

LegiQuest

Examining the Role Interest Groups and Lobbying Play
in Lawmaking



About the Buck Institute for Education

Founded in 1987, the Buck Institute for Education works to expand the effective use of Project Based Learning throughout the world. BIE is a not-for-profit 501(c)3 organization based in Novato, California and is a beneficiary of the Leonard and Beryl Buck Trust. In addition, BIE has received grant support from the Fund for the Improvement of Post Secondary Education (FIPSE), the US Congress Office of Technology Assessment (OTA) and the US Department of Education Dwight D. Eisenhower Professional Development State Grant Program. BIE provides PBL professional development services and curriculum materials to school districts, state departments of education, foundations, and other clients in the United States and abroad

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Foreword

Students learn more when they care about what they are learning. Students understand concepts better if they see how these concepts apply to the world outside of school. Students retain information longer if they are actively engaged in the discussion and demonstration of what they are learning.

Too many American classrooms never utilize these principles. But *Project Based Government (PBG)* is built upon them. It addresses the concepts and content defined by the *National Standards for Civics and Government* from the Center for Civic Education, grades 9–12, and the *Curriculum Standards for Social Studies*, developed by the National Council for the Social Studies for high school, in such a way that the material becomes meaningful and engaging to students. *PBG* reverses the traditional method of “teach the concepts first, then give students the opportunity to apply them.” Instead, *PBG* places students in an interesting scenario with an open-ended problem and asks them to arrive at a justifiable solution using civics concepts. The project thus “pulls” students through the content. The teacher’s role is to clarify, facilitate, and guide rather than “push” unmotivated students toward the learning objectives.

Research has shown project-based curricula to have positive effects on student learning. *PBL* methodology helps teachers build valuable interdisciplinary “21st-century skills” in students, including collaboration, critical thinking/problem-solving, and presentation making. Studies have shown that there are important cognitive benefits with the *PBL* methodology. We have found that *PBG* works well for diverse students in a variety of school settings. Skilled teachers in alternative education programs, continuation high schools, and other settings have reported success with these materials.

These units were developed by the Buck Institute for Education and pilot-tested and critiqued by a group of energetic, insightful teachers throughout California. Although too many teachers have been involved to thank each one by name, we are extremely grateful for their time, insight, and contributions to making these units successful. In addition, there have been a number of university professors, nonprofit organization staff, and school district leaders who have contributed to unit development. We have benefited from their observations and suggestions, and we offer a collective “Thank you!”

Please visit the Interact website (www.teachinteract.com) to find out about professional development offerings and conference presentations.

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Introduction

What Is Project Based Learning?

Project Based Learning (PBL) is an instructional method in which students:

- Engage in a rigorous, extended process of inquiry focused on complex, authentic questions and problems
- Work as independently from the teacher as possible and have some degree of “voice and choice”
- Demonstrate in-depth understanding of academic knowledge and skills
- Build 21st-century skills such as collaboration, presentation, and critical thinking/problem-solving
- Create high-quality products and performances which are presented to a public audience

PBL is often cited as a valuable method by educators promoting differentiated instruction, multiple intelligences theory, learning-styles theory, 21st-century skills, and the “new 3 Rs” of rigor, relevance, and relationships.

In PBL, the project *drives* the curriculum—it provides the structure for teaching and learning. A project is not just an “applied learning activity” that follows a traditionally taught unit of instruction. Nor is it discovery learning in its most basic form, in which students are provided with tools and activities that allow them to “discover” knowledge and skills with minimal guidance from a teacher. Instead, PBL challenges students to solve a problem through the application of content knowledge and collaborative resource-gathering, investigation, discussion, and decision-making.

Each project in *Project Based Government (PBG)* is a complete unit of instruction centered on a scenario that presents students with an engaging, realistic problem with more than one possible reasonable solution. To resolve the problem successfully, students realize they need to understand civics concepts and how government operates. This increases their motivation to learn the curriculum. Coaching students to resolve the problem posed in each unit requires a teacher to weave together a number of instructional components while remaining focused on the civics concepts around which the project is organized.

Phases of a Project Based Government unit: how learning unfolds

Although structured flexibly enough to allow for student discovery and independent learning, all *PBG* projects follow a series of steps or phases. These phases may sometimes overlap, but can generally be defined as follows:

Project launch—the Entry Event

At the start of each *PBG* project, students either receive some type of authentic correspondence or have an authentic experience intended to engage them in the project scenario. The “Entry Event” provokes interest and generates curiosity, leading naturally to the next phase.

Framing the inquiry—Driving Question and Knowledge Inventory

To begin the inquiry and problem-solving process, students as a class analyze their task and write a “Driving Question” that guides the project. The teacher coaches students in the construction of a Driving Question that summarizes the problem to be resolved, which in *PBG* is written according to the model:

How can we, as _____, do _____ so that _____?

The teacher also leads the class through a discussion and recording of knowledge that the students already have (know) and information that they still require (need to know) in order to arrive at an answer to the Driving Question. This process is repeated periodically throughout the lesson.

Problem-solving and learning activities

The project scenario unfolds as students receive additional information about the problem to be solved. Students work in teams to conduct independent investigation and complete project tasks while the teacher provides resources and lessons guided by the students’ “Need-to-Know List.” A Project Log is used to check for student understanding of key civics terms and concepts. The class revises the knowledge inventory periodically and revisits the Driving Question to help stay on track toward a reasonable resolution to the scenario. The teacher monitors students’ progress and watches for “teachable moments” when students recognize their need to know more about civics.

Presentation, assessment, and debrief

The project culminates as students finalize their solution to the problem posed in the scenario. Students prepare authentic products and present them to an audience and/or publicly discuss each group’s work. The

teacher uses a rubric to evaluate the students' work and may also choose to administer a test to assess learning. The last step is to debrief the project with students, discussing both civics content and the process by which it was learned.

Teaching in the PBL environment

Although Project Based Learning is designed to foster active, engaged learning, students do not work completely on their own or exclusively with their peers when addressing the problem presented in a scenario. PBL is most effective when accompanied by *project-based teaching*.

In PBL, the teacher guides students through the process of collaborative problem-solving and the creation of high-quality products and performances. Teachers are an important provider of subject-area knowledge and remain responsible for monitoring and assessing student learning, clarifying content-related concepts and misconceptions, assigning students to work groups, and managing what goes on in the classroom. Although traditional tools such as lectures, homework, and quizzes still have a place in this setting, they are used in the meaningful context of solving a problem. The role of the teacher using PBL is to make learning “inevitable” by carefully managing the learning process and promoting a spirit of inquiry.

Make it a collaborative effort

The timing and extent of a teacher's instructional interventions differ from those used in traditional approaches. Effective teachers in PBL wait for teachable moments, when students are interested and ready to learn, before intervening or providing the necessary content explanations; they present or clarify concepts once students realize they need to understand subject-area content in order to solve the problem. Project Based Learning is most effective when it is a collaborative effort between the teacher and students, with the teacher as the senior partner.

This collaboration begins by engaging students in the problem to be solved. As you launch the unit, it is important not to reveal too much about the problem that students are about to encounter and not to pre-teach the content and take away the motivation to learn that comes after students are “hooked” by the Entry Event. Take the problem seriously. While acknowledging that it is a scenario, point out that the problem is closely modeled on what happens in the real world. Heighten student interest and motivation by emphasizing the important effects their decisions will have (summarized in the “so that” part of the Driving Question written by the class). Model genuine interest and enthusiasm for students to take on the challenge of exploring several possible solutions.

The “teacher-as-coach” metaphor applies as students go about the tasks of conducting research, understanding the problem’s complexities, and preparing to present their solutions. Like a good coach watching athletes practice, the teacher needs to observe, diagnose, and guide without doing students’ work for them. Anticipate some needs before they arise, be prepared to meet them, and watch for new needs as they emerge—but wait until they emerge.

One of the biggest challenges for many teachers is to step back and wait for the “need to know” to arise in students. Instead of answering all questions right away, ask, “How could you find that out?” and offer suggestions and resources for further inquiry. If students get stuck at a certain point, act as a “cognitive coach” by modeling thinking strategies. Offer process-oriented comments such as, “How would I approach that issue/task? Well, I might break it down into steps, or I might want to talk with my group about ____ or make sure I understood _____. Or maybe I’d go back to my Need-to-Know List...”

Build classroom culture

Establishing the classroom culture is also important for successful PBL. Students must know that it is all right to take intellectual risks and offer creative solutions for critiques by their classmates and teacher without fear of ridicule. A healthy spirit of give-and-take needs to be fostered in a PBL classroom, as does the habit of reflection. Both students and teacher need to constantly ask: “What are we learning? How are we learning? And what does it mean?”

Another vital part of classroom culture is collaboration. In PBL students work in small groups, and the key to their success is the ability to work together comfortably and productively. If students are not used to group work, these skills must be taught. If students are not working well together, the teacher needs to know how to intervene and smooth things out. And when students share ideas, ask questions, and present their work, whether it is to their own classmates or a public audience, a serious and respectful tone should be the norm.

Invest in planning

A teacher using PBL should be skilled in planning and organization. Before beginning a unit, make sure to read all instructions and prepare materials carefully, but do not over-plan and feel bound by a predetermined timetable. It is hard to predict exactly how each class will approach a project and what needs will arise. A certain amount of flexibility is required, as is the willingness to let go of some expectations and control. Students may propose solutions that you had not considered, or they may want to explore issues in greater depth and breadth.

A teacher also needs skill in the use of performance-based assessment. This means knowing how to assess skills such as collaboration, communication, and time and task management. You can enhance student development of these skills by providing exemplars, well-written rubrics, and chances to practice with helpful feedback.

Teaching in a PBL environment differs from many traditional classrooms in two other ways. First, it can be noisy. That means a teacher (and his or her school neighbors and administrators) must be willing to accept occasional apparent disorder as the inquiry process at work. Second, a teacher must be willing to personally engage with students in ways other than standing in front of the room, delivering content knowledge as the “sage on the stage.” A degree of intellectual and sometimes emotional connection with individual students is often needed to meet the challenges of PBL.

Teaching Government with Project Based Learning

Project Based Learning (PBL) is an ideal methodology for teaching young people about democratic government and citizenship. Every level of government, and every citizen who affects or is affected by government, solves problems in the course of fulfilling their duties. Governments must raise and spend money, set policies, create laws, and perform services, all while balancing the needs of a complex, changing society. Usually there is no single “right answer” upon which everyone can agree. Citizens voting in elections, communicating with their government, or working in government must solve problems that are complex and open-ended. And the duties of government and citizens are often accomplished in collaboration with others. The skills built by PBL provide good training for what students will need in their lives as members of a democracy.

In *Project Based Government*, students learn how the terms, concepts, and processes described in textbooks apply to the real world. By solving problems rooted in real life, students are able to grasp a fundamental truth about how democracy works—it is “messy.” They see firsthand that each solution to a governmental or political problem almost always has its drawbacks, its winners and losers; that democracy requires debate, disagreement, and ultimately compromise in order to get things done; and that government and politics adapt to changing times that require leaders and citizens to revisit certain basic principles again and again. These themes circulate throughout all the Buck Institute of Education’s *PBG* units. Additionally, the units feature glimpses of ways that students, as future citizens, can take part in the process of governing—including serving on the staff of a political officeholder, working on a campaign team, and joining an organized interest group.

Preparing Students for PBL

Before launching the first *PBG* unit, we recommend introducing students to the concept of Project Based Learning. This can be accomplished with a 45-minute activity: **Can We Believe This?** (included in this book). In this activity students encounter a civics-related situation. As they set about solving the problem, they learn the process for how PBL works. In one class period, they gain experience analyzing an Entry Document, writing a Driving Question, and conducting a Knowledge Inventory—learning how to think and act in different ways than they might be used to in more traditional forms of learning.

The *PBG* units may be taught in a sequence, forming the backbone of an entire semester-long course surveying U.S. government and civics, or more commonly, they may be interspersed with other lessons and activities. By reviewing the *Content Standards* within each unit, and your own state standards documents, you will see that most major standards are addressed

by the *PBG* units. What is not addressed may be taught by adding extensions or exploring topics of particular interest and local emphasis. As you plan the order in which the units will be taught, and determine the prerequisite knowledge students will need, consider the following points about each unit:

A Government for Xlandia

In this unit students are placed in the role of representatives of various democratic nations on a United Nations Task Force. They are asked to advise the leaders of a new nation, just emerging from a dictatorship, about what form of constitutional democracy they ought to build. This unit would be useful near the beginning of a course to provide an overview of constitutional democracy. Alternatively, it could be used near the end of a course to summarize and more deeply reflect upon key points about constitutional democratic government. The unit builds understanding of the basic functions of a constitution, how government power can be limited, and how the U.S. system compares with other democracies. It also asks students to consider the conditions under which democracy takes root and flourishes, and it connects to the study of economics and world history.

The Better Budget

Students in this unit, acting as a focus group for a congressional representative, are asked to recommend cuts in the federal budget, balancing the views of liberals and conservatives about the proper role of government. Teachers find this unit useful near the beginning of the course since it provides actual examples of the basic services and programs funded by government. It also explores the historical and philosophical roots of liberal and conservative ideology, forming a sound basis for discussion of many issues that typically arise in a high school government course.

LegiQuest

In this unit students take the role of lobbyists for an interest group representing young people, investigating ways in which legislation might be steered through Congress. The issues under consideration include school bullying, death penalty, teen steroid use, and gun control. This unit can be used to teach the legislative branch of the federal government. It also touches on the roles of the executive branch, the courts, and the states in enacting public policy. By framing the traditional “how a bill becomes law” lesson in the context of actual issues, and by starting farther back in the law-making process, this unit gives students a deep understanding of the realities of legislation.

Fighting Chance

In the role of first-year associates at a law firm, students are asked to recommend whether their firm ought to take a case heading to the Supreme Court. The case involves a qualified woman who was barred from joining the U.S. Army Special Forces and is challenging the rule as discriminatory based on the right to equal protection guaranteed by the 5th and 14th Amendments. This unit may be taught in the context of the Bill of Rights, and/or as a vehicle for learning about the judicial branch of U.S. government, and the Supreme Court in particular.

On the Campaign Trail

This unit could fit into a course at various points, and it is especially relevant during election years. Students act as media consultants for a local political campaign and must decide how to best “market” a flawed candidate, given local issues and voter characteristics. Ethical dilemmas arise as students learn about the realities of campaigning for office today, providing the teacher and students with an opportunity to critically examine the U.S. election system.

Not In My Backyard

In this unit on local government, students acting as a city manager’s staff must choose the best site for transitional housing for the homeless. They must also defend the city’s policymaking process and balance the demands of various interest groups—learning important lessons about how municipal government works. Since the topic of local government is often neglected, or shoehorned into typical high school government courses, this unit offers a way to teach the content effectively while engaging students with its high-interest topic of homelessness. NIMBY could fit at the beginning, middle, or end of a semester. Some teachers may wish to start a course with the study of local government and/or use this unit to launch an exploration of actual local issues in their community.

What is provided in this unit?

List of Concepts Taught: Each unit provides a list of key concepts students should be learning and provides guidance on how to ensure that they do.

Objectives: Each unit contains a list of objectives outlining what students will learn and experience.

Content Standards: Each unit charts the applied content standards of the *National Standards for Civics and Government* from the Center for Civic Education and *Curriculum Standards for Social Studies*, developed by the National Council for the Social Studies.

Unit Overview: Each unit contains an overview that includes the time required, a summary of the problem to be resolved in a scenario, the civics concepts to be learned, the placement in the curriculum of a typical high school civics course, and the Center for Civics Education standards addressed.

A section on how to teach each unit contains:

- A section of **Student Materials** with all student handout masters.
- A section of **Teacher Materials** with a detailed review of the economic concepts and terminology within the unit, which may be used to guide the preparation of lessons for students, plus a glossary of concept definitions, answer keys for unit assignments, and rubrics for major unit products.
- **Sequence of the Unit**, a quick reference list of each step.
- A **Step-by-Step Teaching Guide**, with detailed instructions about how to manage each step, plus **Resources**, sample **Driving Questions** and **Know/Need-to-Know Lists**, **Content Notes**, prompts for **Project Log** entries, and **Potential Hurdles**.

At various points within each unit, you will see two types of special **Notes to the Teacher** on effective implementation:

Content Notes: The Content Standards section of each unit identifies key concepts students should be learning and provides guidance on how to ensure that they do.

Potential Hurdles indicate certain points during the unit when students might become confused or sidetracked and explain how to help them.

Teaching Strategies for *Project Based Government*

Scaffold learning activities

Students are supported in a variety of ways in the *PBG* units. In addition to “soft scaffolds” such as conversations with a teacher, “hard scaffolds,” such as charts, tables, or worksheets, are provided in each unit to help students learn concepts and organize their ideas. Students practice using civics concepts through oral or written exercises that build knowledge and skills necessary for the culminating task in the unit.

