about twenty years after the end of the Revolutionary War. Through Rip's eyes, readers get a sense of the change which occurred in America after the Revolutionary War. Washington Irving's short story "Rip Van Winkle" conveys a message about the human desire for autonomy in the face of despotism through vivid descriptions of nature as a refuge, an overbearing tyrannical character, and overt patriotic symbolism.

Rip yearns for freedom, which is understandable. Rip would rather spend his days doing enjoyable things like chatting with his friends and telling stories to the children in town. Irving explains that Rip "[...] would rather starve on a penny than work for a pound" (1006). Rip's negative attitude toward working for profit leaves his family somewhat neglected by societal standards. Irving describes Rip's children as "ragged and wild" as is his farm which goes to ruin

under Rip's care (1006). When Rip feels overwhelmed by his responsibilities, he takes himself to the mountains to enjoy the peace and solitude of nature. Irving paints a clear portrait of nature being an escape or refuge where Rip can go to get away from his responsibilities.

Irving describes the Kaatskill mountains vividly and with very beautiful detail. The mountains also have magical powers, which is the foundation of the plot of "Rip Van Winkle" in which Rip time travels from pre-revolution to post-revolution overnight. Irving uses mystical terms such as "fairy mountains" and "crown of glory" to imply that the mountains are magical (1004-1005). After Rip's reappearance, the village historian confirms "[...] that the Kaatskill mountains had always been haunted by strange beings" (Irving 1014). While Rip was away for those twenty years, his wife Dame had died. Rip seems to like avoiding his problems. By disappearing for twenty years, he manages to avoid his biggest problem: Dame. Through the magical powers of the mountains, Rip is successful in escaping Dame Van Winkle's wrath once and for all.

The main reason Rip often needs refuge is to escape his wife's nagging. Irving writes, "Poor Rip was at last reduced almost to despair: and his only alternative to escape from the labour of the farm and the clamor of his wife, was to take gun in hand, and stroll away into the woods" (1007). All Rip wants is the freedom to be his own man and to be left alone to spend his time doing what makes him happy. The stunning land that Irving describes as Rip's refuge is representative of the United States. The wild, untamed, free land, and original refuge from European oppression, is now Rip's hideaway from his tyrannical wife. The desire for freedom from Rip's wife resembles the desire of Americans for freedom from England.

Rip's wife, Dame Van Winkle, is the oppressive force that drives Rip into the mountains for peace regularly. Dame is described as an intolerable nag and a tyrant to all in the village.

Irving writes that Rip would complain about his wife to all the “good wives of the village,” who would take his side in all their marital disputes (1005). Irving may have made Dame represent the tyrannical British government while Rip represents the all-American man yearning for freedom. But by Irving’s description of Rip, he sounds like a bad and certainly negligent husband and father. Rip is upset with his lot in life, but Dame does not seem very happy with hers either.

By Irving’s description, Rip is not the obedient husband he makes himself out to be. Rip is happy to help all the other ladies in the village but not his wife (Irving 1006). He teaches, plays with, and pays attention to all the kids in the village, while his children go neglected (Irving 1005). In some respects, Dame is the victim of a lazy, self-absorbed husband who is letting his family down. Just as not every American found British rule oppressive, many wives in Dame’s position would take issue with Rip’s behavior. Rip is happy to help everyone else in town, all the other women, but shirked his responsibilities to his own family. When Rip returns from his drunken night on the mountain, it is twenty years later, and he is ecstatic to find that Dame has passed away.

When Rip returns from the mountain twenty years later, circumstances have changed: no more wife nagging, and no more British rule either. Upon returning to his hangout in the village at the inn, Rip soon discovers the Revolutionary War has made America an independent nation. Irving describes a chaotic scene where everyone is obsessed with politics with patrons at the inn demanding “whether he [Rip] was a federal or a democrat” (1012). What was once a relaxed hang out for Rip and his buddies is now a bustling political hub of the town. From Irving’s before and after descriptions of the town, the American Revolution has made many changes to the village and Rip is quite out of place.



The inn itself undergoes much change from a place of leisure and intellectual discussion to a hotbed of political debate and action. Irving writes of the sign at the inn, “The red coat was changed for one of blue and buff, a sword was stuck in the hand instead of a scepter, the head was decorated with a cocked hat, and underneath was painted in large characters, GENERAL WASHINGTON” (1011). The sign was not even a new sign, because they had just dressed up King George in colonial garb and changed his name to George Washington. This is symbolic of the idea that government is the same, even under a new name. And Rip is the same, too.

After discovering his son, who is just like Rip, and his daughter, whom Rip can mooch off of, Rip settles into the life he has always wanted. Irving describes, “Having nothing to do at home, and being arrived at that happy age when a man can do nothing with impunity, he took his place once more on the bench [...]” (1014). The story of “Rip Van Winkle” is an example of how much and how little everything changes over twenty years. Rip is much happier in his new life with his wife dead and a daughter to take care of him. All Rip wanted was to be free but what does he do with the freedom once he has it? Nothing. He just mooches off his daughter and son-in-law much like his own son.

