

# Advocacy

One of the most important goals of *Street Law* is promoting positive involvement in public affairs. This chapter discusses advocacy, or how citizen involvement can influence the lawmaking process. In our democracy, citizens are responsible for making the law, usually through their elected representatives. While voting is, of course, an important obligation of citizenship, an individual's lawmaking role is much broader than voting. Citizens are also responsible for working to change laws that are not helping to solve problems and working for new laws and policies that address problems in their communities, cities, states, or countries.

## Street Law ONLINE

**Chapter Overview** Visit [glencoe.com](http://glencoe.com) and enter **QuickPass** code **StreetLaw8u1** for an overview, a quiz, and other chapter resources.

## The Art of Advocacy

Advocacy is the active support of a cause. It also involves the art of persuading others to support the same cause. Advocacy is based on the careful gathering of facts, the development of excellent communication skills, and the creation of an effective plan and time line. In order to advocate effectively, you must determine what level or levels of government are responsible for addressing the problem.

Community members advocate their cause by publicly expressing their opinions.



High school students all over the country have become effective advocates on important questions ranging from national issues, such as violence prevention and military activity abroad, to local concerns, such as homelessness and school uniform policies. In some instances students have advocated change with their local schools and town or city councils. In other instances they have communicated with state or congressional representatives. For example, high school students concerned about smoking in student bathrooms lobbied for membership on their school's safety committee. When they joined the committee, they worked with the school resource officer, building principal, and assistant principal to convince their county board of education to give them funds to purchase smoke detectors. The students then lobbied their state representative, who was so impressed with their solution that he introduced a bill in the next legislative session to make smoke detectors mandatory in public school bathrooms across the entire state.

## LAW AND DEMOCRACY *in Action*

### Changing the Law: Research and Role-Play

**W**ork with your classmates to form four small groups. Each group should research one of the proposed laws listed below and then answer the questions that follow. Each group will share its findings with the class. The proposed laws would:

- require everyone under 18 years of age to wear a safety helmet while riding a bicycle on public property.
- require a one-week waiting period and a background check for any person who buys a handgun.
- require that any teenage driver with less than one year of driving experience drive only during daylight hours and never with more than one other teenage passenger (except siblings).
- establish a curfew requiring that people under 18 years of age be off the streets by 12:00 A.M. Monday through Friday and by

1:00 A.M. on Saturday and Sunday, unless commuting to and from work or traveling with a parent or guardian.

#### **Problem 3.1**

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- a. What arguments could be presented for and against the proposed law?
  - b. What groups, organizations, or businesses are likely to lobby for or against the proposed law? What techniques could they use to influence legislators?
  - c. Predict the outcome if your community held a voter referendum on the proposed law. Explain your reasons.
  - d. Role-play a meeting between legislators and groups of students, with one group in favor of and one group opposed to the proposed law. Discuss which lobbyists were effective, which were not, and why.
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# Lobbying

**Lobbying** is a way to influence the lawmaking process by convincing lawmakers to vote as you want them to. The word *lobbying* comes from the seventeenth century, when interested persons would corner legislators in the outer waiting room of the legislature—the lobby. While lobbying often has a negative connotation, it is actually a basic right protected by the U.S. Constitution. Lobbying involves the right of free speech and often other rights such as assembly, association, and freedom of the press.

A lobbyist is someone who works to convince a lawmaker to vote for or against a particular issue. Anyone can be a lobbyist. As a private individual, you can lobby elected officials on issues that affect your life. You can influence elected officials by expressing your opinions individually or as part of a group, either in person or by letter, petition, phone, or e-mail. Lobbyists also use political contributions, ads, favors, letter-writing campaigns, and other techniques to influence legislation.



Many individuals and groups lobby for their causes in Washington, D.C. *What techniques do lobbyists use to influence legislation?*

## Steps to Take

### Writing a Public Official

- **Write in your own words.** Personal letters are far more effective than form letters or petitions. Explain to the official how the issue will affect you and your friends, family, or job.
- **Keep your letter short and to the point.** Deal with only one issue per letter. If you are writing about some specific proposed bill or legislation, identify it by name (for example, the National Consumer Protection Act) and by number if you know it (for example, H.R. 343).
- **Explain why you are writing.** Ask the official to state his or her own position on the issue. Request a reply and ask the official to take some kind of definite action.
- **Always put your return address on the letter, sign and date it, and keep a copy.** Your letter does not have to be typed, but it should be legible. Perhaps most importantly, it should reach the official before the issue is voted on.
- **Consider using e-mail to contact public officials.**

Today, special interest groups and organizations lobby on behalf of every imaginable cause and issue. Businesses and organizations hire professional lobbyists to influence federal, state, and local legislators. For example, the National Rifle Association employs lobbyists to oppose restrictions on gun ownership and use, while Handgun Control, Inc., lobbies for gun control. Literally thousands of professional lobbyists work in Washington, D.C., and in state capitals throughout the country. Those who lobby the federal government must register with Congress and file reports four times a year. In these reports, they must identify their clients and the specific bills on which they are working. They must also indicate how much money they have been paid for their lobbying work and how much they have spent lobbying (for example, the costs of organizing grassroots letter-writing campaigns).