Efficient project-based teaching generally involves selecting content resources for students to use before they embark on solving the problems presented and creating products. These can include civics textbooks, specially prepared handouts, newspaper articles, videos, and online resources. Students should be encouraged to grapple on their own or in small groups with civics concepts and find their own answers to content-related questions as much as possible. Consequently, it is generally best not to assign specific resources but rather to tell students what they can easily access to find the information they need to complete project tasks. It is then up to students and their groups to decide what content resources they are going to pursue.

Provide clarifying lessons at “teachable moments”

PBL is most effective with continual dialogue between the teacher (as a coach) and students. Effective project-based teachers must actively direct students toward the curriculum goals by asking probing questions in class discussions, circulating and listening to discussions in group work, and taking advantage of teachable moments when students are ready to learn. When these moments arise, the teacher has a key role to play in explaining content-related concepts and clarifying misconceptions. The teacher may offer a quick explanation to individuals or small groups, or recognize when all or most of the class needs to be taught something as a whole via direct instruction.

When lectures are given, they should be short (hence the term used in these materials, “*mini-lecture*”) and organized. Limit lectures to the information students need at that point in the problem-solving process. A mini-lecture should be introduced by talking about it as part of the teacher’s role as “coach” for the students’ problem-solving process. It is a good idea to refer to the “Need-to-Know” list and say something like, “Many of you said yesterday that you had questions about _____, so I have some information that will answer those questions.” And, as in all cases when lectures are used, you should use the techniques of good lecturing: engage students by speaking in an interesting style, ask questions, give examples, use visual aids, and pause to have students think, talk, or do some activity.

Use formative assessments

A key part of your job in project-based teaching is to monitor whether students are learning the concepts the project is designed to teach. A variety of formative assessments will help with monitoring, including individual questioning, pop quizzes, checks for understanding with peers, and project logs. Here are strategies for using formative assessment tools:

- Listen to student discussions in small groups or as a whole class, and ask questions to provide a window into students' thinking and reveal confusion or misunderstandings.
- Administer a short pop quiz requiring students to demonstrate their understanding of an economic concept.
- Arrange for peers to check each other's understanding by pairing up to explain an economic concept to another student. Follow this by asking students for a show of hands to report how well they thought they explained and how well they (honestly) thought their partner explained the concept. If this check reveals a knowledge gap or misunderstanding, conduct a short whole-class discussion or mini-lecture to consolidate understanding of the idea or concept.

Project Logs provide a structured way of assessing student understanding and are included in *PBG* units at significant points during the project. You may have students record many things in a Project Log or journal, including notes on the process of learning, comments on how well they or their groups are working, or reflections on content-related topics. Project Logs provide for individual accountability for learning the material and allow you to assess the understanding of each student when students work in groups.

Project Log entries *must be checked soon after they are written* if they are to be used effectively as a diagnostic tool. You need to find out what students do and do not know in order to plan the next day's instruction. Apart from skimming them all, one way to do this quickly is to select a small number of representative samples from a range of students in the class. Or, students could be asked to raise their hands according to how well their entries—or their peer's, if they have swapped and read each other's logs—matched the criteria provided.

Once Project Log entries have been reviewed to assess the degree to which individual students understand the conceptual material being addressed, you can plan further instructional actions such as:

- Talking with the class about the concepts in question by giving another mini-lecture

- Talking with certain students or groups to address their misconceptions and misunderstandings
- Giving additional textbook reading assignments, and/or directing students to online resources and explanations
- Arranging peer teaching between students who are confused about the concept and those who have a solid understanding of it

Manage small-group work

Although the problems posed in project scenarios can be resolved entirely by individuals or entirely through whole-class effort, Project Based Learning is most effective when students are required to work in small groups. Consequently, all *PBG* unit scenarios place students in the role of a team with three to six members. This gives students the opportunity to discuss their ideas and questions with peers and develops the skills of stating a position, listening to others' positions, respectfully disagreeing with others, and collaborating and compromising. There is no always-applicable guidance for forming groups, and you will have to think about your students and decide who works well together. Generally, we encourage teachers to include students with different interests and abilities in the group so that a range of talents and skills can be applied to the project. It is generally *not* a good idea for students to choose their own groups based on friendship alone.

Coaching and monitoring groups is important. Most groups will need some assistance maintaining a task focus. Groups may also need help maintaining a positive attitude or dealing with group members who are not carrying their weight. Although PBL is predicated on students taking charge of their own learning, teachers need to monitor this process continually and pull groups into impromptu conferences when their process bogs down.

Communicate standards of excellence

Rubrics that specify the characteristics of quality work and exemplars of finished products are included in each *PBG* unit. Students should be given the rubric midway through the project, to guide them as they prepare the required major products and performances. Students should not be given the rubric at the same time they receive the Entry Document at the beginning of the project, as part of a "complete packet of materials" for the whole unit. They need some time to define for themselves what they have to learn to resolve the problems posed by the scenario, and receiving the rubric or other materials too soon short-circuits that process.

Manage presentation and critique of answers to the Driving Question

All *PBG* units include the preparation of some sort of tangible product and/or performance to communicate an answer to the Driving Question. Students will need guidance in the preparation of these products, as well as the opportunity to practice and receive feedback on their work as much as possible from their peers and teacher. After students' solutions have been presented, the class should compare and discuss them as explained in the debrief phase of each unit.

Oral presentations to the class or a panel are a valuable component of many *PBG* units. As teachers know well, you're often not really sure if you understand something until you explain it to others. However, managing oral presentations well presents several challenges. Student groups need time to prepare and practice. The expectations for a good oral presentation should be made very clear, including presentation techniques and proper attire, posture, attitude, and group member participation. The rubrics accompanying each unit provide guidance to students on the use of content knowledge as well as oral presentation skills.

To help ensure proper participation by all group members, experienced teachers use several strategies. One is to explain that everyone will be held responsible for understanding all parts of an oral presentation and the visual aids that accompany it—and the rubric and grading criteria will reflect this goal. In addition, groups could be informed that even if they have decided in advance who will say what during the formal part of a presentation, *anyone* may be asked a question about *any part* of the presentation. Or, a teacher could tell students they will be picked at random just before the presentation to deliver various parts of it, thereby putting group members on notice that they each need to be prepared to fully participate.

On the day of presentations, if the number of groups is not too large, there may be time for each group to make a presentation. However, a potential problem with this approach is that groups tend to repeat themselves, and by the time the fourth or fifth group has made its presentation there is very little new left to say, and there are very few new questions to ask the group. Also, students in groups presenting nearer the end may have an advantage by hearing previous presentations. This can be avoided if it is possible to send the rest of the class to the library or another room, or have presenting groups go to another location, so each group can present only to the teacher or panel. If all students need to remain together, give student audience members a task. Have them listen to other presentations and make notes of good points made and good answers to questions, as well as how they might have done it differently. Some classes may be ready to assess their peers' performance, using a rubric or other set of criteria while they observe and listen.

Practice 21st-century skills

To meet the challenges of the changing economy in the United States and across the world, and become participating citizens in a democracy, students need to learn more than basic skills and acquire subject-area knowledge. Accordingly, all *PBG* units provide opportunities for students to learn and practice 21st-century skills, such as collaboration (e.g., working well with others, sharing resources, arriving at consensus), critical thinking (e.g., gathering relevant information, generating and evaluating solutions to problems), and communication (e.g., discussing ideas, writing, making an oral presentation, using technology). You can discuss, teach, and even assess these skills before, during, and at the end of every project.

Establish group and individually based grading procedures

As students usually work together to create the products and/or performance that culminate a project, you may need to assign a single grade for that product, given to all students working in the group. Of course some students—like some adults—will freeload and allow others to do their work for them. Self-reports, combined with group self-evaluation and group leader reports, can provide some information on how much each student may have worked but not how much each has learned. Students will take more responsibility for their learning, and learn more, if they know their content understanding will be assessed individually; so let them know the group product is not the only component of their grade. Instead of relying on one speaker to make a presentation, they should be asked to divide up the task—and be ready for questions about *any* part of it, not just the part they did. But since time is usually short, questioning students during oral presentations can only be a partial assessment strategy. Consequently, teachers may want to create multiple-choice or short-answer tests that can be used to assess individual student understanding at the conclusion of each *PBG* unit. Additionally, or alternatively, you could require students to turn in individual written assignments along with their group-developed product. You will have to work out what is most appropriate for your own grading system, but the fundamental idea holds: Make sure to assess students on their content knowledge individually in addition to any group assessment you conduct.

Allow for several possible “right answers”

Part of what engages students in Project Based Learning is knowing that they can make choices and are not simply “doing what the teacher wants.” All *PBG* unit scenarios are built around problems for which there can be multiple reasonable solutions. There are also solutions that are clearly wrong; not *every* solution will work. Guidance on evaluating reasonable and unreasonable solutions for each unit is offered in the **Step-by-Step Teaching Guide**.

Stay within the project scenario

Since the scenarios are hypothetical, students often want to add details, modify what is known, or otherwise *change* the scenario so that it is easier to resolve the problem presented. Such creativity will sabotage the core purpose of the project—it has been carefully developed as a vehicle to teach specific content. All *PBG* units have been developed in close consultation with U.S. high school teachers. It has been tested in their classrooms and revised based on their feedback to ensure that the project, although enjoyed by most students, does not become merely a “fun activity.” The project has been created to achieve a serious instructional purpose, and deviating from the project scenario’s storyline tends to focus students’ attention on irrelevant or less important learning objectives.

Consider needs of English language learners

Students who are learning to speak, read, and write English can benefit greatly from Project Based Learning, but special scaffolding may be necessary. They may need more time to complete tasks, more vocabulary-building, and more peer-to-peer support. Some of the authentic-sounding documents presented in *PBG* scenarios may contain jargon, slang, or cultural references that will need to be explained. When forming small groups, care should be taken to assign students learning English to teams with supportive and skilled members. Finally, oral presentations may present special challenges—ELL students may be allowed to participate to a lesser extent than other group members and/or be given questions to answer later in writing, rather than “on the spot.”

Can We Believe This?— Sample Lesson

*An Activity to Introduce Students to the
Project Based Learning Methodology*

Overview

In this activity, students are presented with a problem-solving task focused on a potentially misleading public opinion poll that worries a fictitious congressional representative. In the role of a team of summer interns working for the representative, students investigate the facts surrounding the poll, learn about proper polling methods, and recommend a reasonable solution.

Although this activity teaches something about the political system in the United States today, it is primarily designed for another purpose—to demonstrate the instructional methodology of Project Based Learning. It may be used with two groups of participants: high school students in the classroom and their teachers in professional development workshops. The Buck Institute for Education (BIE) has field-tested this activity successfully with both groups. With students, we recommend using it prior to beginning the first unit a teacher has chosen from BIE's *Project Based Government* materials. The instructions below are written with this use in mind. If the activity is to be used with an audience of teachers, they should experience it in a similar manner to the students, in order to best learn how to implement it.

Project Based Learning may be an unfamiliar process for many students and teachers. In this activity, which requires less than a typical class period to complete, students will become familiar with many of the key elements of the methodology as designed by BIE for its government units. Like the *PBG* units, the **Can We Believe This?** Activity begins with a problem-solving scenario (not all projects in PBL begin this way, but it is an effective option). Since Project Based Learning is an inquiry-based process that springs from what students identify they need to know in order to solve the problem, it is important not to “frontload” any information before starting the activity. Do not conduct a discussion, assign reading, or give a lecture about public opinion polling in advance, nor tell students about problem-based learning. It is sufficient to simply explain, “Now we’re going to do an activity that will introduce you to one of the ways we’re going to learn about government in this course.” Then let the first thing students see be the Entry Document, the memorandum that launches the scenario. After the scenario has run its course, the debriefing time is when to discuss the principles and features of Project Based Learning, along with any content-related issues or further work on the topic that the teacher would like.

Project Based Learning has proven effective in teaching content knowledge as well as or better than a traditional lecture/textbook approach. It improves

retention of knowledge and contributes to the acquisition of skills such as collaboration, presentation, and problem-solving. Moreover, it increases student engagement and interest in the subject of civics and government, which is an important building block of democratic citizenship.

Content Standards Addressed

National Standards for Civics and Government:

III.E.2. Public opinion and the behavior of the electorate.

Explain how public opinion is measured, used in public debate, and can sometimes be manipulated

Materials Needed

- One copy for each student or pair of students of the Entry Document, the memo from Congressional Representative Gina Amadeo
- One copy for each student or pair of students of the handout, "What Makes a Poll Believable?"
- Chart paper, overhead transparency, or whiteboard/chalkboard

Procedure

40–50 minutes

1. **Read the Entry Document aloud as a whole class** (memo from Gina Amadeo)
2. **Write an initial "Driving Question"** as a whole class (recorded on an overhead, chart paper, or board)

Sample:

How can we, as summer interns for Representative Gina Amadeo, find out if we can believe the results of this poll so that we can decide how to respond and help the reelection campaign?

3. **Write a list of "What We Know" as a whole class** (recorded on an overhead, chart paper, or board)

Sample:

- We are summer interns for congressional representative Gina Amadeo
- There was an item in a newspaper column about a poll saying that 80% of the people in the district believe the voting age should be raised to 20



Whole class

- The columnist is Chris Blair
- The poll results have Ms. Amadeo worried about reelection
- The last election was close, and 18–19-year-old voters gave Ms. Amadeo strong support
- We need to tell her if these numbers are believable
- We need to tell her what we think she should do about it

4. Write a list of “What We Need to Know” as a whole class (recorded on an overhead, chart paper, or board)

Sample:

- What is a Congressional Representative?
 - What is a poll?
 - Does Blair think the voting age should be raised?
 - Who did the reporter talk to, exactly?
 - How many people did s/he talk to, when and where?
 - What makes poll results believable? **
 - What political party does Amadeo belong to?
 - What party does Blair belong to?
 - How soon is the election?
 - Where is this district and what is it like?
 - How many 18–19 year olds voted for Amadeo in the last election?
- Discuss what resources could provide answers to our “Need to Know” questions. For example, some answers could be found in textbooks or be given by a teacher, some could be researched elsewhere, and some might need to come from actually talking to people.
 - Answer briefly any questions about terminology that students might need to know before moving on, such as what a congressional representative is.
 - Distribute the “What Makes a Poll Believable?” handout for students to read, explaining that it will answer some of their “Need to Know” questions. Discuss the handout if necessary for clarification.

5. Revisit “Know/Need to Know” Lists as a whole class Point out that we now have more information that can help us solve the problem; you may add items from the “What Makes a Poll Believable?” handout to the “Know” list if it helps students stay focused

Important!

** Elicit this or something like it from students.



6. Ask the class: How else can we find out what we need to know?

Answer: Talk to Blair ("Well, we can! You're going to be able to have a phone conference call...")

7. Students take 2–3 minutes to plan questions to ask Blair, working in pairs or small groups

8. **Students have a "live conference call" with Chris Blair and ask questions.** Blair is reluctant to talk, but eventually reveals details about the poll (for suggested responses to questions see, "Guidelines for Conducting the 'Live Phone Interview' and Playing Chris Blair" in these materials)

9. Revise Driving Question as a whole class

Sample:

How can we, as summer interns for Representative Gina Amadeo, respond to the fact that the results of this poll should not be believed so that we can help the reelection campaign?

10. Wrap-up: whole-class discussion; students suggest solutions to the problem

Sample of possible solutions:

- Issue a press release or write a letter to the editor to explain why Blair was wrong
- Ask the editor to write a retraction or at least reprimand Blair
- Ignore it—don't give it more publicity
- Conduct our own poll and publicize the results

11. Debrief: discuss what this activity demonstrates about Project Based Learning (PBL):

- There is no single **right** answer to this problem—it is "open-ended"—but there are **wrong** answers. For example, agreeing with Blair about the poll would not be supportable by evidence.
- **It is important to be persistent.** During the "phone call," encourage students to find different ways to ask Blair the same question. During the debriefing, point out that persistence is an important "habit of mind" for Project Based Learning.



Pairs

or



Small group



Whole class

- ***Frustration is OK—it is an important part of PBL.*** Ask students if they were frustrated at any time during the process. This often leads to a discussion of how students become frustrated during research assignments when they cannot find the answers easily. Just as BIE trainers do during this exercise, teachers in the classroom should allow for some frustration but should also offer coaching if students are getting too far off track. Focus students back on the “Need to Know” list when they are having difficulty thinking of questions to ask Blair.
- ***The “Driving Question” and the “Know/Need to Know” lists are important tools*** for keeping on task and focused on the problem as it evolves.
- ***Good PBL gets students to ask questions about content.*** It often helps to write down questions as they come up and have students investigate, rather than give students the answers too quickly. Having students ask questions demonstrates that they are open to learning, and it can lead to “teachable moments.” In this activity, the information on scientific polling methods was handed out, but it could have easily been researched by students if there was more time. Additional assignments about the role of public opinion polling in American politics may be given after this activity has sparked students’ interest.
- ***New information leads to shifts in perspective—and new questions.*** For example, learning that Blair has used unscientific polling methods creates a major shift in the way students think about the problem, and new “Need to Knows” could be identified.
- ***Decisions are often made under conditions of uncertainty.*** Just like people in the real world, students do not always have complete information on which to base decisions. Some of the items on the “Need to Know” list in the “Can We Believe This?” activity may not be answered, but that doesn’t mean solutions to the problem can’t be proposed.