The story of “Rip Van Winkle” can be interpreted in many ways. It is outwardly patriotic with poor Rip and poor America searching for freedom from their respective tyrannical overlords. The descriptions of nature as a refuge brings the nostalgia of a young, free, and wild escape from despotism. Dame Van Winkle makes a great villain if nobody looks beyond Rip’s superficial descriptions of her. And a British state is changed into a new country as easily as a new coat of paint and decorations on a sign. But there is no escaping the root of our problems. Without changing who we are, everything will stay the same.

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Section III  
Advanced Researched  
Argument

## **CATEGORY PRIZE WINNER**

*With expert precision and structure, Amanda Harland tackles the injustice of overexaggerating the number of minority students in special education in her Advanced Research Essay, “Separate Unequal, and Inappropriate: Closing the Gap”. Harland’s rhetorical arsenal is filled with statistics, data, quotes, and analysis that support her argument that this practice is unconstitutional and needs correcting as soon as possible. An obvious forerunner in this year’s selections, “Separate, Unequal, and Inappropriate: Closing the Gap” is a go-to resource for readers studying English Composition II.*

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Amanda Harland

ENGL-1020-Y04

Professor Jennifer McMillion

6 December 2020

Separate, Unequal, and Inappropriate:

Closing the Gap

When President Gerald Ford signed the *Education for All Handicapped Children Act*, now known as the *Individuals with Disabilities Education Act* (IDEA) in 1975, all children with disabilities were guaranteed “the right to a free and appropriate education in the least restrictive environment” (“Individuals”). From the beginning, however, special education programs across the United States have served a disproportionately higher number of minority than nonminority students, and in a more segregated capacity, raising suspicion of unlawful segregation and civil rights violations. Despite federal legislative initiatives and oversight designed to curb the immutable disparity, this trend has remained constant in the decades that followed, especially when those students are being served in predominantly white schools. This overrepresentation of minority students in special education violates students’ rights to equal educational opportunity guaranteed by the Fourteenth Amendment because students are often placed in more restrictive environments and receive an inferior education to their peers.

Prior to the *Brown v. the Board of Education* ruling of 1954, segregation of students in public schools based on race or ethnicity had been constitutionally sanctioned by the “separate but equal” doctrine of *Plessy v. Ferguson* in 1896 (Miles 245). By establishing education as a fundamental right, the *Brown* verdict set the legal precedent that segregation violates the equal protection clause of the Fourteenth Amendment by interpreting that the nature of segregation alone creates an implication of inferiority, which cannot therefore be construed as equal. The *Civil Rights Act of 1964* took a step further by not only formally outlawing segregation and discrimination based upon race or ethnicity but also by facilitating integration of diverse student populations (“Civil Rights”). By the time the *Education for All Handicapped Children Act* was enacted, it was already widely accepted that minority students, including racial and ethnic groups not including white, as well as culturally and linguistically diverse students, whose first language is not English, were more likely to receive special education services and be placed in special education classrooms than their white peers. To many, this disproportionality signaled a deliberate relational maneuver tantamount to de facto segregation.

Dr. Ruben Gentry of Jackson State University defines disproportionality as, “the representation of a group in a category that exceeds expectations for that group or differs substantially from the representation of others in that category” (5). More minority students are served under IDEA in special education than is indicated by their representational percentage in the general population or by the percentage of their nonminority peers who are also being served under IDEA. Black and African American students, for instance, represent roughly 14.8% of the general population, yet these students account for more than twenty-one percent of the special education population alone. Minority students show exceptionally elevated representation in high incidence categories of disability, which are based on subjective analysis, rather than a medical

or psychological diagnosis, such as intellectual disability, learning disability, and emotional disturbance. The risk ratio for black and white students being identified as having intellectual disabilities is 2.24(2.64/1.18), which indicates black students being more than two times more likely to be identified as their white counterparts, with those children being more likely to be found in a more restrictive environment (Gentry 6). Some studies indicate the figure could be as high as nearly three times that. The reason for this imbalance remains a controversial matter.

Not everyone agrees on the cause of overrepresentation in special education of minority students. Some scholars point to the effects of previous generational oppression and systemic discrimination creating a higher risk of poverty, very low birth weight, prenatal drug and alcohol exposure, and lower parental education as the cause of the discrepancy in representation. If children are exposed to any or all of these risk factors at an early age, their chance for developing a developmental disability and being identified for special education services increases exponentially. Low birth weight has been linked to developmental delays, cognitive disabilities, and behavioral disorders, and African American women are more than two times more likely to give birth pre-term than nonminority women. Heather Hult, who specializes in education law, compares the discrepancy to the increased risk of minority children to be diagnosed with asthma when compared to white children (“Disproportionality”). Research suggests discriminatory housing and medical regulations have increased exposure of minority children to environmental pollutants as well as the heightened the risk of pre-term birth for African American women by more than two percent, both leading causes of childhood asthma. Hult argues that since pediatricians are exempt from accusations of bias and over-diagnosing cases of asthma in minority children, the field of special education should be no exception. Socioeconomic factors are often used as another risk indicator for developmental and emotional disorders. Some

statistical evidence shows as many as 40% of minority children in the United States living in poverty, as opposed to only 10% of their white counterparts (Morgan et al. 182). This imbalance in status, according to some, accounts for one more cause of overrepresentation.