Professional lobbyists have advantages over **grassroots lobbyists** because they have more money behind them and they know legislators and their staffs personally. Nevertheless, grassroots lobbyists can be very effective, particularly when they join with others. Demonstration of grassroots support by large numbers of people is a very effective lobbying technique because legislators care about what voters think.

Many critics of the lobbying system in the United States say it enables some people and businesses to “buy legislation.” It is true that contributors to political campaigns may have greater access to legislators and greater influence over how they vote on certain issues. However, others argue that lobbying is an integral part of American democracy. They claim that the use of money and influence is a legitimate way for groups to make their views heard.

### **Problem 3.2**

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- a.** Select a current issue that concerns you. Search the Internet to find sites that deal with this issue. What information is available on each site? Does the information seem reliable? How can you tell? Do any of the sites suggest strategies you could use to lobby for the issue?
  - b.** Select a current issue that concerns you. Write a letter about it to a public official. Use the guidelines listed in the Steps to Take feature on page 31 to help you compose your letter. For example, you may write to your mayor, city council member, state legislator, congressional representative, or senator. Send your letter to the elected official and then analyze your letter and any reply you receive. Did the official acknowledge your concern for the issue? Did he or she answer your questions or provide additional information?
  - c.** Do persons with more money have greater influence over legislators than those with less money? If so, is this unavoidable in a society like ours, or should steps be taken to reform the lobbying and campaign finance systems?
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## Guidelines for Advocates

*Before you begin to advocate, think through these steps for success:*

- 1. Identify the issue.** Think about your school or neighborhood. Is there a problem that needs to be addressed? How do you know it is a problem? Is it causing harm or preventing good? Can a new policy or rule address this issue?
- 2. Set a goal.** Visualize a better tomorrow by answering the following questions:
  - What is the public policy solution you are proposing?
  - How will your community be improved if your policy is implemented?
- 3. Become an expert on the issue.** Know the facts. Collect information to support your position. Monitor the media, search the Internet, go to the library, and interview community members. Learn both sides of the issue.
- 4. Recruit allies. Identify roadblocks.** Identify coalitions already working on your issue. Recruit people harmed by the problem and others who may benefit from the policy change to act as allies. Identify your opponents. Why would they be against your proposed policy? What strategies might they use to resist your efforts? Who will be their allies?
- 5. Identify your strategies.** To advocate effectively, you will likely use a variety of Take Action Strategies. Consider the following:
  - start a letter-writing campaign;
  - send out e-mail action alerts;
  - conduct a survey;
  - circulate a petition;
  - post your advocacy message on a community bulletin board;
  - coordinate a public rally, march, or vigil;
  - lead a protest or speak-out;
  - testify at a public hearing on your issue;
  - lobby in person; or
  - attend a community meeting.
- 6. Plan for success.** What needs to be done first, second, etc.? Who will be responsible for what? How will you know you have been successful?
- 7. Work with the media.** The media is the best tool to get your solution out to a large audience. Seek to explain your issue in a convincing 15-second sound bite. Incorporate your “sound bite” into the following strategies:
  - write a letter to the editor;
  - hold a press conference;
  - create a public service announcement;
  - appear on a community cable television program or radio talk show; and
  - circulate posters, flyers, and brochures.
- 8. Create a resource pool.** Money is only one resource that may be useful in your effort. Identify resources that exist within your group. What talents and skills do you and your team have to offer? Do you know a business or organization that may be willing to donate space, food, or other items to advance your cause?

### Three Golden Rules for Advocacy

- 1. Clarity:** create a single message and stay focused on it.
- 2. Quantity:** create as large a network as possible to support your cause.
- 3. Frequency:** get your message out to as many people as possible as frequently as possible.

# Voting

Voting is a basic constitutional right. Eligible voters may vote for president, vice president, two U.S. senators, and one U.S. representative. They may also vote for governor, state legislators, and numerous other state, county, tribal, and local officials.