Guidelines for Conducting the “Live” Phone Interview and Playing Chris Blair

- The role of Chris Blair may be played by a male or female—the teacher, another adult, or a competent student who has been rehearsed.
- Since this should be a mock phone interview, block the students’ view of Chris Blair if possible (by standing behind a partition, turning his/her back, etc.), so facial expressions cannot be seen. If the teacher plays the role and is not facing the class, it may be necessary to appoint a student facilitator who calls on other students to ask questions.
- The first student to speak on the “conference call” should introduce the group and state why they are calling, using proper phone manners.
- Blair should be reluctant to provide information at first. He should avoid admitting details of his polling process by saying things like:
 - “I write a weekly column of anecdotes, opinions, and local news items for the ‘City Gazette,’ which is the biggest daily paper in the district”
 - “I’d rather not discuss details of how I write my column—journalists have the right to privacy, you know”
 - “How about you write me a letter or send me an email—I’m pretty busy right now”
 - “I see where your questions are heading, and please understand I have nothing against young people”
 - “What do you want me to do, hire an expensive polling organization?”
 - “Before I answer that, let *me* ask *you*—why are you so concerned about this anyway? Is Representative Amadeo that worried about reelection?”
 - “I have no particular opinions on this issue—just heard some talk, you know, and thought it might be interesting to take a poll...”
 - “What, do you think I’m out to get Ms. Amadeo? Why would you think that?”
 - “I asked a lot of people”
 - “They were from all walks of life—a real cross-section”
 - “I just asked them what they thought about raising the voting age”
- After 4–5 minutes of questioning and mounting frustration among students, Blair should eventually provide information about how the poll was conducted, but remain defensive until ending the call.

Details about the poll to eventually reveal:

- I talked to about 40 people
- I asked them at a mall in a new suburban area, from 3:30–5:00 on a Monday afternoon
- I didn’t ask them any other questions, including where they lived or voted
- I asked people of all ages, down to about age 14, but didn’t note how many of each
- I didn’t keep track of the people’s education level, whether they have voted in the past, their race, sex, employment, or anything else (“But it was a variety of people, I could tell!”)
- I told them I was with the newspaper and did not try to hide my opinion by my tone of voice or facial expressions (“Oh, I’m sure they could tell how I felt about this!”)
- My exact question was, *“If you knew that 18- and 19-year-olds want to lower the driving age to 14 and do away with laws requiring attendance in high school, would you want the voting age to be raised to 20?”*

Memo from Representative Gina Amadeo



HONORABLE GINA AMADEO

To: My summer interns
From: Congressional Representative Gina Amadeo
Subject: Troublesome poll results

Did you see Chris Blair's column in yesterday's paper? It said, "According to a poll I took, over 80% of the people in our district believe the voting age should be raised to 20."

If this is true, it's going to have a serious effect on my reelection campaign. In the last election, which was a close race, I got strong support from 18–19-year-old voters, so this has me worried! How am I going to support their right to vote without angering the "80%" who believe the voting age should be raised to 20? I can't afford to anger either of these groups.

I want to know—can we believe Blair's poll? Then tell me what you think we should do!

What Makes a Poll Believable?

A “public opinion poll” is a way to collect information about public opinion by asking people questions. The most accurate, or “valid,” polls are based on the following scientific polling methods:

1. The sample of people polled is representative of the total population of voters in the city, district, state, or other group that is of interest.
 - For example, imagine a high school principal wanted to know how many parents in a school of over 1000 students supported a schedule change. The principal would have to report the results from a percentage of parents of students from each grade level, each ethnic group, each academic achievement level, and so on, *in proportion to* the percentage of these students in the whole school.
 - The principal should also be sure to only ask parents and *not* other members of the community.
2. The sample of people polled is **random**—they have not been selected because they are a certain type or have certain opinions.
 - For example, the high school principal should not ask *only* those parents who come to football games.
3. The number of people polled must be **large enough**.
 - For example, the high school principal would need to ask *more* than 10 parents out of 1000.
4. The questions must be **worded carefully** so people aren’t influenced one way or another.
 - For example, the high school principal should not word the question, “If you knew it would totally disrupt sports and extracurricular activities, and possibly lower test scores, would you support the small group of people who want to change the school schedule?”
5. The **way** in which the question is asked must be **controlled** or “neutral”.
 - For example, if the high school principal asked people their opinion when meeting them at Back-to-School Night, she would need to be sure her tone of voice, facial expressions, and body language did *not* influence people.

LegiQuest

Purpose and Overview

Purpose and Rationale

This unit is designed to teach students about the legislative process at the state and federal levels. In a representative system of government, we expect Congress to create laws that serve the common good—that is, laws which respond to public concerns and solve national problems. However, people have different visions of the common good and conflicting solutions to national problems. As a result, part of the legislative process includes active citizens who gather collectively around specific concerns and lobby Congress for the passage of laws that implement their vision and favored solutions.

Being a citizen in a democracy means more than voting. It also means participating in the legislative process as a concerned and active citizen. Interest groups advocate for what they envision to be the common good. Through this process, Congress determines what will serve the public—and what public will be served. This level of participation among various interest groups is essential to a healthy democracy. Without it, decisions would lack public input.

However, it often means that competing groups lobby for laws that set one group of citizens against another. It is important for students to recognize that this tension over competing solutions is resolved through research, debate, and compromise. Students may resist the process because there are no easy compromises and the system is contentious and messy. Students may also feel that some groups, especially the young, are naturally outside the process. In the pilot testing of this unit, we found that many high school students thought it was unrealistic for students to form a lobbying group and pursue legislative reform on issues that directly affected them. *LegiQuest* enables students to learn that critical decisions directly affecting their lives are often made without their input. They also learn that political tools are available to them, and they have a legitimate right to use these tools to bring about public policy changes. We expect students, once they have completed this unit, to be less intimidated by the system and more willing to participate in it.

Unit Overview

Using the project-based learning approach, students will explore (a) how groups of citizens, using organized interest groups, pursue their political goals, and (b) how this process leads to the formulation of state and federal legislation designed to accommodate these groups. The study of the legislative process—how a bill becomes law—is central to this unit.

Purpose and Overview

There are two distinct parts to this unit. In the first part, students playing the role of researchers for a student interest group receive a memo instructing them to research and report on a controversial issue that is of concern to the interest group. (We include background material for four issues: school bullying, death penalty, teen steroid use, and gun control.) As researchers, students are expected to answer questions about the issue and offer their opinion as to what stand the interest group should take. Students are introduced to a report about medical marijuana that serves as the prototype for the report they must prepare. The medical marijuana report is an example, or template. The teacher is expected to walk students through this example. This gives students a feel for the type of report they will be expected to prepare for school bullying, death penalty, teen steroid use, or gun control.

Students are broken into four groups, with each group tackling one of the four issues: school bullying, death penalty, teen steroid use, and gun control. Each of the four issue groups is broken in half—one half taking the pro side of the issue, the other half taking the con side. Researchers present the pro and con sides to the interest group representative and the class in an open forum. At the end of this debate, as a culminating activity, the class is asked to vote on which side is most convincing.

In the second part of the unit, students are lobbyists for the interest group. They must propose a bill and get it through Congress. Students receive a letter from the interest group explaining that they are now taking on the role of lobbyists for the organization. As lobbyists, students are asked to present an explanation of possible legislation they could propose and the most likely scenario for its passage. They must decide whether the legislation should be presented to the House or Senate, what groups will likely support the bill, and what the President is likely to do about the bill. Again, students are presented with a prototype about medical marijuana as an example of the report they must prepare. The teacher walks students through the medical marijuana prototype before they begin their lobbying work on school bullying, death penalty, teen steroid use, and gun control. If the class is only doing the second part of the unit, each of the four issue groups is broken in half—one half taking the pro side to the issue and the other half taking the con side. If students have completed the first half of the unit, the issue groups will take the side that won the debate (the culminating activity mentioned above).

After completing the report, the lobbying groups are informed by the new acting director of the interest group that its membership is growing frustrated by the lack of progress in getting its legislation passed. The lobbyists are expected to offer possible state-level action or court action that may have more immediate effects than federal legislation. This presentation will be given at a meeting of the interest group governing board and serves as the final evaluation portion of the unit.

It is possible to use the lobbyist/lawmaking portion of the unit without using the research portion of the unit. Teachers have the flexibility of giving students the research information provided for the first part of the unit and thus can bypass the research and debate and focus strictly on the role interest groups and lobbyists play in lawmaking. However, by including the research portion, students have a richer sense of the role interest groups play in researching and crafting public policy, giving them more opportunities to develop citizenship action skills.

Time Required

9–11 class periods

First Part: 4 to 5 days (45-minute to 60-minute class period)

Second Part: 5 to 6 days (45-minute to 60-minute class period)

Placement in Curriculum

This unit is designed to teach students about how a bill becomes law and how interest groups participate in and impact this process. *LegiQuest* teaches students about the roles of Congress, the President, and the courts in the legislative process. It can be used at the beginning of the course to introduce the functions and branches of government. It is helpful to begin the unit with a basic review of the three branches of government and the function of each branch. It is also possible to use this unit after an introductory unit on the fundamental principles of democracy, including such essential democratic documents as the Constitution and its amendments. The tables under **Content Standards** show the standards addressed by this unit.

Concepts to be Learned

LegiQuest is designed to teach the following concepts:

- Cloture
- Committee System
- Concurrent Powers
- Filibuster
- Judicial Review
- Initiative and Referendum
- Interest Groups
- Iron Triangle
- Lawmaking
- Legislative Power

- Lobbying
- Political Action Committee (PAC)
- Public Policy
- Veto
- Veto Override

Teachers can also cover the following concepts using this unit:

- Bicameral Legislature
- Divided Government
- Free Rider Problem
- Legislative Supremacy
- Line-item Veto
- Oversight
- Poison Pill
- Regulatory Policy
- Rider
- Seniority System
- System of Checks and Balances

Objectives

By participating in this unit, students will:

- Understand the role citizens and citizen groups play in lawmaking
- Develop citizen-action skills
- Demonstrate an understanding of the legislative process
- Identify the factors that contribute to the successful creation of public policy
- Understand the interplay between the formal legislative process and the impact of interest groups (the informal process)
- Recognize the advantages and disadvantages of a cumbersome legislative process
- Recognize effective approaches to lobbying

- Learn how groups find areas of compromise
- Identify the legislative and judicial alternatives for solving public problems
- Develop public speaking and presentation skills and the ability to advocate in a public forum
- Understand that, as students and adolescents, they have access to the legislative process
- Realize that the methods for setting public policy in a representative democracy are subject to much debate
- Read, write, listen, and make oral presentations more effectively

Content Standards

The process used for the consideration and passage of laws includes constant communication between congressional representatives and constituents, and complex strategizing by both groups. This content, which is central to *LegiQuest*, addresses the following National Standards for Civics and Government, Center for Civic Education, 1994, for grades 9 through 12.

Standard Concept

I.A.	Definition and Purpose of Government	X
II.B	Distinctive American Characteristics	*
II.C.	American Political Culture	*
III.B.	Organization of the National Government	X
III.C.	Organization of State and Local Governments	X
III.D.	The Rule of Law	*
III.E.	Choice and Opportunity for Participation	X

X = a standard that is address in this curriculum

* = a standard that could be addressed in this curriculum

LegiQuest addresses the following Curriculum Standards for Social Studies, developed by the National Council for the Social Studies, 1994, for high school.

Standard Concept

VI.	Power, Authority, and Governance	
	The Purpose of Government	X
	Mechanisms Used to Balance Competing Needs and Wants	X
	Applying Political Science Theories to Issues and Problems	X
X	Civic Ideals and Practices	
	Citizens' Rights and Responsibilities	*
	Evaluating Selected Public Issues	*
	Forms of Civic Participation	X
	Influence of Forms of Participation on Public Policy	X

X = a standard that is address in this curriculum

* = a standard that could be addressed in this curriculum

LegiQuest addresses the following 21st Century Learning Skills, developed by the Partnership for 21st Century Skills.

Standard Concept

2	Learning and Innovation Skills	
2A	Creativity and Innovation	
	Think Creatively	X
	Work Creatively with Others	X
	Implement Innovations	X
2B	Critical Thinking and Problem Solving	
	Reason Effectively	X
	Use Systems Thinking	*
	Make Judgments and Decisions	X

	Solve Problems	X
2C	Communication and Collaboration	
	Communicate Clearly	X
	Collaborate with Others	X
3	Information, Media, and Technology Skills	
3A	Information Literacy	
	Access and Evaluate Information	X
	Use and Manage Information	X
3B	Media Literacy	
	Analyze Media	*
3C	ITC Literacy	
	Apply technology	X
4	Life and Career Skills	
4A	Flexibility and Adaptability	X
	Adapt to Change	X
	Be Flexible	X
4B	Initiative and Self-Direction	
	Manage Goals and Time	X
	Work Independently	X
	Be Self-Directed Learners	X
4C	Social and Cross-Cultural Skills	
	Interact Effectively with Others	X
	Work Effectively in Diverse Teams	X
4D	Productivity and Accountability	
	Manage Projects	X

	Produce Results	X
4E	Leadership and Responsibility	
	Guide and Lead Others	X
	Be Responsibility to Others	X

Resources

Resources are distributed to the students at different points in the problem. (See The Sequence of the Unit for one example.)

*All handouts may be found in **Student Materials**.*

Assessment guidelines for evaluating student performance can be found in the Teacher Materials:

- A rubric for the debate
- A rubric for the lobbying group presentations and answers to questions from the CSA board

Lesson Materials

Because project-based learning is grounded in constructivist learning, several “teachable moments” will rise when students readily see a need to know particular concepts or a specific government process or policy. During these moments, teachers can use several techniques to teach concepts, process, or policy. For this purpose, lesson materials are included so that traditional lectures can be used to provide information on more difficult subject matter. Alternatively, a Socratic method could be used in which the teacher uses questioning strategies to guide students toward knowledge and understanding.

In this unit we have included lesson materials in the following areas for potential mini-lectures:

- Interest Groups
 - General Overview
 - Types of Interest Groups
 - Interest Group Activities
 - Political Action Committees
 - Federal Election Campaign Act
 - The Skateboarding Example

- How a Bill Becomes Law
 - A Simple Version
 - A Moderately Complex Version
 - A Complex Version
- What Is the Iron Triangle?
- What Is a Lobbyist and What Are Lobbying Strategies?
- What Are the Alternatives to Federal Legislation?
- How Will the Conflict Over Concurrent Powers Affect Our Strategy?

*Lesson materials for mini-lectures may be found in the **Teacher Materials**.*

Resources Include:

- Memo from Richard Barley, director of the Council of Student Advocates (CSA)
- Prototype report on the legal status of medical marijuana
- Overview, research resources, and questions about the death penalty
- Overview, research resources, and questions about teen steroid use
- Overview, research resources, and questions about school bullying
- Overview, research resources, and questions about gun control
- Instructions from Richard Barley regarding suggested legislative action
- Prototype report with legislation for preventing legalization of medical marijuana
- Prototype report with legislation for legalizing medical marijuana
- Legislative process and questions for the death penalty
- Legislative process and questions for teen steroid use
- Legislative process and questions for school bullying
- Legislative process and questions for gun control
- Instructions from the acting director of the CSA for the presentation to the council board
- Classroom textbook
- Websites

The Sequence of the Unit

Because project-based learning depends to a great extent on how a particular group of students goes about the task of constructing knowledge from real-world applications, the sequence of learning will differ in each class. As a result, it is virtually impossible to describe the exact unfolding of this project, even though it has been tested on several occasions.

What follows is an example of the sequence of the project during one class using the full first part of the unit and the second part. Each instructional activity is discussed in more detail in the following section, the **Step-by-Step Teaching Guide**. The **bolded** phrases are cross-referenced to the steps in the guide.