Because interpreting data analysis can be performed in more than one way, some researchers have concluded that overrepresentation numbers could be inflated altogether. There is some argument that covariate adjustment for confounders in statistical interpretation needs appropriate application in order to accurately gauge the representation of minority students in special education versus their white counterparts. The authors of “Are Black Children Disproportionately Overrepresented in Special Education? A Best-Evidence Synthesis,” conducted multiple studies and analyzed data to evaluate whether they felt a disproportionality exists at all (Morgan et al. 194). When researchers included “controls for child age, parental education, family income, additional confounds,” and regression modeling, the authors concluded that minority children are actually less likely to be diagnosed with a disability than their white peers (Morgan et al. 183). These findings, while not exceptionally unconventional, reject the modern consensus of research and interpretation in the field of special education that have overwhelmingly concluded that minority students are disproportionately represented in special education programs across the United States. Researchers must also consider the subjective nature of special education placement rather than medical or psychological diagnosis, neither of which are required for disability identification under IDEA.

Learning disability and emotional disturbance, in particular, are considered “social system” or “judgmental” classifications, applied subjectively without homogeneous testing, based on societal and cultural norms of behavior and learning (Miles 257). Teachers have the authority to refer any student for evaluation based on their perception of need. An educational

team makes a determination for placement based on their opinion of whether a student meets their district or school criteria. Learning disability now shows the greatest prevalence in special education, with nearly forty percent of all students served under IDEA falling into the category. According to the 2016 Annual Report to Congress, African American students are 2.08 to 2.22 times more likely to be served under Part B of IDEA for emotional disturbance, learning disability, and intellectual disabilities than all other racial/ethnic groups combined (Taylor 89 and 132). Similarly, the 2019 Annual Report to Congress found that American Indian or Alaskan Native students were four times more likely to receive services for developmental delay than all other racial and/or ethnic groups combined (Davis). Of students identified as having a learning disability or developmental delay, those who also identify as a minority are more likely to be educated outside of the general education environment and in more secluded and isolated classrooms than their peers (Miles 256-257). This segregation of minority students has raised red flags on a local, state, and even federal level.

Because IDEA is a federal law, challenges to the law fall under the Fourteenth Amendment's Equal Protection clause, thanks to *Brown v. the Board of Education*. In 1993, the Office of Civil Rights of the United States Department of Education began to acknowledge and address overrepresentation of minority students (Miles 259). The 1997 Amendment of IDEA began requiring states to monitor and reduce overrepresentation. For the federal government, there is no longer a question of if it exists, only a question of how to fix it. Multiple strategies have been put in place since 1997, such as identifying at-risk preschool students, family and community outreach and education, mandated state reporting, oversight, and even fines for district noncompliance. No single or compounded measure has made a meaningful impact on



lessening the prevalence of minority students in special education programs, which, in turn, negatively affects cultural diversity within both standard and advanced education placement.

Conversely, minority students are historically underrepresented in gifted and advanced placements programs nationwide. An accepted explanation for this is test bias, leading many states to use a universal screening method in order to identify more students with diverse backgrounds. Dr. Janet Helms explains that African American students, especially, have historically scored two standard deviations below their white counterparts on standardized tests, including those tests used for gifted services and special education (“Solving”). Two standard deviations could mean the difference between average and exceptional. Helms believes the evidence is conclusive. Helms argues that African Americans, as a rule, have little to no input or influence on the content of testing or the practices under which such exams are taken (Ford 187). Essentially, minority students often learn in a different environment than that in which they are ultimately tested, leading to a cultural mismatch and denied opportunities. Helms further argues that African American students live different experiences and share racial identity so that a colorblind and unbiased test experience is a non sequitur. It simply cannot exist. Dr. Helms explains that the experiences of living as a minority and within the context of discriminatory practices are “not aspects of the socialization experiences of white people.” Helms believes the “external validity” of testing is a fallacy that is contributing to continued oppression and the achievement gap because minorities are excluded from approximately half of the educational and career opportunities of their non-minority peers (Ford 187). This cultural barrier created, at least partially, by standardized testing bias can lead many students to become disenfranchised with the education system further limiting future opportunities.

One crucial opportunity that can become limited for these minority students is high school graduation. Leaving high school without a diploma could set the course for lifelong financial struggle, dependence, and generational poverty. According to author Robert Kiener, young adults without a diploma can easily become a “societal burden.” Students at the highest risk for dropping out of high school are students with disabilities, students who are still learning English, students living in poverty, and minority students (Kiener). IDEA 1997 made the connection between the high dropout rates for minority students and disproportionate representation of students in special education and instituted transition policies to address what lawmakers saw as an increasing problem (Gentry 12). Unfortunately, there has been little change. In the 2014 school year, 35% of students identified as emotionally disturbed under IDEA dropped out of school (Taylor et al. 178). Given that statistical data has shown that minority students are at an exceedingly high risk of being identified as emotionally disturbed, their risk for dropping out is multiplied exponentially. Some studies show students with specific learning disabilities have a dropout rate of 19% (Taylor et al. 89). Kiener also states that minority students are more likely to be given detention, suspended, or expelled for the same infractions as their white peers, even if being served under IDEA for special education. High school dropouts have shorter cumulative lifespans than graduates. Up to 80% of high school dropouts become reliant upon government assistance programs and are a startlingly high proportion of the federal and state prison population (Kiener 508). Overrepresentation of minorities in special education could have far reaching consequences that affect more than just the student placed in the classroom.

