

# CHAPTER 3

## Advocacy

*"Never doubt that a small group of thoughtful citizens can change the world. Indeed, it is the only thing that ever has."*

— Margaret Mead



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Community members advocate their cause by publicly expressing their opinions.

In the first two chapters of this unit, you were introduced to law and lawmaking. Now you will move on to learn about advocacy. Chapter 3 addresses one of the most important goals of *Street Law*—promoting positive involvement in public affairs. This chapter will teach you how citizen involvement can influence the lawmaking process.

In our democracy, the people are responsible for making the law, usually through their elected representatives. While voting is, of course, an important obligation of citizenship, an individual's law-making role is much broader than voting. Citizens are responsible for working to change laws that are not helping to solve problems. They are also responsible for working for new laws and policies that address problems in their communities, cities, states, or countries.

### 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 timeline. In order to advocate effectively, you must determine what level or levels of government are responsible for addressing the problem.



High school students all over the country have become effective advocates for a variety of important issues ranging from national issues like violence prevention and homelessness to local concerns such as school attendance 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 representatives or with their representatives in Congress.

For example, high school students concerned about smoking in student bathrooms lobbied to get themselves on their school's safety committee. Once on 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. Then they lobbied their state representative, who was so impressed with the students' 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 in *Action*

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

**D**ivide the class into four groups. Each group should research one of the following proposed laws and answer the questions that follow. The proposed laws would:

- Require everyone under 18 years of age to wear a helmet while riding a bicycle on public property.
- Require a one-week waiting period and a background check for anyone who buys a handgun.
- Require that any teenage driver with less than one year of experience as a licensed driver 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. Sunday through Thursday, and

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

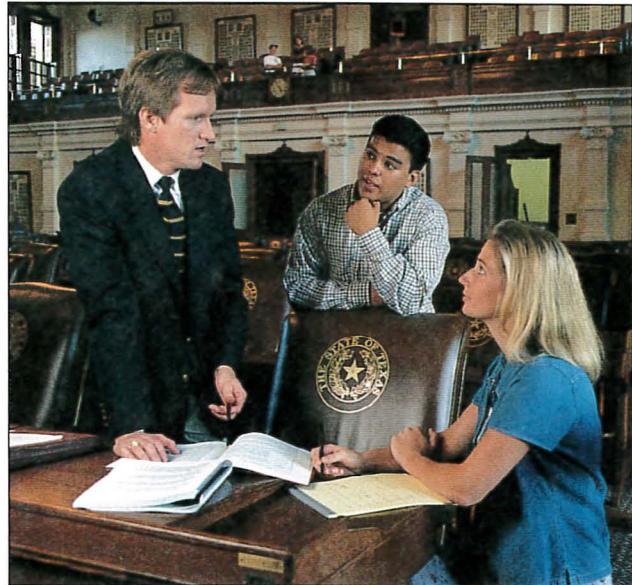
#### **Problem 3.1**

- 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.
- d.** Role-play a meeting between legislators and groups of students who favor and oppose the proposed law. Discuss which lobbyists were effective, which were not, and why.

## Lobbying

**Lobbying** is a way to influence the law-making 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 tries 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 you care about. You can influence elected officials by expressing your opinions individually or as part of a group, either in person or by letter, phone, or e-mail. Lobbyists also use political contributions, ads, favors, letter-writing campaigns, and other techniques to influence legislation.



Texas teens meet with Representative Terry Keel. *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. Tell 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 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 or S. 675).
- **Begin by telling the official why you are writing.** Ask the official to state his or her own position on the issue. Always request a reply, and ask the official to take some kind of definite action (for example, vote for or against the bill).
- **Always put your return address on the letter, sign and date it, and keep a copy, if possible.** Your letter doesn't 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.**

*"A president only tells Congress what they should do. Lobbyists tell 'em what they will do."*

— Will Rogers

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 often have an advantage over grassroots lobbyists because they have more money behind them and they know legislators and their staffs personally. But 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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- Where You Live**
- What special interest, pressure, or lobbying groups exist in your state or community? On behalf of what issues or causes do these groups lobby? What techniques do they use?
- a. Select a current issue that concerns you. Search the Internet to find sites that deal with this issue. What information is available at each site? Does the information seem reliable? How can you tell? Do any of the sites suggest strategies one could use to lobby for the issue?
  - b. Select a current issue that concerns you. Draft a letter about it to a public official. Use the guidelines listed in the Steps to Take box on page 31. For example, you may write to your mayor, city council member, state legislator, or federal 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 system? Conduct a class debate in which opposing groups discuss this issue.



## 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 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 stick to 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, tribal, and local officials.

### Initiative and Referendum

Where You Live

Does your state allow referenda or initiatives? What issues have been on referenda in your state or local elections?

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 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 the majority 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. Most of the states that now have this system adopted it during the first two decades of the twentieth century. Through the initiative process many laws have been proposed 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.