Pre-project planning

0. Prepare for a successful project implementation

Launching the project

1. Discuss the first **memo from Richard Barley** with the whole class

Framing the Inquiry

2. Develop the **initial “Know” list** with the whole class
3. Develop the **initial Driving Question** with the whole class
4. Develop the **initial “Need to Know” lists** with the whole class

Problem-solving and learning activities

5. Undertake **mini-lecture on interest groups**
6. Have students make **initial Project Log entry**
7. Discuss the **prototype report** on the legal status of medical marijuana
8. Form students into **research groups**
9. **Assign an issue** (school bullying, death penalty, teen steroid use, and gun control) to each group
10. **Review the second resource**, the overview, research resources, and questions for each issue
11. Assign **pro and con subgroups**
12. Have research groups **write a report** responding to CSA questions
13. **Second-part-only entry** into the unit

14. Have research groups **present findings and debate proposal**
15. Determine **most persuasive stance**
16. Have students make **second Project Log entry**
17. Discuss the **second memo** from Richard Barley
18. **Revise the Driving Question** with the whole class
19. **Revise the Know/Need to Know** with the whole class
20. Undertake **mini-lecture** on lobbying
21. Discuss the **pro and con prototype reports** for medical marijuana
22. **Revise the Know/Need to Know** with the whole class
23. Undertake **mini-lecture on how a bill becomes law**
24. Review the **legislative process** and questions for each issue
25. Undertake **mini-lecture on alternatives to federal legislation**
26. **Jigsaw students** in each group to answer questions
27. **Optional: mini-lecture** on the Iron Triangle
28. Have students in their lobbying groups **write second report** responding to CSA questions
29. Have students **make final Project Log entry**
30. Have lobbying groups **present a summary report** to the whole class
31. Discuss **instructions from Barbara Wilson** for the presentation to the CSA board
32. **Finalize Driving Question** with the whole class
33. Revisit information on **alternatives to federal legislation**

Presentations, Assessment, and Debrief

- 34.** Have lobbying groups give **presentations** and take questions from the CSA board
- 35.** Use **assessment tools** to grade presentations and answers to CSA board questions
- 36.** **Wrap-up and debrief** with the whole class
- 37.** Use supplied rubric to assess Oral Presentations
- 38.** Wrap-up and debrief
- 39.** Manage student reflection on the 21st century skills practiced and the process of learning in PBL
- 40.** Multiple-Choice Test to assess individual students' knowledge of key political concepts
- 41.** Make notes or adjustments to the unit to improve student learning for the next time the unit is taught

Step-by-Step Teaching Guide

The above instructional activities are discussed in more depth below, with tips for successful classroom implementation.

Pre-project planning

0. Prepare for successful project implementation.

There are a number of issues that must be considered before embarking on a project with students. These include:

- How much time will be devoted to the project?
- What content resources need to be prepared in advance (textbooks, articles, websites, etc.)?
- Do all students have the skills they need to tackle the project—including basic literacy skills as well as the ability to work in teams, make presentations, and conduct research? If not, is it necessary to pre-teach some of these skills, make sure students who need it have adequate support, or deal with these challenges in other ways?
- How will student groups be formed? (*See comments in “Teaching Strategies.”*)
- How will groups report on their progress and be held accountable? Do report forms or other tools need to be developed?
- Is it necessary to arrange access to the library/media center or computer lab?
- Do parents or administrators need to be informed about the process of Project Based Learning and be assured that time spent on the project is focused on standards-specific learning goals?

In addition to considering the above issues, be sure student handouts and clarifying lesson/mini-lecture materials are ready—or at least underway. Finally, **decide if the culminating product will be done as a small group, in pairs, or individually.** This will affect how you present the task to students, use time, and assess their learning.

Launching the Project

Meet with the whole class and inform them that in this activity there are two distinct parts. In the first part, students play the role of researchers for a student interest group. Students will work in small groups exploring one of four issues from either a supportive or opposing viewpoint. As researchers, students are expected to present their case and answer questions about the issue and offer their opinion as to what stand the interest group should take. At the end of the debate, the class is asked to vote on which side is most convincing.



Whole class

Memo from
Richard Barley



Teaching tip

Use the entry document on page 86 if you bypass the research portion of the unit



In the second part of the unit, students are lobbyists for the interest group. They must propose a bill and get it through Congress.

Entry Point:

1. Students read a memo from Director Richard Barley

Students playing the role of researchers (Part 1 of the activity) are given a copy of a memo addressed to the Research Staff from Richard Barley, Director of the Council of Student Advocates (CSA). For classes only doing the second part of the activity, they are given a copy of the memo addressed to Chief Lobbyists. The CSA membership is interested in “hot” issues that may require the organization to take a position and possibly pursue legislative action. The researchers are asked to review the laws and court cases surrounding these issues and to offer suggestions on the position CSA should take. This position is to be based upon the CSA mission statement, which is included as a sidebar on the memo from Barley. (The mission statement is intentionally vague so that either the pro or con point of view can be approved by CSA.) Students only playing the role of lobbyists are asked to review the information and make recommendations. Students are told by Barley that they will receive copies of a “problem overview” describing the issues, along with copies of the questions CSA members would like answered.

Framing the inquiry:

2. Students develop the Initial “Know” list in whole class discussion.

The first step in answering the question is to assess what students know about the problem posed in the **Entry Document**. This can be done as a class by creating a “What We Know” list on chart paper, an overhead transparency, or by using a computer projector. In answering the question, students assess what they know about the problem. The “Know/Need to Know” inventory will differ for each class because students are struggling to identify the knowledge they have and define the body of knowledge they do not have. Students should be coached to identify all of the information the memo from Barley provides. Ask students to carefully review the entry document and offer items for the list, making sure to only record what is actually stated in the text and not what might be inferred.

Examples of statements that might appear on the initial know list follow. Remember that every class will produce a different list, and every idea should be put on the board. Sometimes the seemingly strange ideas that come from a “What We Know” discussion result in some of the most creative approaches to the problem’s solution.

Initial
Know List



Whole class

What do we know?

- CSA works with state and national government to create public policy
- CSA represents the interests of high school students
- CSA advocates improvements in education, justice, technology, and social welfare
- We need to take positions and write reports
- CSA wants us to research previous laws and cases on these issues
- These are controversial issues
- We will receive problem overviews and the questions we need to answer
- Richard Barley is the director
- We will have to take a position
- CSA is a new organization
- CSA wants to show that high school students have a place in politics
- CSA wants high school students to be taken seriously as political participants

3. Students develop the initial Driving Questions in whole class discussion.

After discussing the entry document with the students, have them draft a tentative Driving Question. Students should be prompted to start this process by filling specific information into the general Driving Question form:

How can we, as _____, do _____ so that _____?

The initial Driving Question may be far from the Driving Question that will emerge as students think about and work with the problem. This is expected. The Driving Question will evolve as students gain more insight and knowledge about the problem and its underlying issues. Remember, the problem is intentionally ill-defined so that the students must grapple with issues and concepts. It is this continual struggle that builds knowledge. The initial question may look something like:

How can we, as researchers for CSA, review previous laws and court cases and answer questions about the issue so that we can recommend a position that will support the mission of CSA?



Initial Driving Question



Whole class

Initial "Need-to-Know" List



Whole class

If students want to include references to the CSA mission statement in the "so that" section, they should be encouraged to do so. Remember, for now it is fine to keep the Driving Question ill-defined or off-target. The Driving Question will become more refined, or perhaps change entirely, as the unit unfolds.

4. Students develop the initial "Need to Know" list in whole class discussion.

The next step in this process is to coach students to identify information they need to know in order to provide a solution to the Driving Question. Again, being careful that students pay close attention to all parts of the Entry Document, create a class list of "What We Need to Know." If students are missing a key piece of information about the problem, the content, or their task, ask questions to elicit items for the list.

Without a doubt, students will suggest things they need to know that, in reality, they do not need to know. Now is not the time to filter these questions out of the process. Allow students to see their irrelevance once additional information is discovered.

The knowledge inventory will differ for each class because students struggle with identifying the knowledge they have and defining the body of knowledge they do not have. An example of the type of items that might appear on the initial "Know/Need to Know" list follows. Remember that every class will produce a different list and every idea should be put on the board. Sometimes the seemingly strange ideas that come from a "Know/Need to Know" discussion result in some of the most creative approaches to the problem's solution.

What do we need to know?

- What is CSA's position on issues?
- What are the controversial issues?
- Who is Richard Barley?
- How successful has CSA been in the past?
- How much money has CSA allocated to this project?
- Will we get more specifics on the issues?
- What cases or laws are we to research?
- What questions need to be answered?
- What will be the effects of our decisions?

Teachable Moments and Dialogues

Project-based learning is most effective when there is continual dialogue between the teacher (as a coach) and students. When students are left to discover knowledge or problem solutions on their own, without teacher coaching, lectures, or use of project logs, they may flounder or stray off-track. To prevent this, teachers must actively direct students toward the curriculum goals by posing probing questions in class discussions, providing lectures, circulating and listening to discussions in group work, and evaluating the project log with meaningful, useful comments. Teachers may take advantage of teachable moments by giving mini-lectures using the lesson materials provided with this unit.

The lesson materials provided in the Teacher Materials section are meant for teachers to supplement their knowledge of the subject. It is not mandatory to use the lecture material. Much of this material can be used as needed or if questions arise that require a mini-lecture.

5. Undertake the mini-lecture on interest groups

The mini-lecture on interest groups can be used to help students understand the role, function, and purpose of interest groups. Interest groups take many forms and represent many competing points of view. It is important for students to understand that Congress depends on interest groups for more than campaign funds. This is shown in the Teacher Materials section.

Potential Hurdle: Students sometimes move quickly from a discussion about the function and purpose of interest groups to the principles of the iron triangle. An optional mini-lecture on this topic is included in the Teacher Materials and can be used at this time if appropriate and timely.

*Lesson materials for mini-lectures may be found in the **Teacher Materials**.*

6. The Project Log

Throughout the project, each student will keep a project log which will help the student and teacher follow construction of the student's knowledge. To ensure that students stay focused on the underlying political issues, and understand the content, the log should be checked periodically by the teacher. The log can also serve as an important assessment of how students or groups use problem-solving skills, develop new questions or "Need to Know" items, manage time and tasks, and work together as a team.

The project log can be introduced after the class is familiar with the role they are playing in the project. At this point, students should be asked to start their project logs by brainstorming the advantages and disadvantages of having interest groups participate in the process of lawmaking.



Undertake Mini-lecture on interest groups



Whole class



Potential Hurdle

Students sometimes move quickly from a discussion about the function and purpose of interest groups to the principles of the iron triangle.



The Project Log



Individual

Potential Question

A lot of the most effective work an interest group does happens before a bill ever gets to the floor for a vote. What kind of work does this include?



Prototype
Report



Potential Question to Ask: A lot of the most effective work an interest group does happens before a bill ever gets to the floor for a vote. What kind of work does this include?

Research and Resources

7. Discuss the Prototype Report

The first resource students receive is the report on the legal status of medical marijuana. This is not one of the issues the students will investigate. Rather, the medical marijuana report serves as a prototype for the report students are expected to prepare, and should be discussed by the class as a whole. The report is in a question-and-answer format, and it reviews the laws and court cases that have framed the medical marijuana debate. This document presents the issues in a non-biased manner, reporting on the history and current conditions of the debate about medical marijuana. However, the report concludes with a policy statement in support of (or opposed to) medical marijuana. Explain to students that the medical marijuana report is a prototype, or example, of the report they must prepare for the issues CSA is currently interested in. Walk students through the medical marijuana report so they can get a feel for all of the elements they will be expected to cover and present. We have included both pro and con statements on medical marijuana. You can show students both statements or you may choose to show one and not the other.

Keep in mind that you want to eliminate items from the “Need to Know” list as soon as possible, so use the report to get some of this information. Refer students back to the “Need to Know” list so they can eliminate some of their questions.

*All handouts may be found in **Student Materials**.*

Potential Hurdle: Remind students that this report is a prototype, which they can follow in preparing their own report. They can also use it to synthesize information to answer some of the questions they will be asked by CSA. Although the temptation is great to discuss the issue in detail, the content of the report (medical marijuana) is not particularly important with respect to the primary objective of *LegiQuest*. Students should stay focused on the process and not the medical marijuana issue.

Because this reading assignment can be challenging for students, readings on the medical marijuana issue and other background material should be divided up, or “jigsawed.” For groups that may have problems with the amount of reading or the vocabulary, put students in pairs and assign each pair a portion of the reading. Have students keep a log of the vocabulary words and terms they do not understand. Students then report a review of the section they read to their group. Groups, at this time, can review and discuss the vocabulary words and terms they found difficult.

8. Form Students into Research Groups

Students should now be formed into their research groups. These groups will be expected to write the first report reviewing legislation and justifying a position for CSA.

9. Assign an Issue

There are four separate issues. Students can be divided into groups of four to five, with two groups assigned to the school bullying issue (one pro and one con), two groups assigned to the death penalty issue (one pro and one con), two groups assigned to the teen steroid issue (one pro and one con), and two groups assigned to the gun control issue (one pro and one con). Try to make sure these issues are of interest to the students assigned to do the investigation, as they will continue to work on the same issue throughout the course of the unit.

10. Review the Second Resource

Give the research groups copies of the overview, research resources, and questions for their issue. Students should be given time in their groups to read the overview and review the resources. Before answering the questions, students should review all court cases and prior laws affecting their issue.

This unit does require computer research skills and access to the Internet. Preparing answers for the report will require access to the Internet sites listed in the Research Resources section of the issue documents. It is important to keep in mind that firewalls from school may prevent entry into some of the websites related to the file sharing issue. Students may need to do some of this research offsite. Encourage students to use the public library and state archives when doing this research. It is also worthwhile to prohibit printing off of the Internet sites. Students sometimes print massive amounts of information in the hope they might use it to answer the research questions. By prohibiting printing, students are forced to read the documents on screen, glean the important information, and record it in handwritten notes. This saves paper and teaches students how to synthesize information and take notes. This practice also discourages plagiarizing from websites.

11. Assign Pro and Con Subgroups

The students have been divided into groups for school bullying, death penalty, teen steroid use, and gun control. They are now subdivided into pro and con sides on each issue. As an example, the group assigned to research and answer questions about the death penalty would be divided into one group supporting the death penalty and one opposing it.



Research Groups



Small group



An Issue



Small group



Review the Second Resource



Small group



Pro and con subgroups



Small group

Write a
report



Small group

12. Have Research Groups Write a Report

The final task for the groups is to write a report that answers the questions about their issue and draft a policy statement supporting the pro or con position. Each issue has a series of questions that could be answered by the full group (e.g., all those assigned to cover the death penalty issue—both pro and con—could answer “Death Penalty: Research Questions and Resources”). This portion of the assignment can be jigsawed among the full group. However, the policy statement, with the three statements about which stand CSA should take and why, is to be completed separately by the pro and con sides of each issue. Groups should follow the question and answer, and proposal formats provided in the medical marijuana prototype.

The “Issue Overview” readings should answer all questions that are not addressed on the websites. If students are having difficulty answering some of the questions, teachers can consult the Teacher Keys in Teacher Materials and use them to prompt students in their research. Keys with the answers to the research questions are provided.

*Teacher Keys may be found in the **Teacher Materials**.*

Second-Part-
Only Entry



Small group

13. Second-Part-Only Entry into the Unit

Begin here if you plan to enter the unit with the students playing the role of lobbyists. Give students the **Entry Document** addressed to the chief lobbyist, which has the notation: Use this entry document if you bypass the research portion of the unit. A copy of the letter without the title is included in the Student Handouts. Divide students into the four issue groups, with a pro and con side for each issue, and give each group an “Issue Overview.” Students will also need the answers to the research questions. Give them a copy of “Research Questions and Resources” from the Teacher Keys in Teacher Materials. This version has the answers for their issue. Have the subgroups for each issue write answers to the three questions for the policy statement.

Present findings and
debate proposal



Whole class

14. Have Research Groups Present Their Findings and Debate Proposal

Have the research groups present their findings and debate their proposals in front of the class. The teacher serves as the CSA representative and oversees the debate, which is conducted as follows:

Each member of the group takes a portion of the report and synthesizes the information into a brief statement, which is presented to the class.

This is followed by a reading of the proposal. Presentation of the synthesis and proposal should take one minute.

Once the first group has finished its synthesis and proposal, the opposing group gives its synthesis and reads its proposal.

The pro and con opening statements and proposals are followed by three minutes of “sparring” by the two sides, in which group members can offer reasons why CSA should take a pro or con stance on the issue.

Following the three-minute sparring, the two opposing sides have one minute each for a final summary statement or concluding remarks.

This is followed by five minutes for full-class discussion and questions.

15. Determine Most Persuasive Stance

Students in the class who are not involved in the debate will use a rubric to evaluate the opening statements, rationale for the pro and con sides, and overall conduct of the debate. The rubric is used to determine who was most persuasive in the debate. Remind students that CSA will support whichever side is most persuasive.

A copy of the rubric can be found in the Teacher Materials.

16. Have Students Make a Second Project Log Entry

It is important to keep the discussion focused on the legislative and judicial issues and the general history of each issue as a way of modeling for students how political scientists and political practitioners think. If the discussion digresses to opinion and unsubstantiated impressions, the lesson about public policy process is lost. It is helpful to remind students that this exercise requires them to ask analytical questions and to think like political scientists and political practitioners.

After the scoring sheets are tallied and students know which side of the issue CSA will support, a second Project Log entry can be used to ask about the recourse likely taken by the side not chosen.

Potential Questions to Ask: As representatives of an interest group, would you likely give up at this point? If not, what would you do next?