The question has been asked, “What is so special about special education?” The *Individuals with Disabilities Education Act* guarantees that all students with disabilities be given “the right to a free and appropriate public education in the least restrictive environment”

(“Individuals”). If minority students are being given an appropriate individualized education on a greater scale than their nonminority peers, some would argue that the minority students are already at an advantage to succeed. In reality, however, minority students are being overrepresented in special education classrooms and segregated from their peers, leading to devastating repercussions, including violating their Fourteenth Amendment rights.

Acknowledging the problem is only half of the solution. Protecting the Fourteenth Amendment rights of marginalized students is paramount to protecting their future. Continuing to lay the blame at the feet of the students and families only serves to further segregate them from mainstream society.

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*When one considers pollution that negatively affects the ocean, they typically picture pollution that is tangible – papers, plastics, and glass that finds its way into our ocean ways. Sloane Jackson’s “Dying to be Heard: How Acoustic Pollution Can Be Lethal to Cetaceans” clearly lays forth the reality that our society commonly causes harm to the sea life through the use of various anthropogenic noises and follows her argument with a call for governments and companies to mitigate these effects.*

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Sloane Jackson

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### Dying to be Heard: How Acoustic Pollution Can Be Lethal to Cetaceans

Humanity’s ties to the ocean go back as far as humanity itself. Among other things, the ocean has provided resources, recreation, and transportation, which have proven vital to the survival of the earth and its inhabitants. A delicate balance is achieved when ocean denizens and land-dwelling creatures work together in a mutually beneficial relationship. This balance can be offset when outside factors begin to take their toll on the environment and ocean residents themselves. Acoustic pollution is human-originated noise pollution with a negative impact on human or animal life that is rapidly becoming a severe problem in many areas of the ocean. The fragile balance once maintained between ocean and land is now threatened with the effects of this acoustic pollution. Cetaceans, which are defined as whales, dolphins, and porpoises, are especially sensitive to anthropogenic, or human-originating, noise. Acoustic pollution is detrimental to cetaceans, and it is the duty of humanity to mitigate these effects by any means necessary.

The vastness of the ocean has yet to be explored in its entirety. New discoveries are being consistently uncovered and great strides within the scientific community are being made every day. However, acoustic pollution is not new to scientific circles nor is it new to lawmakers, the

military, or shipping companies. With such great strides in science and technology, why has more effort not been made to lessen the impact of acoustic pollution? Anthropogenic noises generated by naval sonar, commercial container ships, and seismic testing are among the most damaging to cetaceans. According to Wanxue Xu, et al. in their collaborative study report on soundscape patterns, “For marine mammals, anthropogenic sounds may cause behavioral alterations, including: changes in surfacing and diving patterns, stranding, hearing loss, and communication masking.” (1). These behaviors trigger further disruption by harming the oceanic ecosystem, thereby affecting the fishing industry and disrupting the ocean’s natural ability to absorb carbon dioxide. These effects impact humanity’s way of life significantly. As the earth has become more industrialized, the rates of anthropogenic noise have increased. L.S. Weilgart states in the *Canadian Journal of Zoology*, “Ocean background noise levels have doubled every decade for the last several decades in some areas...” (1092). Considering this dramatic increase, the need for quieter oceans is more important now than ever.

Sound is very important to cetaceans as it dictates their abilities to hunt, mate, and communicate effectively. In the words of Weilgart, et al., “Indeed, most marine species such as fish use sound for almost all aspects of their life including reproduction, feeding, predator and hazard avoidance, communication, and navigation” (1092). Cetaceans, especially, have a thoroughly adapted and extremely sensitive auditory system that aids them in these survival behaviors. For this reason, acoustic pollution has become an increasingly urgent issue. Ambient noise in the ocean includes natural sounds such as surrounding fish, wave noise, and ocean currents. These ambient sounds differ greatly from anthropogenic noise, which is louder and more sporadic. Acoustic pollution has been shown to interfere with cetaceans’ ability to effectively communicate, determine depth, and hunt for prey. In the most severe cases, hearing

loss and death have been linked to human-originating noises. Unless efforts are made to lessen these effects, anthropogenic noise will continue to cause harm and death to cetaceans.

Loud noises produced by seismic testing are harmful to cetaceans and have become a rising problem in the ocean. Seismic testing is the process in which the geology of the underlying ocean floor is mapped for the harvesting of fossil fuels beneath the seafloor. With vision being limited and water being an excellent conductor for sound, cetaceans rely on their hearing to navigate, communicate, feed, and evade predators. With this conductivity of underwater sound, seismic testing blast sounds are able to stretch over many miles. Weilgart specifies, “Noise from a single seismic survey...can cover a region of almost 300,000 km<sup>2</sup>...” (1092). Marcos R. Ross-Santos, in his report on oil industry noise pollution, states, “Noise pollution may have long-term effects on populations and communities, reshaping communities according to the level of noise tolerance between prey and predators” (188). These loud thumps and blasts produced by seismic testing and the oil industry have caused damage to the internal ear hairs of cetaceans, resulting in permanent hearing loss. In others, blasting has initiated abandonment of feeding grounds and migration habits; this lack of migration has many times led to death.