## Campaign Finance Reform

Our 200-year tradition of privately financed elections 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 campaign finance reform legislation.

According to the League of Women Voters, those who support campaign finance reform want to improve methods of financing political campaigns in order to ensure the public's right to know, combat corruption and undue influence, enable candidates to compete more equitably for public office, and 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, candidates have to be rich, be 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 political speech and should be protected by the First Amendment to the

- Senator John McCain (left) and Senator Russ Feingold (far right) hold a news conference after the approval of legislation to reduce the influence of big money in political campaigns.  
*Describe the arguments in support of campaign finance reform. Describe the arguments against it.*



### **FIGURE 3.1 National Voter Turnout in Federal Elections: 1964–2000**

Year	Voting Age Population	Registration	Turnout	% T/O of VAP
1964	114,090,000	73,715,818	70,644,592	61.92%
1966	116,132,000	76,288,283*	56,188,046	48.39%
1968	120,328,186	81,658,180	73,211,875	60.84%
1970	124,498,000	82,496,747**	58,014,338	46.60%
1972	140,776,000	97,328,541	77,718,554	55.21%
1974	146,336,000	96,199,020***	55,943,834	38.23%
1976	152,309,000	105,037,986	81,555,789	53.55%
1978	158,373,000	103,291,265	58,917,938	37.21%
1980	164,597,000	113,043,734	86,515,221	52.56%
1982	169,938,000	110,671,225	67,615,576	39.79%
1984	174,466,000	124,150,614	92,652,680	53.11%
1986	178,566,000	118,399,984	64,991,128	36.40%
1988	182,778,000	126,379,628	91,594,693	50.11%
1990	185,812,000	121,105,630	67,859,189	36.52%
1992	189,529,000	133,821,178	104,405,155	55.09%
1994	193,650,000	130,292,822	75,105,860	38.78%
1996	196,511,000	146,211,960	96,456,345	49.08%
1998	200,929,000	141,850,558	73,117,022	36.39%
2000	205,815,000	156,421,311	105,586,274	51.30%

\* Registrations from IA, KS, MS, MO, NE, and WY not included. Washington, D.C., did not have independent status.

\*\* Registrations from IA and MO not included.

\*\*\* Registrations from IA not included.

### Problem 3.4

Study the table above showing voter turnout in federal elections from 1964 to 2000.

- a. What voting trends do you notice when you compare voter turnout in the years when there was a presidential election to the years where there was no presidential election?
  - b. What voting trends do you notice over time when you look at the voter turnout in presidential elections?
  - c. Have registration figures, as a percentage of the voting age population, changed from 1976 to 2000? If so, how?
  - d. What conclusions can you draw from your analysis of this information?

Sources: Data drawn from Congressional Research Service reports, Election Data Services Inc., and State Election Offices.



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and click on **Textbook  
Update—Chapter 3** for an  
update of the data.

*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



**Where You Live**

Where and how does one register to vote in your area? Is there a residency requirement? If so, what is it? What can people vote for in your area? When and where does one go to vote?

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 1965, some states had barriers such as poll taxes, literacy tests, and character exams that kept millions of people from voting. In 1971, 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 sentence is completed.

According to the Federal Election Commission, 76 percent of the voting age population was registered to vote in 2000, and 67.5 percent of those registered did in fact vote in the presidential election. This means that 51 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 51 percent in 2000. Turnout for congressional elections in non-presidential election years is even lower. Voter turnout in Mexico and Canada are 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.

### Problem 3.3

- a. Make two lists: one of all the reasons given for voting, and another of all the reasons given for not voting.
- b. Are you eligible to vote? If so, have you registered and voted? Why or why not?
- c. The following proposals have been made to encourage more people to vote. Do you favor or oppose each proposal? Explain your answers.
  - Levying a \$20 fine on a person who is eligible to vote but does not do so and has no good excuse.
  - Allowing people to register and vote on the same day.
  - Lowering the voting age to 16 so students in high school could vote.
  - Keeping the polls open for a week instead of one day.
  - Holding all elections on weekends.
  - Reducing people's taxes by \$10 each if they vote.
  - Allowing people to vote not just for representatives, but directly for or against issues on the ballot that they care about.
  - Prohibiting the media from reporting poll results or projections until all polls are closed.
  - Automatically registering everyone with a driver's license.