17. Discuss Second Memo from Richard Barley

Students, in their groups, receive a second memo from Richard Barley, Director of CSA. Students who conducted research (the first part of the activity) receive the first memo. Students who were review the material and made recommendations (the second part of the activity) receive the second memo. In his memo, Barley tells the students that CSA members have reviewed the report and support the researchers’ position on the issue. CSA supports whichever position, pro or con, won the class debate. The CSA membership



Most Persuasive
Stance



Whole class



Second Project
Log Entry



Individual



Potential Question

As representatives of an interest group, would you likely give up at this point? If not, what would you do next?



Second
Memo



Small group



Teaching tip

Use the memo on page 116 if you choose to bypass the research portion of the unit

Potential Hurdle

If the groups that lost the debate have a difficult time accepting the stand of the “winning” group, or if some students from the winning group do not actually believe their position, it may be wise at this point to keep the two groups, so that like-minded students can work together.



Revise Driving Question



Whole class



Revise the know/need to know



Whole class



Mini-lecture



wants to pursue a solution to this problem by drafting a bill that supports their position. CSA is now asking researchers (students who conducted the first part of the activity) to take on the role of lobbyists, to propose such a bill, and to offer a strategy that will get the legislation passed. For students who only did the second part of the activity, they are to pursue a solution to the problem by describing a bill that supports the organization’s position and a strategy for getting it passed.

Potential Hurdle: If the groups that lost the debate have a difficult time accepting the stand of the “winning” group, or if some students from the winning group do not actually believe their position, it may be wise at this point to keep the two groups, so that like-minded students can work together. This will require both pro and con groups in the second phase of the unit. The stand students have on these issues is not particularly important to the conduct of the unit, but the students do need to believe in what they are doing. No one wants to work hard to pass legislation they don’t believe in.

18. Revise the Driving Question with the whole class

The class as a whole should revisit the Driving Question. Students are taking on a new role as lobbyists, and this will lead to an outcome that is different from the one described in the original question. These changes should be reflected in a revised Driving Question. The revised question may look more like the question at the beginning of this manual.

How can we, as lobbyists for CSA, determine legislative action on recent controversial issues so that we can fulfill the mission of CSA?

19. Revise the “Know/Need to Know” list with whole class

Students may now have new issues to add to the “Know/Need to Know” lists. Some items listed in the original “Need to Know” list may be eliminated.

20. Undertake Mini-Lecture on Lobbying

The role of lobbyists and the strategies used to lobby are explained in the mini-lecture in the Teacher Materials. It is important to remind students that lobbying depends upon credibility. If they give erroneous information, facts, or figures to members of Congress, they will not be trusted again. Students often think lobbying is simply paying off members of Congress—a common theme in political movies. However, effective lobbying depends upon how well the issue is marketed, the consensus one can create around the issue, and the alliances interest groups can build. It is not simply, or always, a matter of who gives the most to congressional campaigns.

The mini-lecture may be found in the **Teacher Materials**.

Potential Hurdle: Students may be appreciative of the fact that democracies have lobbyists, but they would never want to be one. Lobbying to many is a necessary evil. It may be helpful to ask students what they think lobbyists earn, where they work, and what their lifestyle must be like. The film, *The American President*, is an interesting study of lobbying.

A topic that often arises in discussions about lobbying is campaign finance reform, or any attempt to dissuade legislators from favoring moneyed lobbyists. Remind students that lobbying often buys access to Congress, but it does not always buy votes.

21. Discuss the Pro and Con Prototype Reports for Medical Marijuana

Distribute a copy of the **Legislative Process for Preventing Legalization of Medical Marijuana** and the **Legislative Process for Legalization of Medical Marijuana**. These two reports should be reviewed by the whole class. They serve as prototypes for the question-and-answer reports the lobbying groups will be expected to prepare. Medical marijuana is not one of the issues students will be reporting on. Explain that they are using these reports as prototypes and that their reports should follow a similar format.

The two marijuana reports respond to questions about the process used to change public policy: How do we enact change? How do we get our legislation started? What will our bill say? These are the questions students will need to answer for their issue. Much of the information they will need in order to answer CSA's questions is available in these two reports. This lesson is designed to teach students how to glean pertinent information from a research document, synthesize the information, and put it into their own words. The two medical marijuana reports can be used for this purpose.

22. Revise the "Know/Need to Know" List with the Whole Class

Return to the "Know/Need to Know" list and review what students now know about the legislative process as a result of the prototype reports. Remind students that it is not necessary to add content to the "Know" list (e.g., the specific medical marijuana cases). Rather, the process used to try to change conditions, especially those that generalize to their issues, should be added to the know list.

23. Undertake Mini-Lecture on How a Bill Becomes Law

Richard Barley is asking the lobbying groups for a strategy that will get CSA's legislation passed. As a result, students will need to know how a bill becomes law. Some of this information is reported in the marijuana prototype.



Potential Hurdle

Students may be appreciative of the fact that democracies have lobbyists, but they would never want to be one. Lobbying to many is a necessary evil. It may be helpful to ask students what they think lobbyists earn, where they work, and what their lifestyle must be like.



Pro and con prototype reports



Whole class



Revise the know/need to know



Whole class



Mini-lecture on how a bill becomes law

Legislative
process



Small group

Potential Hurdle

Students can gather information for answering the questions by revisiting the websites they used to complete the first report. They can also use the library and state archives for information on potential legislation. State archives often have websites as well. Textbooks also have pertinent information about committees and their legislative agendas.



However, for a review of the process, we have included a mini-lecture with descriptions of short, moderately complex, and complex versions of how a bill becomes law.

*The mini-lecture may be found in the **Teacher Materials**.*

24. Review the Legislative Process and Questions for Each Issue

Now give the lobbying groups the legislative process questions for their issue. Ask them to describe their proposed bill and to explain the process they recommend following in order to get the bill passed. Responses should be presented in question-and-answer format. The question prompts should help in fulfilling this task.

Potential Hurdle: Students can gather information for answering the questions by revisiting the websites they used to complete the first report. They can also use the library and state archives for information on potential legislation. State archives often have websites as well. Textbooks also have pertinent information about committees and their legislative agendas.

Every congressional committee has a website and these can be reached through: <http://www.house.gov/committees/> for the House of Representatives, and http://www.senate.gov/pagelayout/committees/d_three_sections_with_teasers/committees_home.htm for the Senate.

For searching bills in California, go to: <http://www.leginfo.ca.gov/bilinfo.html> or <http://leginfo.legislature.ca.gov/faces/homeTemplate.xhtml;jsessionid=4500b98c2c8f03d1266b147046f8>

For federal legislation, review the Senate legislative site at: http://www.senate.gov/pagelayout/legislative/g_three_sections_with_teasers/legislative_home.htm, and the House of Representatives at, <http://thomas.loc.gov/home/thomas.php?loclr=tho10001>

It may be necessary to coach students toward the committees and congressional representatives most likely to support their issue. This can be done by narrowing the choices and having lobbying groups investigate these specific committees. Students can also e-mail representatives and committee members with specific questions about similar legislation or likely supporters and dissenters.

Mini-lecture on
alternatives to
federal legislation



Whole class

and



Small group

25. Undertake Mini-Lecture on Alternatives to Federal Legislation

At this point, one group member should be assigned the task of researching the last question on the list, about alternatives to federal legislation. This expert on alternatives will then be able to explain these alternatives to other

group members. Explain to the lobbying groups that the job of lobbyists is to cover all bases, and they need to know what to do if legislation fails. The student researching the alternatives can use examples from the medical marijuana report to aid in the research. It may also be helpful at this point to give the mini-lecture on judicial and state alternatives to federal legislation. The mini-lecture includes information on concurrent powers as a means of setting the stage for the debate over control of an issue and the recourse individuals and states have to the federal exercise of power (or the lack thereof).

*The mini-lecture may be found in the **Teacher Materials**.*

26. Jigsaw Students in Each Group to Answer Questions

In order to divide up the work, students can be put in subgroups with representatives from each of the four issue groups. Assign specific questions to each subgroup to create experts on such problems as how a bill becomes law, the topics addressed by specific committees, or the alternatives to federal legislation. Students then return to their issue groups as experts on some of the problems raised in the questions. Experts can teach and share this information with other issue group members.

27. Optional: Mini-Lecture on the Iron Triangle

Students may ask for information about the relationship between bureaucracies that support particular causes, corporations or private agencies working for the same causes, and congressional representatives who benefit from interest group support. If this teachable moment arises, the optional mini-lecture about the Iron Triangle will help explain this relationship.

*The mini-lecture may be found in the **Teacher Materials**.*

28. Have Students in their Lobbying Groups Write Second Report Responding to CSA Questions

Once students have completed the necessary research, they should answer the questions about the legislative process and how it relates to their issue. Part of the exercise requires each lobbying group to draft a bill that provides for the policy change they are endorsing. Groups should follow the same question-and-answer format as the medical marijuana prototype. Websites are provided to help students select committees, structure the path their legislation is likely to take, and phrase the legislation they are expected to write.

Some of this information is readily available in the medical marijuana prototype report. Students are encouraged to synthesize and use information



Jigsaw
Activity



Small group



Optional:
Mini-lecture



Write second
report



Small group

Make final
Project Log entry



Individual

Potential Question

What problems, if any,
do you envision your
bill having in the House
and Senate?



Present a
summary report



Whole class

and



Small group

Instructions from
Barbara Wilson



from this source. This helps reinforce the process of lawmaking. However, the specific committees likely to handle school bullying, death penalty, teen steroid use, and gun control will be different from medical marijuana. Students should also be reminded that the groups likely to support or oppose each issue will be different.

29. Have Students Make Final Project Log Entry

The Project Log should be used for the final time to ensure that students have considered all hurdles that may be put in the path of their bill.

Potential Questions to Ask: What problems, if any, do you envision your bill having in the House and Senate? Why do you think attempts to pass similar legislation have failed? What strategy are you going to use to avoid similar problems?

30. Have Lobbying Groups Present a Summary Report to the Whole Class

Have the lobbying groups present a review of their proposed legislation to the full class.

Also have them report on the answers to the questions in the CSA document, including which committees are likely to consider their bill, the process the bill is likely to go through, the prognosis for its reaching the President, actions the President is likely to take, and their estimate on the amount of time it will take to get the bill passed into law. These reports should be brief (five minutes) and should allow time (five more minutes) for questions from classmates.

*A Teacher Key with the most likely answers to the "legislative process" questions is provided in the **Teacher Materials**.*

31. Discuss Instructions from Barbara Wilson for the Presentation to the CSA Board

The last document students receive comes from the acting director of CSA, who informs the lobbyists that Richard Barley was asked to step down as director of CSA. The CSA board members, it appears, are frustrated by the lack of movement on the legislation the lobbying groups have been working on. They are blaming Richard Barley and the lobbyists for the fact that its legislation is stalled in Congress. The board is also considering firing the lobbyists. To avoid being fired, the lobbyists are being asked to attend a CSA board meeting and give a presentation that explains alternatives to federal legislation. The lobbyists must recommend either judicial solutions or state legislation that will address the issue.

32. Finalize Driving Question with the Whole Class

Explain to the students that they will not receive any more information or resources to add to the “Know List.” However, they may want to revisit the Driving Question for a final time. Once students are satisfied with their final Driving Question, they should begin preparations for their presentation to the CSA board.



Finalize
Driving Question

33. Revisit Information on Alternatives to Federal Legislation

In the memo from Barbara Wilson, the lobbying groups are told that their legislation has been rejected in committee and that they need to suggest alternatives to the legislative solution. The groups may need to be reminded what legislative and judicial alternatives are available to them. At this point, the student who researched alternatives to federal legislation has the opportunity to revisit, with the rest of the group, the most logical alternatives.



Alternatives to
federal legislation



Small group

34. Have Lobbying Groups Give Presentations and Take Questions from the CSA Board

Exit From the Problem

Students, in their groups, are asked to prepare a presentation for the CSA board. They are required to have:

- An explanation of all alternatives to the proposed legislation, in case federal legislation fails
- A recommendation on whether CSA should pursue state legislation or judicial solutions to the problem
- A description of what these solutions would be



Presentations



Whole class

and



Small group

Each lobbying group must adhere to a strict time limit of between 5 and 15 minutes. Make it clear to students prior to the presentations that boards often cut presenters off in mid-sentence when the presentation reaches its time limit. Remember, part of the skill-building in this lesson is to prepare a concise presentation within a strict time limit. Point out to students that casual presentations before legislative staff are generally longer than 15 minutes and are not timed. Formal presentations before a board are timed and brief.

Each group may only lobby for 5–15 minutes



Students are asked in the letter from CSA to bring visuals for the presentation. Visuals should be turned in to the teacher prior to the presentation so errors can be found and corrected. Teachers should stress that all members of the group must be prepared to make the presentation or to answer questions. One way to ensure this is to randomly select, at the time of the presentation, the group member who will make the presentation.

After the presentation, members of the board—including the teacher as president of the CSA board—will question students regarding their decisions. While members of the board may question students about issues, it is the teacher’s role to stress the process students chose for getting legislation passed. To keep the presentations and questions focused, board members should be limited to three questions each.

Potential questions for each of the four board members and the president of the board are included in the CSA Board Questions section. Students generally perform better and tend to take the assignment more seriously if adults from outside the school/classroom serve as board members. Suggestions for finding potential board members include: the local bar association, City Council, PTSA, retired teachers, student teachers from local colleges, and professors from local colleges. It is also advisable to have a professional lobbyist attend the meeting. Almost all organizations have a lobbying arm that is either paid or volunteer. Such organizations may be willing to send a member of their lobby to serve as a CSA board member.

Assessment
Tools



35. Use Assessment Tools to Grade Presentations and Answers to CSA Board Questions

Assessment rubrics, provided in the Teacher Materials, help the teacher assess student presentations. These guidelines can also be used to help students meet the expectations of the assignment.

When assessing students, remember that project-based learning is most effective when the students are placed in realistic situations. As a consequence, if students begin to alter the authenticity of the situation, the learning environment can easily be reduced to fun and games. This negates much of the validity of the technique. To prevent this digression, it must be stressed that responses must be accurate and reflect knowledge gathered from available resources. In other words, students cannot make up information and scenarios. They cannot give bogus answers to questions posed in the problem.

Students also must be coached to see that “I don’t know” is a legitimate answer to a question. This makes the unit authentic. When presented with a problem outside the classroom, there may often be more information available but limited time to research all possible resources. This is one of the lessons that project-based learning teaches. To enable students to gain this insight, they must learn to say they do not have the data to give an accurate answer to some questions that may arise. In other words, there are a limited number of answers because information is limited. Students cannot make up answers. They must use the information that is provided.

36. Wrap-Up and Debrief with the Whole Class

Wrap-Up and Debriefing

It is critical that the wrap-up and debriefing section of the unit not be ignored. This is the part of the unit where students, as a class, reflect on the experience and are given feedback on both the process and content of the unit. It is imperative that incorrect knowledge or statements be corrected at this point in the problem. How the debriefing is conducted is less important than the fact that it is conducted.

Process Debriefing

It is important that students have a chance to discuss how they undertook the problem-solving process and how they felt about the process. This can be done with a series of questions, such as:

- How do you think you did?
- Are there strategies or arguments you left out during your presentation that you wish you had used?
- What were the difficulties in giving a presentation with an exact time limit?
- What does an effective oral presentation entail?
- What was it like to have to think on your feet rather than have time to reflect and react in a written assignment?
- Is it difficult when there is not one right answer to the problem?

Content Debriefing

Understanding the complex process involved in changing public policy is an integral part of this unit. As such, it is important that students see that there are both legislative and judicial means for changing public policy. There are also strategic decisions that must be made about whether to pursue federal, state, or local legislative change. The debriefing is an opportunity to make sure students understand that these different methods are pursued by interest groups committed to changing public policy. It is also crucial that students understand that the system is intentionally cumbersome and difficult. The Founding Fathers expected the system to provide checks and balances and to prevent an overabundance of laws. Questions to ask include:

- Why are debates over prospective solutions and compromise among competing groups essential to democracy?
- What are the best and worst parts about being a lobbyist?
- Could you see yourself doing this as a career?
- Are lobbyists to be valued or despised in our lawmaking system?



Wrap-Up
and Debrief



Whole class

Manage student
reflection

- Why is it necessary, as a lobbyist, to provide accurate information to legislative bodies?
- As a lobbyist, how would you use the media to attract attention to your issue?
- Now that you know about interest groups, PACs, lobbyists, and the lawmaking process, what, if anything, needs to be changed?

37. Manage Student Reflection on the 21st-Century Skills Practiced and the Process of Learning in PBL

Students should have a chance to discuss the process of learning in PBL, and to reflect on the 21st-century skills of critical thinking, collaboration, and presentation that they used in the project. This part of the debrief can be done with a series of questions, for example:

- Did you find it to be difficult when there are several possible “right answers” to the Driving Question? Why?
- How does it feel to go through some parts of the project without specific directions, to make some of your own decisions?
- How much do you think you learned in terms of skills like working as a team and making a presentation?