Evidence of ill-effects to cetaceans and even humans has been shown in numerous studies of whales when exposed to nearby testing blasts. Specific studies of Canadian narwhals have demonstrated a reluctance to migrate to testing grounds attributed to seismic blasts. These ill-effects impact feeding schedules and mating rituals, which further affect the health and stability of whale populations. In the case concerning a group of Arctic Canadian narwhals, this led to the death of over 1,000 narwhals. This incident is well-documented in an Ocean Noise Report compiled by and released through the scientists behind the documentary *Sonic Sea*. The Ocean Noise Report summarizes, “Effects can be severe. Researchers have expressed concern



that, in Arctic Canada, the noise from seismic testing has prompted narwhals to remain in coastal summering waters until well into fall and early winter...More than 1000 narwhals are believed to have died in three such incidents around Baffin Bay, Canada, from 2008 through 2010” (“Sonic Sea” 8). They go further to say, “Nor are marine mammals the only concern. Airguns have been shown to dramatically depress catch rates of various commercial species (by 40 to 80 percent) ...leading fishermen in some parts of the world to seek industry compensation for their losses.” (“Sonic Sea” 8). Seismic testing has not only disrupted the natural behavior of cetaceans but has also resulted in harmful side effects to the people involved in the fishing industry. With so many people relying on this industry, a fall in profits means higher unemployment and higher poverty rates for those whose economic livelihoods rely on fishing. The National Oceanic and Atmospheric Administration reports that “\$282 billion [is the] [a]mount the U.S. ocean economy produces in goods and services. Ocean-dependent businesses employ almost 3 million people” (NOAA). With this kind of direct correlation to humanity, seismic testing must be evaluated for more efficient and less harmful methods to alleviate the ill effects to both cetaceans and humans.

The commercial shipping business has also become a harmful conductor of anthropogenic noise in the ocean. Commercial shipping vessels have increased in both quantity and sound as ships speed through the ocean. According to the National Oceanic and Atmospheric Administration, “76 percent of all U.S. trade involve[s] some form of marine transportation” (NOAA). These large vessels transport products and people across the ocean while at the same time increasing the level of anthropogenic noise. The noise level of commercial vessels is not only exceedingly loud, but it is mostly low frequency. This poses a significant threat to many species of cetaceans, particularly whales, which use mostly low frequency sounds for communication. As the Ocean Noise Report notes, “Underwater noise from large ships overlaps

the same low-frequency sounds that many whale species use to communicate for feeding and mating” (“Sonic Sea” 6). The report goes on to say:

But shipping noise affects even species that use higher frequencies to survive. Studies of ... beaked whales have shown that vessels can affect diving and acoustic behavior, interfering with foraging—even when those vessels are as far as 16 miles away. “Sonic Sea” 6

To clarify, the higher the speed of these vessels, the louder the cavitation, which is the formation of noisy vapor bubbles in ship propellers. The louder these ships are, the more acoustic pollution they create. Cetaceans within the range of commercial shipping are exposed to this low-frequency sound pollution, thereby effectively masking familial communication and decreasing the ability to function at naturally appropriate levels.

The biggest issue with this low frequency noise and cavitation is the range at which it is able to travel through ocean water and its subsequent effects on the shipping industry. Enrico Pirotta, et al. in an extensive and collaborative scientific study determined, “The results of this study suggest that vessel noise has a significant effect on the movement behavior of Blainville’s beaked whales while they are foraging” (5). They continue, “The exposed groups had an average distance from the noise source of 7 km and a maximum distance of 27 km, suggesting that particularly loud vessel noise could have an effect on beaked whale behavior even at relatively large distances” (6). These noises caused by cavitation disrupt and diminish cetaceans’ abilities to hunt, feed, mate, and evade predators. Furthermore, noises of this magnitude and distance drown out the vocalizations between mother and calf. Beluga whale calves are unable to vocalize as loudly as their mothers. Calves have been known to become permanently separated as they are able to discern their mother’s vocalizations but are unable to communicate back amidst the

anthropogenic noise surrounding them. Vessels of this size also produce higher energy costs as propeller cavitation increases with speed, thereby costing shipping companies more revenue per trip than a quieter vessel potentially would. As a result, shipping costs to the consumer increases with higher cavitating vessels. The adverse effects incurred by traditional methods of commercial shipping are proving detrimental to cetaceans and humans and should be evaluated for alternative measures to lessen these effects.

Naval sonar has been identified in recent years as a major contributor to oceanic acoustic pollution. Active sonar is used by the military for detection of submarines using mid-frequency noise. This active sonar emits a high-intensity sound to scan shallow environments for submersibles. These sonar scans are being more frequently used in recent years along coastal areas where cetaceans tend to swim and the range at which it can be heard is alarmingly large. Weilgart, et al. quote in their report that “[T]he US Navy's low-frequency active (LFA) sonar, used to detect submarines, has a potential area of impact ... on cetaceans estimated to be around 3.9 million km<sup>2</sup> (Johnson 20032), though it is probably audible to cetaceans over a much larger area” (1092). This far-reaching active sonar is distressing to cetaceans and has initiated several cases of strandings, acute hemorrhage, and death due to decompression sickness.