## Initiative and Referendum

In a representative democracy, laws are usually made by elected legislators acting on the voters' behalf. However, in some situations, the people can vote directly on proposed laws. Initiatives and referenda allow citizens to circulate petitions and put proposed laws on the ballot. An **initiative** is a procedure that enables a specified number of voters to propose a law by petition. The proposed law is then submitted to either the electorate or the legislature for approval. A **referendum** occurs when a legislative act is referred to voters for final approval or rejection. Recent state referenda have been held on issues such as gun control, gay rights, abortion, environmental protection, and funding for schools, parks, roads, and other government programs. Many states also permit **recall** elections, which allow voters to remove elected officials from office.

Some people argue that allowing voters to express their opinions directly through initiatives or referenda, rather than indirectly through representatives, is a more democratic system of lawmaking. Rather than being a true democracy, the United States is technically a republic, because the people elect representatives to vote on laws instead of voting on them directly. Supporters of the initiative and referendum processes point out that they promote direct involvement in lawmaking and reflect the true will of the people. Others argue that allowing direct voting on laws will sometimes result in majority populations voting to take away rights from minorities.

Some form of direct voting exists in 24 states. In 1897 South Dakota became the first state to adopt statewide initiative and popular referendum systems.

Most of the states that now have this system adopted it during the first two decades of the twentieth century. Many laws have been proposed through the initiative process, including the right to vote for women, the eight-hour workday for government employees, term limits for elected officials, campaign finance reform, and environmental protection. This system has also been used to pass laws and establish public policy related to affirmative action.

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Some schools make it easy for eligible students to register to vote. *In what other ways can citizens register to vote?*



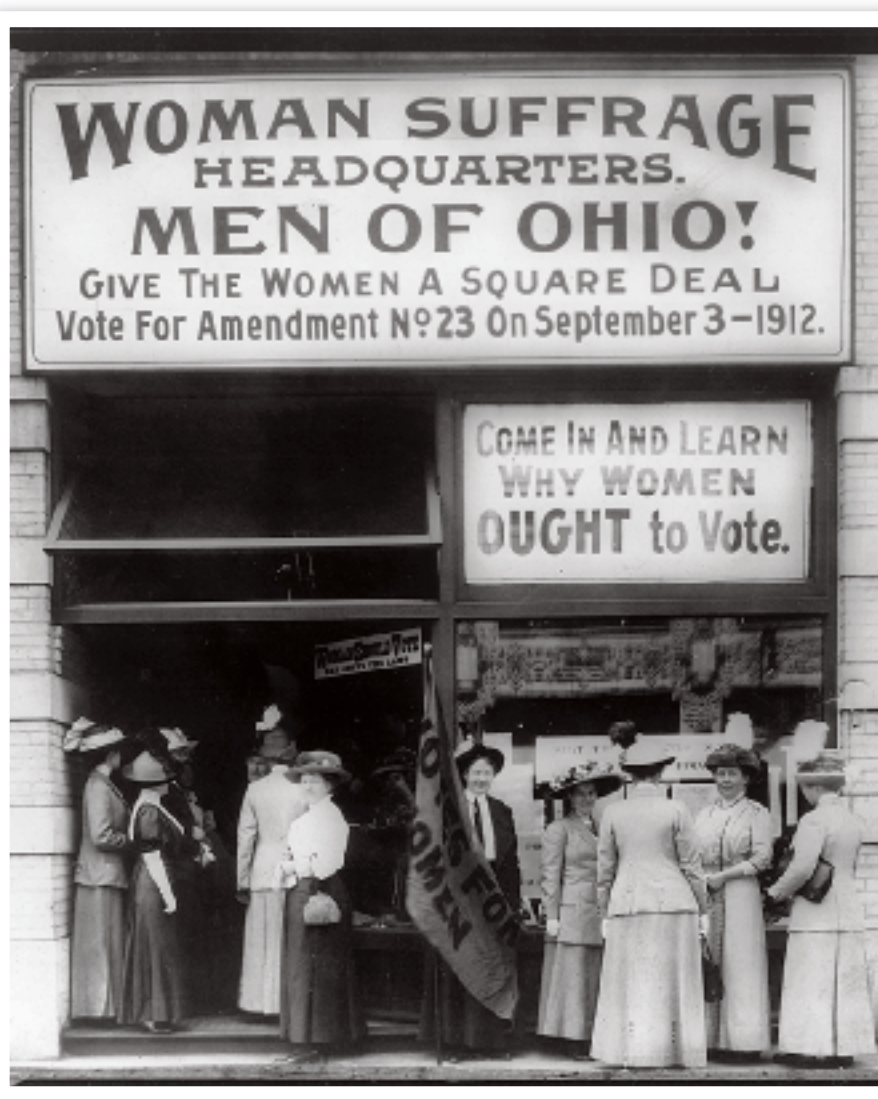
## Who Can Vote?