Finally, ask students for feedback on how the project was structured, with questions such as:

- Did you need more resources to help you solve the problem—more lecture time, more readings, more time on the computer?
- Did you need more help in learning how to work together in your group?
- Did you have enough time for each step of the unit?
- Are there any suggestions you would make for improving how the unit is taught?

Multiple-Choice
Test*Individual*

38. Use the Supplied Multiple-Choice Test to Assess Individual Students’ Knowledge of Interest Groups and the Lawmaking Process

*The answers to the multiple-choice test for this unit may be found in the **Teacher Materials**, in “Assessment Tools.”*

39. Make Notes on Adjustments to the Unit to Improve Student Learning for the Next Time the Unit is Taught



Adjustments
to Unit

Teachers inevitably recognize how to make *LegiQuest* more effective after they have taught it. We encourage you to note these thoughts quickly, so you can review your ideas for improvement the next time you teach the unit.

Teaching tips

Do's and Don'ts

In reading through this unit, changes will inevitably come to mind. In this section, we highlight changes that have worked—and those that have not worked. Please do not try the ideas that have failed, even though the temptation may be great!

Ideas to try

In this unit students become knowledgeable about, and skilled at, enacting legislation. Learning about the four issues used in *LegiQuest* is secondary. Therefore, it is possible to add issues other than the ones we present here. Issues that pit federal powers against state jurisdiction are better suited for this unit. Consider such issues as:

- Limiting working hours for high school students
- Minimum wage
- Unreasonable search or surveillance on campus
- Minimum graduation requirements and standards
- Required volunteer work
- Mandatory drug testing

Ideas not to try

We would suggest avoiding issues that pit particular student populations against one another (e.g., immigrant rights or religious clubs on campus). Issues such as diversity in college admissions or freedom of student press could deflect the focus away from student understanding of the legislative process toward heated, personal debate, leaving some students offended by the opinions of others. It is also important to use issues that demonstrate a conflict between states and the federal government. Driving restrictions and distributing birth control at high schools are local or state issues not addressed by federal legislation.

Extensions
to Unit**40. Extensions to the Unit**

Consider the following government/civics-related extensions:

- Go deeper into the legislative process and find out how legislative committees (federal or state) operate to prepare a bill for a vote. Find current legislation that might affect young people and document its progress through the legislative process.
- Find out what organizations are either supporting or opposing legislation that affects young people. Examine their positions and compare them to your own. Contact any of these organizations to convey your thoughts.
- Hold a debate on any of the proposed legislative bills with other members of your class. Consider conducting the debate in a public presentation, such as an evening forum on the various topics you find or on a Weblog that presents each sides' views and asks for public comment.
- Have students brainstorm a public issue they are interested in. Then have them pick one of these issues that interest them and form a small group to research the issue in more detail looking for any controversy surrounding the issue. Students should then determine which side of the issue they fall. Each group will form as a special interest group and research whether any existing laws supports or opposes their position on the issue. They should determine if new legislation is needed to continue the support or repeal previous legislation that opposes their cause. They should write a briefing paper that identifies the problems surrounding the issue and details of any new legislation to address this.
- Research your government representatives' (federal, state, or local) position on any issue that interests you. Look for issues that might affect you directly: school issues, city or county issues, state or national issues. Determine if the position held by the government official is in line with yours. Then find ways you can lend support in either the next election or the next time he or she is evaluated on their job performance. Create a plan on what you will do to support keeping this official in office. Examples might be to volunteer for their election campaign, offer to write letters of support, or conduct a fundraising project.

- The arrival of low-cost, personal communicators (personal computers, cell phones) and high-speed internet connections, Wi-Fi, and 4G connections has created a communication phenomenon not seen since humans first learned to talk. Individuals can now create and distribute information in the same forms as traditional media—print, radio, television—with blog entries, virtual forums, and animation and video. Dubbed “Citizen Journalism,” the idea is that people without professional journalism training can use the tools of modern technology and the global distribution of the Internet to create, augment or fact-check media on their own or in collaboration with others. Have students identify an issues they are concerned about and develop ways of presenting this concern to a mass audience through citizen journalism.

What Are Interest Groups?

General Overview

Interest groups are organizations whose members share common political goals and work to influence public policy decisions. They play an important role in a democratic government by assuring that broad public interests are heard in the lawmaking process. Interest groups give citizens a venue for participation, and through open competition they assure that no one group will become too powerful.

Types of Interest Groups

Political scientists classify or cluster interest groups by the interests they serve or the benefit they seek for their members. However, there is no agreement on how interest groups should be classified. One way is to look at economic interest groups, civil rights interest groups, public interest groups, and government interest groups.

- **Economic Interest Groups**—These groups influence policymaking for the economic benefit of their members. These are usually groups that represent particular occupations, including unions, agriculture, and business and industry. Some large corporations, like General Electric or Bank of America, have their own interest groups with offices in Washington, D.C. and in the capitols of major cities. Other smaller companies, like bicycle manufacturers, band together and form economic interest groups. Such groups form industry associations, such as the National Frozen Pizza Institute or the National Small Business Association. Membership is generally limited to those who have a job in the particular industry or business.
- **Civil Rights Interest Groups**—These groups organize to promote the civil and economic rights of people who have traditionally been under-represented or disadvantaged because of who they are—immigrants, women, the elderly, young children, or high school students. These groups organize around age, race, ethnic group, gender, physical or other disabilities, and sexual orientation. They generally see themselves as victims of discrimination but they do not limit their membership to members suffering from such discrimination. They seek the help and support of others interested in helping them improve their situation.
- **Public Interest Groups**—These groups organize to benefit the general public. They are committed to such causes as clean air, prevention of lung disease, safe highways, or gun control. Public interest groups include environmental groups, consumer groups, religious groups, and groups devoted to protecting specific amendments to the Constitution. They include such groups as the Sierra Club, National Rifle Association, and National Wildlife Federation.

- **Government Interest Groups**—Both domestic governments (like states and counties) and foreign governments maintain interest groups that lobby the federal government. Even though campaign finance laws restrict the acceptance of money from foreign interests, other countries continue to maintain interest groups in Washington, D.C. to influence foreign policy and U.S. contributions to other nations. All 50 states maintain lobbying offices in Washington, D.C. as well.

Interest Group Activities

Interest groups play an important role in several areas of lawmaking.

- **Representation**—Interest groups represent their members' views to Congress, the President, and government agencies. They use lobbyists to make sure the group's interests are heard.
- **Education**—Interest groups educate policymakers (including Congress, the President, and leaders of government agencies) about the issues important to their group. Congress does not have the staff or funding to gather all the expertise needed to formulate policy. Committees of Congress thus depend upon interest groups to provide research and anecdotal and historical information. Interest groups also educate their membership and the public at large about issues that may affect them.
- **Public Awareness**—Interest groups keep issues in the news and fight to make issues high priorities for political action. They create a need, a fear, or a sense of urgency about the issues as a means of gathering grassroots support and pressuring policymakers to act.
- **Participation**—Interest groups give citizens a way to participate in policymaking. They allow like-minded people to pool resources and coordinate efforts for a collective action.
- **Alternatives**—Interest groups provide suggestions for how issues should be handled. Competing interest groups may suggest different plans of attack for a particular problem. As an example, although many groups may want to find a solution to drug abuse, some interest groups may favor spending resources to pursue those who traffic and sell drugs, while others may favor spending resources to prevent or cure drug abuse. Generally, probation officers and prison guards favor pursuing those who traffic drugs, while doctors and social service workers favor prevention and cure. Interest groups will favor solutions that benefit their membership.
- **Monitoring**—Once laws are enacted, interest groups track their enforcement and effects. This type of monitoring helps lawmakers decide if government agencies are doing an adequate job of carrying out the laws, and if particular policies are having the desired effect. Both winning and losing interest groups will often carry out the research that determines if policies are having the desired effect.

Political Action Committees

The activities of political action committees (PACs) are limited to collecting money for and distributing money to political candidates and the legislative causes they support. Some PACs are fund-raising arms of interest groups, while others are independent and act as interest groups in their own right. PACs have the advantage of loopholes in the Federal Election Campaign Act that allow them tremendous latitude in raising and distributing campaign funds for political candidates, whereas individuals and corporations have more restrictions on campaign donations. In addition to providing these fund-raising loopholes, PACs are often used to camouflage goals and viewpoints by forming around an innocuous name that helps hide the identity of its members. As an example, to pass legislation in one northeastern state that would allow small communications companies to compete for long-distance service, the small companies formed a PAC entitled "Consumer Access to Fair Rates." Citizens would have to read the small print to know that the group was not formed by consumers, but rather a group of small companies. There are more than 4,500 PACs in the U.S. today, representing everything from business and manufacturing to farming, ranching, and the environment. A considerable portion of the money raised for political campaigns in the U.S. comes through PACs.

Federal Election Campaign Act

The number of interest groups accelerated after 1974 due to the passage of the Federal Election Campaign Act. The Campaign Act provided for PACs to serve as a fund raising arm for interest groups. Loopholes in the law allow PACs to get around restrictions on the amount of money they can donate to a candidate. As a result, interest groups using PACs for collecting and distributing campaign money have become powerful political players.

Bill Moyers' *Free Speech for Sale* is an interesting video for supplementing the mini-lecture and class discussion on interest groups. Information on the video can be found at www.pbs.org.

The Skateboarding Example

As a way of demonstrating the importance of interest groups in influencing government, suggest the following scenario to students:

Their community has banned skateboarding, and skateboarders want to fight to have the ban lifted. There is no skateboarding allowed on city sidewalks. Skateboarders are against this and want to skateboard on any public street or sidewalk. Ask students:

1. Could skateboarders, operating on their own, influence their community to change this policy?
2. What course of action could they take?
3. What other groups might skateboarders get to join their cause?
4. What groups would support legislation to improve conditions for skateboarding?
5. What are the advantages of forming this type of coalition?

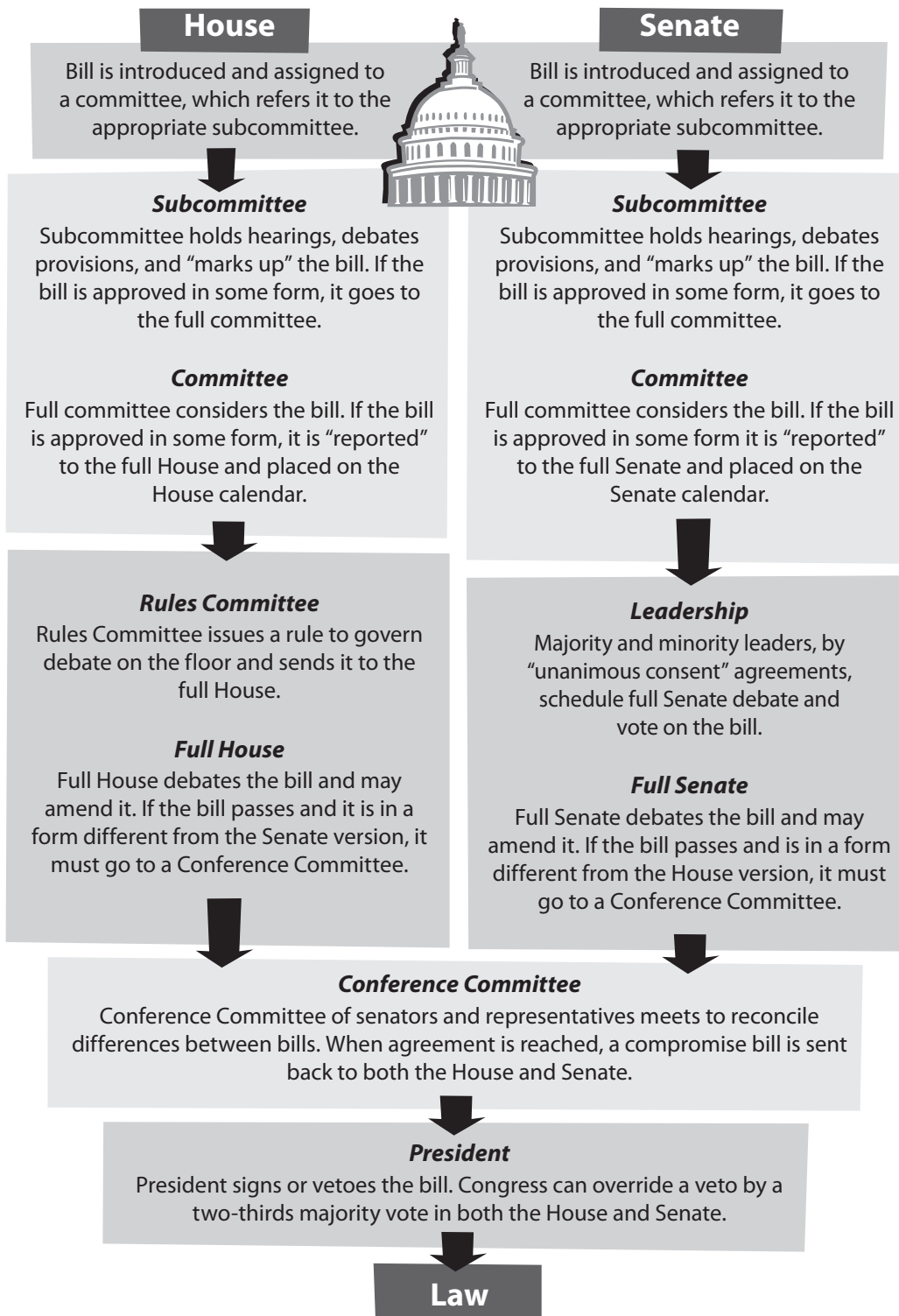
After listing possible coalition members, ask students if the people or groups on their list are interest groups.

● How Does a Bill Become Law? ●

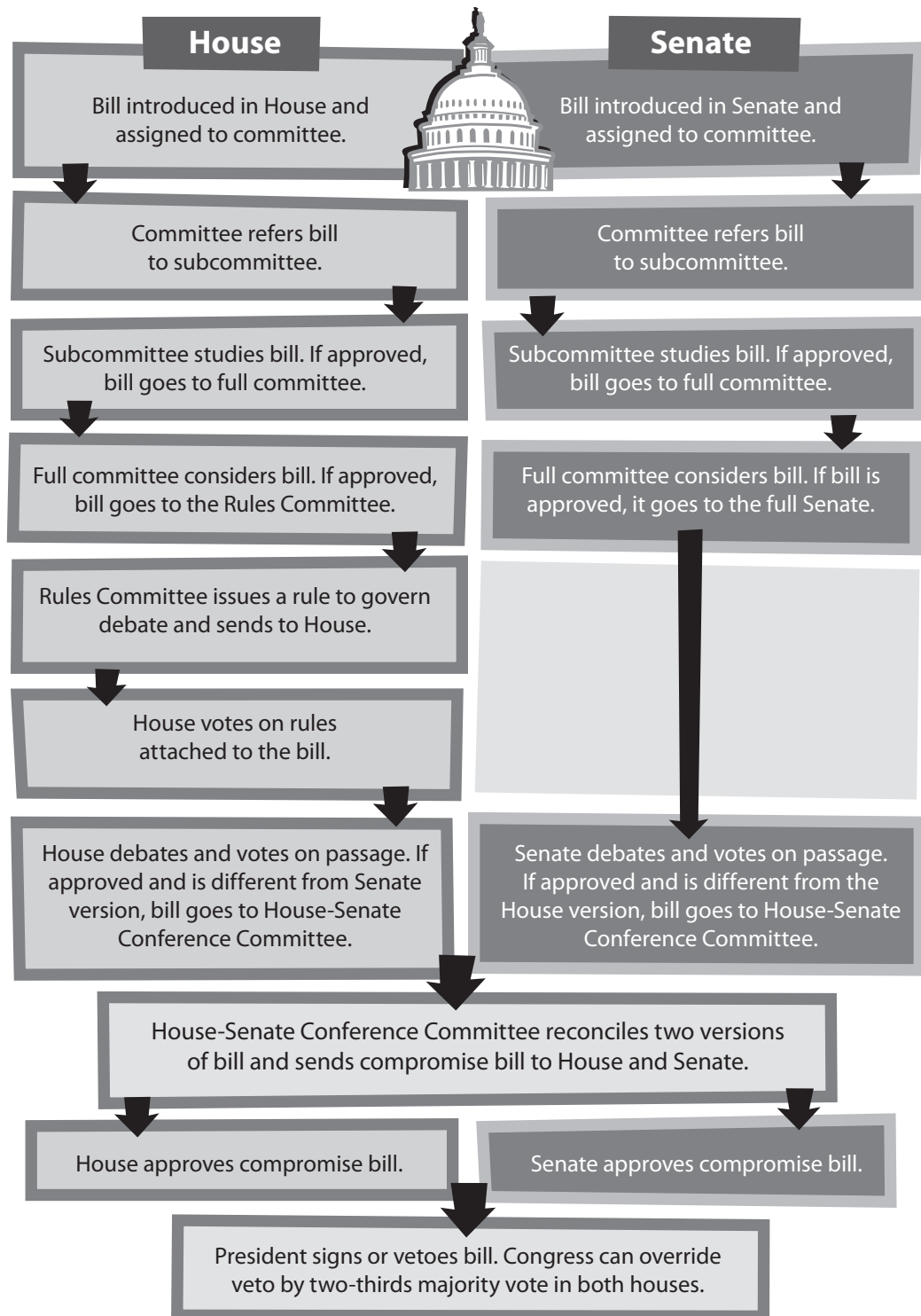
All potential laws are presented to the House or Senate as bills. A bill is introduced in the House or Senate by members of Congress. Even policy representing the President's agenda must be introduced as a bill in Congress. Bills are then given a number (for the House, an example would be HR832, and for the Senate S433), and begin a long journey that may end with the bill becoming a law. More often, the bill dies somewhere during its long journey. Of the approximately 10,000 pieces of legislation introduced in Congress in each session, only 300 make it out of committee. Even fewer become law.