Naval sonar has been strongly suggested, through various studies, to be the cause of acoustic trauma in cetaceans. Case reports of these incidents and their apparent link to naval sonar are described in the Ocean Noise Report, which documents the Scientific Community of the International Whaling Committee's conclusion that naval sonar is a “primary culprit” in cetacean distress and the report written by Weilgart, et al. refers to naval sonar as the “smoking gun” of acoustic trauma (“Sonic Sea” 10; 1096). This report from Weilgart also refers to the specific trauma inflicted by active sonar as “hemorrhaging around the brain, in the inner ears,

and in the acoustic fats” (1096). To put this into perspective, this would be the equivalence of living daily life in such profound noise that the brain literally begins to bleed. Further studies have been conducted within the scientific community which only compound the evidence against the use of active naval sonar. These studies provide compelling evidence that military sonar is detrimental to cetaceans and provokes severe reactions when exposed to it. Lise Sivle, et al. conducted an ethical and thorough study to assess the severity of whale and porpoise reactions to sonar. Their conclusions were that whales and porpoises were reactive to exposure to military sonar on varying levels depending on species. They conclude that “[E]xperiments indicate high sensitivity to disturbance from sonar sounds” (Sivle, et al. 489). This study would imply culpability on the part of military sonar in connection with cetacean acoustic trauma. These studies prompted the U.S. Navy to evaluate their role in harmful acoustic pollution. Their conclusion led them to concede that sonar does indeed seem to disrupt and affect cetaceans. Weilgart, et al. cites this acknowledgement in reference to a mass stranding event in the Bahamas in 2000 by stating:

This led the US Navy and the National Oceanic and Atmospheric Administration in their interim report ... to conclude that "an acoustic or impulse injury ... caused the animals to strand ... and subsequently die as a result of cardiovascular collapse ... " and that "... tactical mid-range frequency sonars aboard U.S. Navy ships that were in use during the sonar exercise in question were the most plausible source of this acoustic or impulse trauma. (qtd. in Weilgart 1096)

With the U.S. Navy’s current understanding of the issue, more research and work should be done to further alleviate and mitigate these ill-effects to cetaceans in military waters.

There is sufficient evidence to support the adverse effects of acoustic pollution on cetaceans. There are also several alternatives and concessions that can be made to lessen or eliminate these effects. Though seismic testing has been scrutinized and modified to prevent cetacean disruption, current measures are not enough. Policies in place today include scanning for nearby cetaceans before initiating seismic blasts. However, this is not entirely effective as vision is limited and cetaceans below the surface may go entirely unnoticed, yet not unaffected. Feeding and breeding grounds may also be permanently disrupted by consistent seismic testing. The Ocean Noise Report suggests a better alternative would be to assess the location and duration of such tests and share results rather than complete multiple unnecessary surveys of the same area by different companies (“Sonic Sea” 8). Further strides can be made in the form of newer and quieter technology. While the cost for this is certainly a concern for some, the benefits of a healthier ocean and therefore healthier earth would far outweigh higher upfront costs. Sharing seismic testing results amongst various companies would in fact save money over time as each company would no longer be conducting expensive surveys on areas already calculated and quieter technology could potentially alleviate the expense of explosives over time.

Commercial ship buyers argue that quieter vessels would mean more upfront costs with little return on their investment. While it is true that quieter ships would cost more on the front end, Evan Lubofsky in his article for *Hakai Magazine* believes that “it all comes down to economics.” He also quotes Kathy Metcalf, the chief executive officer of the Chamber of Shipping for America. She states, “For ship buyers...that cost is *not* a major roadblock...Outfitting a new ship with noise control can cost an average of US \$300,000 to \$500,000, but based on ship prices of \$50-million and up, it’s a mere one percent of the total cost” (qtd. in Lubofsky). Quieter propellers will also mean less cavitation, which will equate to

lower fuel costs per voyage as there will be less drag on the propellers. Not only would this cut costs overall for the shipping companies, it would save the consumer in the form of lower shipping fees.

Much controversy has surrounded the issue of naval sonar causing cetacean distress. One such case was recorded by Ashley Yeager from *Nature*, a scientific journal, in November of 2008 when a U.S. Supreme Court ruling allowed naval sonar to resume despite the implications of harm to cetaceans. Court history shows that there is much pushback to the idea that military sonar exercises are the cause of acoustic-related trauma. However, there are many studies that provide solid and unbiased results that strongly suggest active sonar does indeed produce unwanted effects on nearby cetaceans. The U.S. Navy has acknowledged the need for change considering these studies and has incorporated countermeasures to the ever-growing problem of acoustic pollution. Nevertheless, further change can and should be made including stricter regulations and follow-up studies to monitor their success in lessening anthropogenic noise. By adhering to scientist recommendations and exploring alternatives to traditional sonar, the U.S. Navy can continue to protect the country while additionally protecting cetaceans.

The ill-effects caused by acoustic pollution in the form of feeding and mating disruption, beaching, population decline, hearing loss, and even painful death far outweigh the benefits provided by the conventional methods of commercial shipping, seismic testing, and naval sonar. There are several cost-effective and legislative steps that can be taken to lessen these effects. These steps will also strengthen each sector of commercial shipping, seismic testing, and naval sonar as they will cut overall costs, uphold integrity, and benefit humanity as a whole. Imbalance in the ocean will inevitably leach into humanity's environments, causing detriment to the fishing industry, recreation, revenue, quality of air, and general health. A healthy ocean environment can

only be advantageous to mankind. The duty of humanity is to ensure the ocean's largest denizens are protected from human harm. Taking steps to reduce the adverse effects of acoustic pollution will not only mitigate harm to cetaceans but will benefit all of humanity.