To register to vote, you must be a U.S. citizen by birth or naturalization, at least 18 years old by the date of the election, and a resident of the community in which you register. It is a violation of federal law to falsely claim U.S. citizenship in order to register to vote. You cannot register to vote in more than one place at a time.

Registering to vote is handled by each state. Applicants usually register by completing an application form in person or by mail. The *National Voter Registration Act*, also known as the Motor Voter Act, requires states to make registration forms available not only at motor vehicle departments, but also at numerous state offices, welfare offices, and agencies that serve the disabled. In addition, some organizations make voter registration forms available on the Internet. As of 2007, seven states allowed voters to register on Election Day. Voter participation in states with same-day registration is regularly higher than in other states.

A fair election requires that voters have access to information about the candidates, the issues, and the details of the voting process. Many organizations—some partisan and some nonpartisan—provide election information on the Internet. The League of Women Voters ([www.lwv.org](http://www.lwv.org)) provides online information about federal, state, and local elections and candidates. It also sponsors DemocracyNet ([www.dnet.org](http://www.dnet.org)), an interactive Web site on which candidates address a wide range of topics by speaking directly to the voting public. On this site, candidates enter their own statements without any outside editing.

Information about federal elections, including past statistical data, is available from the Federal Election Commission ([www.fec.gov](http://www.fec.gov)). The FEC also provides online access to the National Mail Voter Registration Form, which has been translated into Spanish, Chinese, Filipino, Japanese, Korean, Vietnamese, and Tagalog to encourage registration by language minority groups.



Women were effective in lobbying. Their defeat of local candidates was especially persuasive in convincing Congress to pass the Nineteenth Amendment. *Why do some people believe that voting is the most important political right?*

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*The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.*

— **Fifteenth Amendment to the U.S. Constitution**

Registering to vote was not always as easy as it is today. African Americans did not receive the right to vote until 1870, with the passage of the Fifteenth Amendment. Until then, most states allowed only white males with property to vote. Women gained the right to vote in 1920. Congress did not grant citizenship and therefore the right to vote to all Native Americans until 1924, although some Native Americans had been granted citizenship by special federal legislation before then (for example, veterans of World War I). Until the passage of the *Voting Rights Act* in 1965, some states had barriers such as poll taxes, literacy tests, and character exams that kept millions of people from voting. In 1971, the passage of the Twenty-sixth Amendment gave 18-year-olds the right to vote. Persons convicted of serious crimes usually lose the right to vote. In some states, however, these persons may regain the right to vote five years after their sentences are completed.

## Participating in Elections

According to the Federal Election Commission, 72 percent of the voting age population was registered to vote in 2004, and 64 percent of those registered did in fact vote in the presidential election. This means that 46 percent of the voting-age population voted in that election. During the past few decades, turnout in national elections has generally fallen from about 62 percent for the 1964 presidential election to 46 percent in 2004. Turnout for congressional elections in nonpresidential election years is lower. Data from recent elections also suggest that low-income people, members of racial minorities, and immigrants vote at rates significantly lower than the rate for middle-class whites. In the 2004 presidential election, the youth vote (voters aged 18–25) broke with the pattern of lower turnout and increased slightly. Voter turnout in Mexico and Canada is approximately the same as in the United States. However, many countries—including some of the world’s newest democracies—have much higher voter turnout for national elections.



### The Law Where You Live

**Learn** more about how to vote in your community. Where and how does one register to vote? Is there a residence requirement? If so, what is it? When and where does one go to vote?

### Problem 3.3

- a. Make two lists: one of all the reasons for voting and another of all the reasons for not voting.
- b. The following proposals have been made to encourage more people to vote. Do you favor or oppose each proposal? Explain your answers.
  - Allow people to register and vote on the same day.
  - Lower the voting age to 16 so some high school students could vote.
  - Keep the polls open for a week instead of one day.
  - Automatically register everyone who has a driver’s license.



# Law Around the World

## The Screening Law

**E**lecting public officials is an essential part of a democratic system of government. Many countries that are relatively new democracies—especially those that used to be dictatorships—have encountered problems with the election process. For example, they have faced the issue of whether or not to allow former members of the dictator’s political party to run for office or otherwise serve in the new government.

Assume that the new legislature of one such country, which had been ruled by a dictator for 40 years, proposes a law that “bans from holding a senior office in government all those who held management or executive positions in the former government or were informants or otherwise assisted the secret police.”