The figures on the following pages depict simple and complex ways of looking at how a bill becomes law.

How a Bill Becomes Law: The Simple Version



How a Bill Becomes Law: The Moderately Complex Version



Ways a congressional bill is introduced

- By the President**
 - Campaign promises
 - State of the Union agenda
 - Personal ideological beliefs
- By interest groups**
 - Expert information
 - Lobbying efforts
 - Campaign donations
 - Constituents mobilized
- By voters**
 - Views communicated
 - Protest and rallies
 - Polling data
- By the courts**
 - Laws declared unconstitutional
 - Decisions are contrary to congressperson's agenda
- By the member himself or herself**
 - Personal values, beliefs, and ambitions
- By external events**
 - National or statewide crisis
 - Media coverage of dramatic occurrences

Introduction and Committee Process

- Senate sponsor(s) introduce(s) bill** *In the 105th Congress, the Senate introduced 3,161 bills*
- House sponsor(s) introduce(s) bill** *In the 105th Congress, the House introduced 5,982 bills*
- Committee or subcommittee does not report bill**
- Bill is referred to Senate committee**
- Subcommittee**
- Committee or subcommittee does not report bill**
- Consideration by full Senate**
- Bill is passed** *In the 105th Congress, the Senate passed 891 bills*
- Bill fails to pass**
- Leadership does not schedule debate of bill**
- Filibuster blocks vote**
- Bill fails to pass**
- Committee or subcommittee does not report bill**
- Bill is referred to House committee**
- Subcommittee**
- Committee or subcommittee does not report bill**
- Bill is reported to Rules Committee**
- Consideration by full House**
- Bill is passed** *In the 105th Congress, the House passed 1,186 bills*
- Bill fails to pass**
- Motion passed to recommit to committee**
- Rules Committee does not create rule for debate**
- Committee or subcommittee does not report bill**
- Bill is referred to Senate committee**
- Bill fails to pass**
- If not yet introduced in Senate, bill is referred to Senate committee**

Final Outcomes

- President signs bill and it becomes law** *In the 105th Congress, 402 bills were signed by President.*
- President vetoes bill and returns it to Congress with message** *In the 105th Congress, 7 bills were vetoed*
- House votes to override veto**
- Senate votes to override veto**
- Two-thirds of Senate and House vote to override veto, and bill becomes law** *In 105th Congress, 2 vetoes were overridden*
- No override vote scheduled**
- President vetoes bill and returns it to Congress with message** *In the 105th Congress, 7 bills were vetoed*
- No override vote scheduled**
- Pocket veto: President does not sign bill and Congress adjourns within 10 days**
- Bill fails to pass**
- Compromise bill is considered by full House**
- Bill fails to pass**
- Compromise bill is considered by full Senate**
- Bill fails to pass**
- Override vote fails**
- Override vote fails**

Key Words for How a Bill Becomes Law

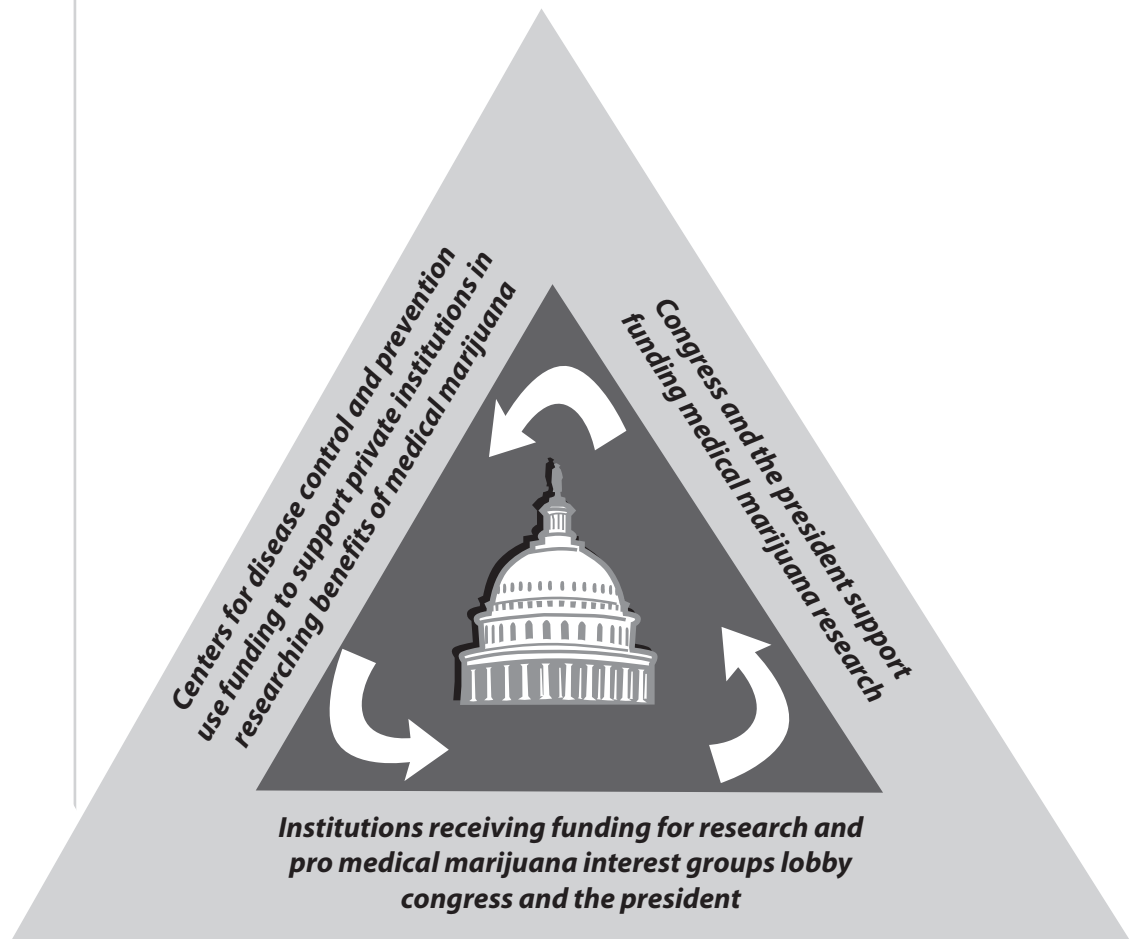
Cloture	A vote to end a Senate filibuster, which requires a three-fifths majority (60 votes)
Committee System	The work of the House and Senate is broken up by policy areas and handled by smaller groups called committees. Committees gather information through hearings, staff reports, and investigations. They consider policy alternatives and determine who will support different policy options.
Filibuster	The practice in the Senate of allowing unlimited debate in order to prevent or delay a vote on a bill
Judicial Review	The Supreme Court's power to rule on the constitutionality of laws
Lawmaking	The creation and passing of laws that address national social and economic problems
Legislative Power	The power to make laws, which is reserved to the legislative branch of government. However, the President, according to the Constitution, has some legislative power via the veto and by using the State of the Union address to set a policy agenda.
Public Policy	A plan of action to address a social or economic problem
Rider	A proposal introduced as an amendment to a bill. The proposal "rides on the coattails" of the main piece of legislation, and sometimes, if it is a "poison pill," is expected to kill the legislation. Other riders are expected to slip by unnoticed, and thus bring into law unpopular or pork barrel proposals.
Veto	The President's power, granted in the Constitution, to reject a bill passed by Congress
Veto Override	The power of Congress to reverse a presidential veto by a two-thirds majority vote in both houses

What Is the Iron Triangle?

The term “iron triangle” was originally used to describe the relationship between military defense contractors, the Pentagon, and Congress. In this relationship, contractors lobby members of Congress and fund their campaigns in exchange for congressional legislation that provides money to the military for equipment and research. Many of the same contractors who lobby Congress receive government contracts to perform such work. All government agencies—and the private agencies and businesses that benefit from them—engage in this mutually beneficial phenomenon. As an example, medical research facilities lobby Congress, which allocates funds to the Centers for Disease Control, which then funds research projects conducted by medical research facilities. The triangle is described as iron because taxpayers, who are left out of the triangle, pay the bill but have little say in the process. To placate the taxpayers, Congress, industry, and the bureaucracy must justify the expenditures. These groups use statistics (the projected number of people who will die from AIDS if we do not spend on medical research), scare tactics (the potential of losing our military superiority if we do not spend on missile defense), and self interest (funding energy or transportation improvements will bring jobs into the state) to influence the public.

The notion of an iron triangle dates back to the 1950s. Today, political scientists see the situation as being more complex. Political scientists refer to the relationship of mutually supportive groups as “issue networks,” which are more complex than the iron triangle suggests. Iron triangles have very specific players, whereas issue networks are clusters of interest groups, policy analysts, consultants, research groups, mid-level bureaucrats, and congressional staffers. These groups cluster together around an issue and splinter on others. Issue networks compete against other networks, as is the case with the competition between environmentalist networks and industrial networks, or tobacco farmers and health organizations. In the issue networks model, the role of interest groups is to form alliances with like-minded groups, even if they only share a very specific, one-time policy goal. These related groups can then pool resources to influence Congress. Keep in mind that like-minded groups may include bureaucratic agencies, state and local governments, and famous individuals as well as organized interest groups.

Iron Triangle: Using Medical Marijuana as an Example



What Is a Lobbyist and What Are Lobbying Strategies?

Lobbying

The term lobbying originated in England in the 1600s, when representatives of special interests would corner members of the House of Commons in the lobby of the House floor to argue for their cause. Modern-day lobbying goes far beyond meeting with representatives in the lobby of the House or Senate. Now, in addition to meeting directly with lawmakers, interest groups send representatives to meet with heads of government agencies, members of the executive branch, the press, and the public. Lobbyists work directly with congressional staff and agency bureaucrats more than they work with members of Congress. They include a diverse group of political consultants, rank-and-file interest group members, and professionals who either directly or indirectly attempt to persuade bureaucrats, citizens, and politicians. There are lobbyists representing almost every side to every issue.

There are two main lobbying strategies: direct and indirect lobbying. Direct lobbying requires communication with decision-makers within government; indirect lobbying refers to attempts to influence public opinion so the general public will contact decision-makers about a specific issue. Conventional lobbying techniques—such as meetings, press conferences, and mailings—have recently been expanded to include the use of e-mail, talk radio, television, and marches or protests.

Keep in mind that lobbying is an attempt to sell ideas and solutions. Ideas are often sold on the basis of the common good, consensus building, and alliance building rather than by simply providing elected officials with campaign money. Lobbying is an involved, long-term process aimed at persuading elected officials to sponsor legislation or vote a particular way. Lobbyists cannot avoid this process by merely paying off representatives.

The ability to lobby depends upon credibility. If a lobbyist gives erroneous information, facts, or figures, he or she will not be trusted a second time. Therefore, lobbyists gain trust—and a reputation—over a period of time.

Strategies for Direct Lobbying

Lobbyists use the following strategies to directly contact, inform, and persuade legislative bodies.

- **Personal Contact**—This may involve personal appointments, parties or luncheons, or casual conversation at official gatherings. During these meetings, lobbyists provide information, answer questions, or try to persuade lawmakers.

- **Professional Lobbyists**—Major firms and individuals with political contacts serve as “hired guns” to argue the case of their clients.
- **Expert Testimony**—Lobbyists provide expert testimony when they have more information than government agencies or elected representatives. In some cases, congressional staff will call upon lobbyists to serve as experts and to actually draft legislation. As an example, representatives interested in anti-smoking legislation will call upon the American Lung Association’s medical experts for statistical and medical information about the effects of smoking, or about specific wording for medical-related bills.
- **Campaign Contributions**—Lobbyists give money to candidates as a way of gaining access and votes. While some groups favor one party or the other (unions tend to spend more on Democrats than on Republicans), other groups support both sides so that regardless of which side is in the majority, the interest group will be able to gain access.

Lobbyists target Congress, the executive branch, the courts, and government agencies with direct lobbying. Congressional representatives and their staff are contacted and relationships are cultivated by lobbyists. Government agency staff and judges are similarly contacted. In the executive branch, the Office of Public Liaison is generally the point of contact for lobbyists. However, private or personal contacts are made between White House staff members and lobbyists as well.

Strategies for Indirect Lobbying

Lobbyists use the following strategies to indirectly affect legislation.

- **Grassroots Lobbying**—In theory, grassroots refers to spontaneous movements by the people. However, most grassroots lobbying is generated, or planned, by interest groups who spur the public on to draw attention to a cause or issue. Grassroots lobbying requires educating and mobilizing the public to directly contact officials, protest, or vote in block.
- **Educating the Public**—Interest groups use research findings, personal stories, and visuals to demonstrate the problem to the public and to solicit public support. This is done through advertisements, mass mailers, and television and radio appearances. Issue advocacy ads are becoming a popular way for interest groups to influence or educate the public. Ads about the relationship between SUVs and terrorists, or about the effects of teenage drinking are issue advocacy ads. They do not attempt to influence voting, but do expect to persuade the public and thus, indirectly affect voting and lawmaking.

- **Mobilizing the Public**—This effort generally involves encouraging members of an interest group to write letters, send e-mails or faxes, make phone calls, or march and carry signs. Lobbying groups will also attempt to get voters in particular districts to contact their representatives during crucial legislative votes. It is generally considered essential in any effective lobbying effort to have the voters from a representative's district contact the representative's office as a form of persuading a vote.
- **Forming Coalitions**—The impact of lobbying is greater if interest groups form coalitions and lobby together. Building such coalitions has become an important strategy in lobbying. Often, interest groups with conflicting agendas will come together around a single issue and lobby for that single issue. As an example, unions and manufacturers, often at odds about such issues as minimum wage or safety legislation, will lobby together for a government-funded job training program.

Practical Steps for Lobbying

Conducting a lobbying effort would include the following steps. Many of the steps are performed simultaneously or in roughly the following order:

- Identify the problem and conduct research
- Identify prospective solutions
- Poll prospective interest group partners, and build alliances among interest groups around the specific problem or issue
- Identify and recruit prospective supporters within the general public
- Provide research findings and prospective solutions to members of your interest group, other interest groups, legislative staff, bureaucrats from affected agencies, and staff members of the judiciary
- Identify legislative supporters
- Use letter writing, print media (newspaper, magazine, and blast-fax), e-mail, television advertisements, interviews, and media events to publicize the issue or problem
- Make repeated contacts with legislative staff, and develop trust among legislative supporters
- Be available for questions and additional information, keeping oneself and the issue in the public eye and on the legislative radar screen

Use of the Media in Lobbying

A cornerstone to lobbying is use of television, radio, and print media for exposing the public to the issue and gaining support for the cause. The broader the base of support, the more likely the issue will be addressed by the government. Therefore, lobbyists use:

- Television and radio advertisements
- Newspaper and magazine advertisements
- Television and radio interviews
- Newspaper and magazine articles (lobbyists often supply the copy to journalists)
- Blast-faxes to constituents, other interest groups, politicians, and bureaucrats
- E-mail to constituents, other interest groups, politicians, and bureaucrats
- Media events, such as staged rallies, that are covered by the press
- Letters to the editor
- Press releases
- Printed flyers and promotional packages
- Speakers at open meetings, conferences, and political gatherings

Websites of Successful Lobbying Groups

- For the Greek Occupation of Cyprus:
<http://www.lobbyforcyprus.org/>
- For the Women's Electoral Lobby for Women's Rights in Australia:
<http://www.wel.org.au/>
- For the Teamsters Union Legislative Action for Organized Labor:
<http://www.teamster.org>
- For Greenpeace:
<http://www.greenpeace.org/usa/en/>
- For the Children's Defense Fund lobby for Child-Related Legislation:
<http://www.childrensdefense.org/issues.php>

What Are the Alternatives To Federal Legislation?

If federal legislation fails, there are state legislative solutions that can be considered by interest groups, including an initiative or referendum process and executive and judicial action.

What Are State Legislative Solutions?