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*In a detailed essay, Teri Schweiger calls current adoptive practices concerning same-sex parents into question using a strongly logos based rhetorical approach to her argument. The constitutionality of certain adoptive practices, particularly the requirement of same-sex biological parents to endure intense screening, is examined as Schweiger brings out past civil right victories and Supreme Court cases to demonstrate why the current practices are unfair. A concise piece of writing, students will find this essay to be easily accessible.*

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Teri Schweiger

Mrs. Eades

ENGL 1020

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### LGBTQA Adoptions in America – Unique Challenges and Progress

Same-sex families face an uphill battle in Tennessee to gain recognition and full rights under the law. This has to do with regard to their children and the construct of those families through the adoption process. Tennessee is a southern state with a conservative majority in control of both the House of Representatives and state Senate. Legislation currently pending and other bills recently signed into law by the Governor make it much harder for same-sex families to pursue adoption of non-biological children. By defining biological versus non-biological (not sharing DNA of one partner) cases of same sex adoption and the unique discriminatory and disparate actions on behalf of the state, examination of whether disparate treatment really does exist can take place. Same sex adoption should be treated no differently than heterosexual adoption, and the many challenges faced by LGBTQA prospective adoptive parents should be eliminated. This would make adoption an equal prospect for all who intend to become parents.

LGBTQA is defined as an acronym for lesbian, gay, bisexual, transgender and queer or asexual. LGBTQA families can be comprised of an assortment of members. Two dads, two moms, a previously straight parent becoming involved or married to someone of the same-sex; these are all constructs of the modern LGBTQA family. Children brought into this dynamic can

be either biological children of one of the spouses or non-biological. Interestingly enough, even the biological children of one of the spouses who want to have two recognized legal parents must go through the same-sex or “second parent” adoption process (Schlatter and Steinbeck). What defies belief is that in Tennessee, not only must the non-biological parent submit to testing and validation for adoption, but the biological parent must submit for examination also (“What Does Adoption”). Any family, biological or otherwise, must submit financial, medical, religious, and employment history to the court for examination as to the fitness for adoption. The biological parent, who has not been accused, indicted, or convicted of any crime, will have to submit the same documentation for fitness, even though the rights of that parent have, typically, never be questioned. Recent developments in the judicial branch of government in regard to these rulings have indicated that same-sex rights, including adoptive rights, are not settled law in this country. Settled law, in this context, would refer to current established and accepted precedent based on opinions and or rulings from the Supreme Court of the United States. These developments, which include the nomination, confirmation, and installation of far right-wing conservative Justices to the Supreme Court (Bret Kavanaugh, Neil Gorsuch, and Amy Coney Barrett) will give some context and possibly cause further questions to arise that deal with the constitutionality of discrimination toward gay parents and provide a basis for LGBTQA parents to seek relief based on whether a case can be made under the Equal Protection Clause of the 14<sup>th</sup> Amendment.

Recent confirmations of extreme right-wing Justices to the Supreme Court have put same-sex adoption rights and challenges to the forefront of current events. With a newly conservative majority on the Supreme Court, and no semblance of even attempting to appear apolitical, the current Court makeup has signaled that previously settled law was not only up for

interpretation but a likely target. The Obergefell decision in 2015 stated that the fundamental right to marry is guaranteed to same-sex couples by both the Equal Protection Clause and the Due Process Clause of the 14<sup>th</sup> Amendment to the United States Constitution (Schiff). Samuel Alito and Clarence Thomas, two of the dissenting Supreme Court Justices when *Obergefell v. Hodges* was decided in 2015, recently wrote: "By choosing to privilege a novel constitutional right over the religious liberty interests explicitly protected in the First Amendment, and by doing so undemocratically, the Court has created a problem that only it can fix. Until then, Obergefell will continue to have ruinous consequences for religious liberty" (Schiff). This clear message that Obergefell was a likely target for upcoming cases heard by the Supreme Court demonstrated to the LGBTQA community that not only were its rights not settled law but that a scramble to protect LGBTQA persons and their families should be priority one.

The takeaway is that Thomas and Alito's statement accomplishes much the same thing that President Trump's refusal to condemn white supremacy accomplishes: it emboldens the subsection of citizenry that would agree with targeted harassment and second-class status for LGBTQA families and persons. In his original opinion in the Obergefell decision, Justice Alito dissented that any "right" to same-sex marriage would not meet the definition of violation of the Due Process Clause of the 14<sup>th</sup> Amendment; he chided the justices in the majority for going against judicial precedent and long-held tradition (Schiff). Alito defended the rationale of the states, accepting the premise that same-sex marriage bans serve to promote procreation and the optimal childrearing environment (Schiff). By aligning himself and the majority of the newly restructured Supreme Court, Alito has signaled to LGBTQA persons everywhere that not only would there be no protection for adoption for LGBTQA spouses under federal law, but that the

validity of the marriages that make them families is subject to revision and revocation by the Supreme Court in the none too distant future.