## Who Can Vote?

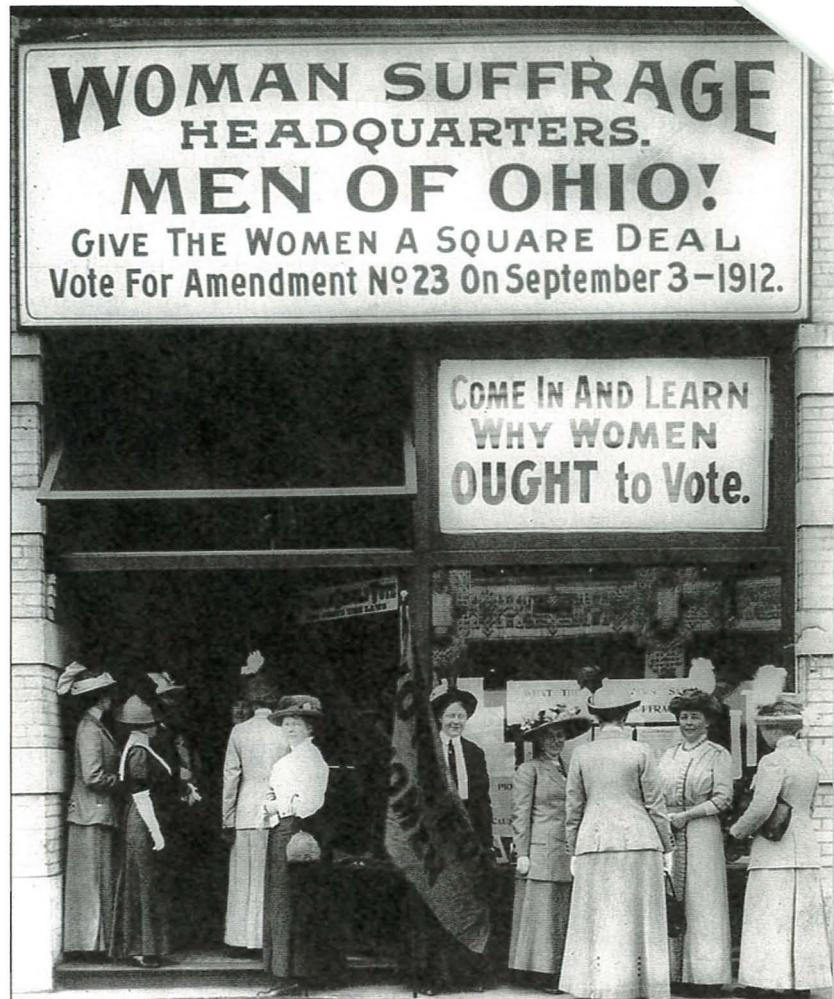
To register to vote, you must be a U.S. citizen by birth or naturalization, at least 18 years old by the date of the election, and a resident of the community in which you register. It is a violation of federal law to falsely claim U.S. citizenship in order to register to vote. You cannot register to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

Registering to vote is easy. 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.

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 non-partisan—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. The League of Women Voters 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, Pilipino, Japanese, Korean, Vietnamese, and Tagalog to encourage registration by language minority groups.

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



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?*

U.S. Constitution. From their perspective it violates a voter's or a candidate's rights to limit the amount of money that can be contributed to a campaign.

Campaign finance laws are complex. During the 1990s large amounts of money were contributed by corporations and labor unions to political parties for the purpose of "party building." Laws during that time already prohibited corporations and labor unions from contributing directly to candidates, and individuals were limited in terms of how much they could contribute. The funds given to political parties were called "soft money." While the original idea behind these funds was to strengthen political parties through voter registration and get-out-the-vote drives, much of the soft money was used to pay for negative ads against candidates of the other party. These negative ads actually discouraged voters and reduced turnout, although they were often effective in terms of the outcome of the election.

Other significant funding outside of existing campaign finance rules occurred through ads that advocated issues such as a clean environment, gun control, and stiffer penalties for criminals rather than specifically for candidates. As long as these ads did not say "vote for," "elect," or "Jones for Congress," the courts viewed them as "issue ads." Unlike express campaign ads, the Federal Election Commission did not regulate the funding for these ads.

After years of discussion, Congress passed and President Bush signed the *Bipartisan Campaign Reform Act of 2002*. Many have referred to this as the McCain-Feingold law because those senators were the primary sponsors of the law in the U.S. Senate. This law was designed to ban the use of soft money in federal campaigns, prohibit certain types of broadcast political ads, and outlaw the solicitation of campaign contributions on federal property. Within a month of the passage of the bill, 84 plaintiffs filed 11 separate lawsuits challenging every provision of the act.

### Problem 3.5

Read each of the statements that follow. Which is closest to your view in terms of campaign finance? Explain your reasoning.

- a. The only way to take money out of politics is to have full federal funding of presidential and congressional elections.
- b. In a free country it makes no sense to try to limit how much voters and candidates can give to elections. If people have the money and want to spend it on campaigns (either their own or for the candidate of their choice), they should be able to.
- c. We have to balance the rights of those that want to contribute money to campaigns against the need to fight corruption and undue influence. The best way to do this is through disclosure laws—let everyone see who is giving money to candidates. If the candidates vote for the special interests that fund them, the voters can then vote that candidate out of office.