### Problem 3.4

**a.** Each of the following persons served in the previous government (the dictatorship) and now seeks a senior position in the new government. Apply the proposed law to determine which, if any, of these people should be allowed to serve. Explain the reasons for your answers.

- A well-trained scientist provided chemicals that the dictator used to kill thousands of people of a particular ethnic group.
- A university professor was required to join the dictator’s party in order to continue her teaching.
- The head of the housing department had given better housing to ruling-party officials.

- A senior police official was generally known to be fair to citizens but had enforced the dictator’s laws banning demonstrations. This person was also active in the revolution that overthrew the dictatorship.
- A theater director, jailed for antigovernment actions and regularly tortured in prison, agreed to spy on others as a condition of his release from prison.

**b.** What are the reasons for and against having such a screening law? If you were in the legislature of the new government, would you support or oppose the law? Would you propose a change in the law? Explain your reasons.



Former Iraqi dictator Saddam Hussein on trial

## Campaign Finance Reform

The 200-year tradition of privately financed elections in the United States has been accompanied by 200 years of campaign finance reform. However, efforts to counteract the influence of money on politics have usually been unsuccessful. Politicians have been quick to condemn fundraising scandals but slow to agree on laws to prevent them.

According to the League of Women Voters, those who support campaign finance reform want to improve methods of financing political campaigns for several reasons: to ensure the public's right to know, to combat corruption and undue influence, to enable candidates to compete more equitably for public office, and to promote citizen participation in the political process. Some groups argue for complete public funding of certain elections.

In recent years, federal elections have become extraordinarily expensive. To win, most candidates have to be rich, skillful fundraisers, or both. In fact, the candidate who raises the most money seldom loses the election.

Critics of the current system argue that (1) people of low or middle income cannot run for office successfully because they cannot raise huge sums of money; (2) special interests receive favors in exchange for substantial campaign contributions; and (3) elected officials spend too much time raising money and not enough time doing their jobs.

Others argue that political contributions are a form of speech protected by the First Amendment to the U.S. Constitution. From their perspective it violates a voter's or a candidate's constitutional rights to limit the amount of money that can be contributed to a campaign. In addition to their constitutional arguments, those opposed to reform in this area contend that as a practical matter it is difficult, if not impossible, to create enforceable campaign finance reform laws.

After years of discussion, Congress passed and President George W. Bush signed the *Bipartisan Campaign Reform Act of 2002*. Many have referred to this as the McCain-Feingold law because Senator John McCain and Senator Russ Feingold were the primary sponsors of the bill in the U.S. Senate. This federal law was designed to ban unlimited contributions to national political parties, prohibit certain types of broadcast political ads, and outlaw the solicitation of campaign contributions on federal property. Federal election laws are enforced by an independent

A citizen shows his support for President George W. Bush during the 2004 presidential campaign. Describe the arguments in support of campaign finance reform.



agency, the Federal Election Commission. States have also passed campaign finance laws. Both federal and state campaign finance laws continue to be challenged in the courts as unconstitutional limits on freedom of speech.

A special campaign finance problem arises in states where judges are elected, rather than appointed, to their positions. Some states that initially appoint judges later make them stand before the voters in retention elections. An advantage of electing judges is that this builds a degree of accountability into the system. However, some believe that requiring judges to raise money to finance their campaigns compromises judicial independence. For example, studies of judicial elections have shown that the primary contributors to these campaigns are lawyers and law firms.

### Problem 3.5

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- a. Which of the following proposals is closest to your view of campaign finance reform? Explain your reasons.
- The only way to take money out of politics is to have full federal funding of presidential and congressional elections.
  - In a free country with democratic elections, it makes no sense to try to limit how much money voters and candidates can contribute to campaigns. If people have the money and want to spend it on campaigns (either their own or for the candidate of their choice), then they should be able to.
  - We have to balance the rights of those who want to contribute money to campaigns against the need to fight corruption and undue influence in politics. The best way to do this is through disclosure laws: let everyone see who is giving money to candidates. If elected officials favor the special interests that funded their campaigns, the voters can vote them out of office in the next election.
- b. Which of the following is closest to your view of judicial elections? Explain your reasons.
- Money and judicial elections do not mix. Independent commissions should appoint judges. Politics should be taken out of choosing judges.
  - The chief executive—the governor—should nominate judges, and the state legislatures should confirm them. The federal judicial system works this way and should be our model in the states.
  - In a democracy we have to trust the people. Judges should be elected just like other officials.



A Florida delegate supports John Kerry at the 2004 Democratic National Convention in Boston, Massachusetts. *Describe the arguments against campaign finance reform.*

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