When applying the Obergefell standard to same-sex adoption, the 14<sup>th</sup> Amendment is often cited as the basis for the landmark ruling in 2015. Current cases that concern same-sex adoption and the implications of Obergefell are already pending before the current Supreme Court. *Fulton v. Philadelphia* concerns the foster care system and could “create a precedent that allows discrimination against LGBTQ families – through private agencies that receive taxpayer funding to provide government services, such as foster care agencies, food banks, and homeless shelters – and objectifies a constitutional right for those agencies to deny services to LGBTQ persons based on their sexual orientation” (Esseks). The city of Philadelphia hires independent agencies to evaluate prospective families for suitability for adoption before making recommendations for placements of children. One such agency, Catholic Social Services, proceeded with following its own internal religious selection criteria, which includes disqualifying all same-sex adoptive parent candidates and families (Esseks). Catholic Social Services sued the city of Philadelphia when the contract was not renewed based on the discriminatory practice and stated that “this ruling could negate our collective commitment to nondiscrimination based on race, sex and religion whenever a government contractor identifies a religious basis for its refusal to provide services” (Esseks). In some jurisdictions, Catholic Charities and Social Services chose to shut down the operation entirely, rather than allow same-sex couples to pursue adoption through their agency (Crary). The outcomes of these cases can do serious damage to LGBTQ people, as well as their journeys to become whole, healthy families. Even if the court does not directly overturn Obergefell, there is rational cause for fear about the future of same-sex adoption and family building in the U.S. from the Supreme Court.

Some of the unique obstacles and challenges that same-sex adoptive families face are complex in nature and cost prohibitive. All LGBTQA adoptions have to secure legal representation for both parties (two lawyers instead of one to represent the family as a whole) and obtain guardian ad litem (an attorney that represents the children's best interests), appointed for the child or children (Eveleth). Potential LGBTQA adoptive parents also must have in-depth examinations performed of financial, medical, employment, character, and relationship histories and the cost associated with these measures are often in the thousands of dollars. The examinations are not optional, and they are performed by agencies that are tasked with securing the validation for the adoption as a whole. Under current legal processes with regard to their desire to legally be allowed to discriminate against LGBTQA families, these adoption agencies and groups are the same type of organizations (Adams). Personal and intrusive examinations of qualifications are not usually required of straight or heteronormative adoptive families, which creates a disparate process at the outset. This process is also required of same-sex parents that have given birth and share genetic material with the children being adopted. Typically, the only time a birth parent is required to demonstrate fitness for parenthood is when an allegation of child abuse, neglect, or previous demonstrated unfitness has been proven to the court. In LGBTQA adoptions, this fitness for parenthood is questioned at the outset and must be proven to a court before an adoption will be granted, seemingly demonstrative of a "guilty until proven innocent" principle (Aspegren).

To refute the argument that currently is espoused by many conservative people that do not believe that same-sex couples or families should have the right to adopt children, one might ask the following questions: why would same-sex households and parents not provide a stable, loving environment for children? David Crary noted in his article that while most faith-based

agencies that are run by Christian organizations contend that children are best raised in a home with a mother and a father, there is an ever-growing body of research that says that children of same-sex couples actually fare better than, and certainly as well as, children raised in homes with opposite sex parents. The next question to ask opponents of same-sex adoption would be why should American citizens not be afforded the same rights to life, liberty, and the pursuit of happiness under the Equal Protection Clause and the Due Process Clause of the 14<sup>th</sup> Amendment to the Constitution? Is there something inherent in the makeup of a same-sex couple that would relegate them to second class citizen status or make them ineligible for the same protection afforded straight cis couples? The Obergefell decision lays the foundation that those rights are inherent and consistent with citizenship, and to say otherwise is to project a personal religious bias the opposite way onto those of different belief systems. Many who are conservatively and religious minded in their philosophy contend that it is the moral right to oppose such marriages and adoptions and that the creation of same sex families is offensive to their belief system. What the research has shown is that while some may be personally offended by the Constitution, it is the law of the land and not the Christian Bible. While many Christian principles support and formed the foundational basis for the Constitution, they are, in fact, different works intended for different uses.

In conclusion, the Obergefell decision by the Supreme Court gives LGBTQA families hope and a feeling of protection that they could pursue life, liberty, and the pursuit of happiness like every other citizen of the United States. The Equal Protection Clause of the 14<sup>th</sup> Amendment to the Constitution guarantees this to each citizen, but unequal enforcement and disparate treatment of LGBTQA persons pursuing adoption make it clear that additional reforms and regulations or laws are needed to protect those rights that should be inferred. Clarifying the

boundaries of the Civil Rights Act of 1964 and extending protection in discrimination in all areas such as housing, employment, and adoption or marriage should be extended to persons identifying as LGBTQA. Only when all American courts are forced to recognize the inherent rights under the Constitution and apply the laws equally will LGBTQA families be able to pursue adoption and other rights enjoyed by heteronormative families without fear for their future families. This will, without a doubt, form a divide that will separate the conservative right from the liberal left, and the shouts of “Morality first!” are already being heard as a defense for the pursuit of state sanctioned discrimination. The true test of morality is if differences in belief systems and approach to moral living can be tolerated, supported and celebrated by all citizens, regardless of personal conviction.

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