State governments function similarly to the federal government. Each state has a constitution, which entitles the state to a republican form of government. States, like the federal government, have the power to:

- Make laws
- Administer, or carry out, the laws
- Adjudicate, or interpret, the laws

Like the federal government, each state has a legislative branch that makes laws; an executive branch of government, headed by the Governor, that carries out the laws; and a judicial branch that adjudicates the laws.

Each state has a different set of legislative bodies and rules that are unique to the state. Laws passed at the state level in one state do not directly affect other states. If, for instance, Oregon passes a law to use car license plate taxes to offset environmental cleanup costs, this will not affect how California or Nevada tax their car license plates or use such taxes.

Interest groups can approach the state legislature to sponsor legislation that will further their cause.

The advantages of using state legislative solutions include:

- The system may be more responsive, since state legislative districts have less population, and constituent groups may have better access to legislators
- It may be a faster and less-expensive process to get a state or states to pass a law Success in one state can help build momentum for the cause

There are also disadvantages to state legislative solutions, including:

- A campaign for legislative change, if it is to be pervasive, will require repeating the procedure in all 50 states
- The proposed state legislation may infringe on the power of the federal government, leading to lengthy legal battles if the legislation is passed

- States entrenched in the status quo cannot be forced to change, as they would be if federal legislation were to pass

What Is an Initiative?

Some states allow citizens to become directly involved in the passage of laws through an initiative and referendum system. The initiative and referendum came about as a result of reforms made during the Progressive Era. The Progressive movement of the early 1900s was, in large part, a response to the corruption in state and local governments and the dominance of political party machines. Reformers felt state politics were not serving the interests of the people and that it was necessary to break the stranglehold party bosses had on state politics. As a result, reformers succeeded in initiating several changes that gave citizens more direct control over the political process. In addition to the creation of a civil service system and use of secret ballots, many states adopted forms of direct democracy that allow voters to take control of lawmaking. Two of these reforms are the initiative and referendum.

By using the initiative, citizens can petition to place a (state) constitutional amendment or prospective law on the ballot, to be adopted or rejected in a statewide election. The process requires gathering signatures from registered voters, equal to between 3% and 15% of the number of voters who cast votes in the previous governor's election. This qualifies the measure to be put on the ballot. Once on the ballot, an initiative is either approved or rejected by a majority vote and becomes law. This system bypasses the state legislature and the Governor, and allows the people to create and pass laws. Initiatives only affect state laws and cannot be used to pass federal laws. About half of the states have an initiative process.

California actively uses the initiative process, and in 1995, as an example, passed initiatives that

- Limited contributions to state Senate and Assembly campaigns
- Prohibited affirmative action by colleges and universities
- Permitted the use of medical marijuana

What Is a Referendum?

Citizens can use the referendum to override existing state laws. Signatures are gathered in a manner similar to the initiative process, and the law is put on the ballot for voters to approve or reject. In addition, state constitutional amendments have to be submitted for a referendum vote in most states. In some states, measures regarding taxation are submitted to the voters as referendums. Also, state legislators can use the referendum process if they want voters to decide directly on a piece of legislation.

The initiative and referendum are tools that can be used by interest groups to change state laws. Both of these tools can be considered if federal legislation fails and if state lawmakers are ineffective in bringing about desired changes. One major constraint to the initiative and referendum is the time limit placed on these campaigns. Most states that have the initiative and referendum limit the time allowed for the signature-gathering phase.

What Are the Judicial Alternatives?

Another method of resolving conflict is to use the state and federal court system. In court, judges can interpret what the law means and courts can resolve legal conflicts. Individual citizens, interest groups, corporations, and the government use the courts to arbitrate disputes over laws.

- **Criminal Law**—Prohibits behavior that the government has determined is harmful to society. Anyone who violates a criminal law, as is the case with current medicinal use of marijuana, is called a criminal and is subject to fines, jail time, community service, or even death. Since crimes are considered to be against the state, it is the government that prosecutes criminal cases. Interest groups can put pressure on prosecutors, or the district attorney, to file criminal charges, but they cannot take court action on their own. As an example, it is possible for law enforcement groups, such as the Police Officers Union, to advocate for criminal charges against those using medical marijuana, but they cannot initiate a criminal case.
- **Civil Law**—Regulates interactions between individuals or among groups. An individual or group can file a suit against others for property damage, physical harm, failing to fulfill the terms of a contract, or emotional harm. The court in these cases is not prosecuting one side or the other, but is providing a forum in which citizens can peacefully resolve differences. Government agencies can be involved in civil lawsuits as one of the parties either being sued or initiating the suit. A citizen or an interest group could file a lawsuit against the local sheriff, or the Environmental Protection Agency could file a lawsuit against a corporation.

In the federal system, criminal and civil cases begin at the district courts and may continue on to appeals courts and, on occasion, to the Supreme Court.

- **District courts** preside over all cases involving federal law, or any issue that involves the Constitution, Congress, or any other aspect of the federal government. District courts hear any dispute between parties or between the federal government and individuals or interest groups. These courts try to determine which laws are relevant to the case, and whether those involved are guilty of a crime or responsible for violating a civil law.

- **Appeals courts** handle cases appealed beyond the district court level. There are 12 appeals court districts within the U.S., divided among 11 of the districts. The twelfth U.S. Court of Appeals is in Washington, D.C., and it hears all appeals involving government agencies. These courts hear appeals from lower federal courts, and review the legal reasoning behind the decisions. Lawyers present written briefs summarizing their arguments and make oral arguments, but no evidence is presented and no new witnesses are called. It is the legal reasoning that is scrutinized and not the facts of the case.
- The **Supreme Court** considers cases from lower courts. Almost all cases heard by the Supreme Court arrive in the form of a petition, or *Writs of Certiorari*, in which the losing party in a lower court case explains why the Supreme Court should hear its case. The Court can either grant or deny a *writ*.

Interest groups not necessarily named in the case can file an *Amicus Curiae* brief, or “friend of the court” document. An *Amicus Curiae* brief is intended to influence the justices to grant or deny *certiorari*, or to persuade the court to decide a case in a particular way. This is an effective tool for persuading the court to hear cases, and to decide the case in a way that is satisfactory to the particular group. It is most often used by interest groups that have the resources to pursue this alternative.

Can We Change the Constitution?

The Constitution has been changed 27 times. This is done by adding amendments, the last of which was ratified in 1992. The method for changing the Constitution is outlined in Article V of the Constitution:

The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose Amendments to this Constitution, or on the Application of the Legislatures of two-thirds of several States, shall call a Convention for proposing Amendments (which shall be valid) when ratified by the Legislatures of three-fourths of the several States...

All of the amendments passed thus far have been proposed by Congress, rather than by two-thirds of the legislatures of the states. The states, however, play a critical role in the amendment process, as it is the legislative bodies of the states that must approve amendments. It takes the consent of the legislatures of three-fourths of the states to approve an amendment. The major constraint to a constitutional amendment is reaching consensus among three-fourths of the states. This accounts for why, over the history of the U.S. government under the Constitution, we only have 27 amendments.

What About Executive Orders?

An executive order is a clarification of congressional policy issued by the President. Executive orders have the full force of law. According to the Constitution, Congress has the power to make laws and the President carries out the laws. However, the President's power to make laws has grown through the power of executive orders. Executive orders are intended to clarify how laws passed by Congress are to be implemented by government agencies. As an example, President Clinton issued an executive order establishing the "don't ask, don't tell" policy on gays in the military, which prevented the military from asking about a person's sexual orientation. Executive orders need only be binding during the administration of the issuing president.

How Will the Conflict Over Concurrent Powers Affect Our Strategy?

The Constitution designates powers that are national, state, or concurrent. Concurrent powers are those powers exercised by both the states and the federal government. Concurrent powers include the power to

- Collect taxes
- Borrow and spend money
- Regulate commerce and charter corporations and banks
- Regulate the use of private property
- Regulate the environment, health, and safety
- Establish courts
- Pass and carry out laws

The Constitution is vague and contradictory about the extent of the powers of the federal government and the powers of the states. The strongest statement in the Constitution that establishes the power of the federal government is Article I, Section 8, which lists the specific powers belonging to Congress (e.g., "To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water"). The list of enumerated powers ends with the "necessary and proper clause" which states: "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

The necessary and proper clause is often called the "elastic clause" because it expands the power of the federal government to do what Congress feels is necessary and proper. Congress has taken powers formerly reserved to the states, like the chartering of a national bank, and justified it as necessary and proper.

The "supremacy clause" in Article VI also supports federal power over the states. The supremacy clause states: "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the Supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding." As a result of the supremacy clause, when state laws conflict with national laws, the national laws prevail.

The states have some protections of their powers in the Constitution. States have the power to amend the Constitution, and the Tenth Amendment says that all powers not given to the national government are reserved to the states. But many state powers are overridden by the necessary and proper clause and the supremacy clause (and the fact that the federal government has more money than the states, and therefore, can determine how that money will be spent at the state level). As a result, the federal government has extended its reach. State powers have been eroded, but state and local governments still have powers over issues relating specifically to their jurisdictions.

The states and the central government have traditionally wrangled over concurrent powers and the limits of state or federal powers. The Supreme Court has become crucial in this conflict, often establishing limits and determining if state laws are exercising concurrent powers or attempting to supersede federal jurisdiction.

In summary, it is important to keep in mind the difference between law and practice. Local districts often ignore federal mandates in favor of local practice, and the federal government often ignores that its laws are being ignored. This is especially true if the federal government cannot use the withholding of funds as a means of forcing local districts to comply with federal mandates.

Teacher Answer Sheets for the Research Questions and Resources

Death Penalty

1. What federal laws or constitutional amendments allow for use of the death penalty?

There are several federal laws that allow for the death penalty. Some of these are specific to an act of homicide while others are tied to other crimes where a homicide has occurred. Examples in the former category are genocide, first-degree murder, murder of a public official, and murder for hire. Examples in the latter category are murder committed during the act of another crime: murder while smuggling aliens or drugs; murder during a kidnapping, car, or aircraft jacking; murder while racketeering.

The Eighth Amendment to the Constitution prohibits “cruel and unusual punishment.” However, various Supreme Court cases have defined and redefined the meaning of “cruel and unusual punishment” and have used the maxim of defining “cruel and unusual punishment” as society’s “evolving sense of decency.”

2. What Supreme Court decisions have affected the use of the death penalty?

Up until the 1960s, when the fundamental legality of the death penalty was challenged, the United States permitted the death penalty under the provisions of the Fifth, Eighth, and Fourteenth amendments. During the 1960s, several cases came before the court addressing the constitutionality of aspects of the death penalty. In 1972, in *Furman v. Georgia* the Supreme Court set the standard that, under specific conditions, the death penalty violated the Eighth Amendment’s “cruel and unusual punishment” clause. In 1976, in the case *Gregg v. Georgia*, the Supreme Court reinstated the death penalty in many states that had adjusted their statutes to comply with the special conditions outlined in *Furman*.

3. What court decisions relate to use of the death penalty in the case of a juvenile criminal?

In 2005, in *Roper v. Simmons*, the Supreme Court overturned an earlier ruling (*Stanford v. Kentucky*, 1989) and deemed executing a minor was unconstitutional.

4. What are the current restrictions on the power to sentence juveniles to the death penalty?

Roper v. Simmons held that the Eighth and Fourteenth amendments forbid executing offenders under the age of eighteen.

5. Which government bodies decide if the death penalty may be used?

The Supreme Court ultimately decides whether or not the death penalty may be used. Yet, Congress can pass legislation that places a moratorium on the death penalty for a number of years or can abolish it all together, but such legislation must comply with Supreme Court decisions.

6. Do the states or federal government decide on the death penalty?

States are given the power to decide how they will punish both minors and adults. The federal government only decides what punishment will be given if the minor or adult has committed a federal crime.

7. What states allow the death penalty for juveniles?

None below the age of eighteen. State legislatures or the public occasionally enact and repeal laws permitting the death penalty for juveniles and adults.

8. What age must a person be to be eligible for the death penalty?

Eighteen years of age.

Teen Steroid Use

1. What are anabolic steroids?

Anabolic steroids (technically known as anabolic-androgenic steroids) are synthetic variants of the male hormone testosterone. The term comes from the Greek word *anabolic*, meaning "to build," and *Andros*, meaning "of man." Common names are "roids" and "juice." They have similar chemical properties to natural testosterone.

2. How are anabolic steroids used?

Doctors prescribe anabolic steroids to treat hormone problems in men, delayed puberty in boys, and muscle loss from some diseases.

3. How many teenagers use anabolic steroids?

The National Institute for Drug Abuse's 2013 "Monitoring the Future" study found that just over 1 percent of eighth graders and just over 2 percent of twelfth graders have used anabolic steroids in their lifetimes.

4. What are the problems with teens using anabolic steroids?

Like many drugs, anabolic steroids affect teenagers differently from adults. There are vast differences in individuals between the ages of thirteen and nineteen—weight, height, level of metabolism, physical maturity, and muscle mass just to name a few. As a result, there is a wide range of opinions concerning the problems teens face using anabolic steroids. Information from health agencies tends to emphasize the negative effects while steroid-use advocates tend to minimize the problems and tout the benefits. Among some of the more common short-term side effects are acne outbreaks, fatigue, high blood pressure, cholesterol increase, and excess hair growth. Reportedly, long-term side effects range from organ disease, rapid sexual development, low sperm count, and increased risk for disease. Both sides agree more studies are needed.

5. What is the controversy around steroid use and abuse?

Since they were first developed, anabolic steroids have been used and abused. The issue came to light in the 1960s during the Olympic Games when several athletes from the Soviet Union and Eastern Bloc countries were found to have used steroids to enhance their performance. Part of the controversy stems from the fact that anabolic steroids are effective and have positive uses in rebuilding muscle mass and treating hormone deficiencies. Effects are difficult to study in controlled tests. Most reports rely on anecdotal evidence and surveys of users. As a result, there is plenty of “evidence” for both supporters and opponents to argue their side.

It is important to note that steroids are drugs, legally controlled substances that are only allowed for use through prescriptions by a physician. Like any drug, when misused they can cause serious problems, with the potential to permanently harm or kill. In many cases the problem is not just overdosing, often times steroids are bought through disreputable sources and the purity and authenticity of ingredients, as well as information surrounding the dosage, can be faulty and add serious risks.

6. What significant laws have been proposed or enacted on steroid use?

Since 1990, anabolic steroids have been classified by federal law as a controlled substance. The Controlled Substances Act of 1990 (reinforced in 2004), defined anabolic steroids as a Schedule III substance and placed them in the same class as narcotics and barbiturates. However, each state can set its own laws (and most have), as long as they do not conflict with federal law. In 2014, the Designer Anabolic Steroid Control

Act of 2014 was introduced (a similar bill was introduced in 2012). The act would close a loophole in the existing law that allows steroid sellers to tweak the chemical compounds slightly so that the drug is not among those on DEA's controlled substances list. This loophole has allowed companies to place altered steroid compounds into fitness drinks and dietary supplements and not have them be legally classified as steroids. As of the fall of 2014, the bill had not been passed by Congress.

7. What can schools do about teen steroid use?

Schools can check with several different professional organizations that deal with drug abuse for ideas and develop a course of action that is right for their situation. School officials can also open lines of communication with parents and students and create an atmosphere of conversation not lecture or decree. Expectations should be clearly defined. School personnel should talk with all members of the student body about the use and abuse of steroids. Schools can build an action plan in which all interested parties have input.

8. What are some of the myths and facts of teen steroid use?

There are probably as many myths and facts about steroid use as there are different types of steroids. It is important to check the credibility and agendas of the sources providing information on anabolic steroids and read what they say very carefully. Here are a few of the basics:

- Myth: Taking steroids once will lead to death.

It's true that any drug, when misused, has the potential to kill, including steroids. Use under a doctor's care, however, will not lead to death.

- Fact: Steroids can cause excessive hair growth and deepening of the voice.

However, the amount will depend on a person's genetic makeup, how hairy they already are, and how low their voice is before steroid use.

- Myth: Steroids are physically addictive.

No clinical data supports this assertion, however, steroids can cause psychological dependence. Steroids do make a difference in one's physique, which can be psychologically appealing. When one stops taking steroids, muscles diminish, and one can start feeling depressed and return to steroid use to bring back the buildup of muscle.

- Fact: Steroids can cause high blood pressure, diabetes, and impotence.

Because of the chemical nature of steroids, the risk for these conditions increases. Steroids cause water retention and stimulation to the heart causing an increase in blood pressure. Steroids can raise glucose levels and reduce insulin sensitivity. Long-term use could bring on diabetes. Many steroids can cause natural testosterone levels to decrease, thus causing a decrease in libido.

- Myth: Steroids cause “roid’ rage.”

If “roid rage” is defined as a complete change from a calm personality to uncontrollable psychotic behavior, this is false. However, studies have shown that steroids can make an individual more confident or aggressive.

- Fact: Steroid use can increase the risk of liver cancer and put stress on the kidneys.

Oral methylated steroids have been proven to be carcinogenic to the liver. Steroids also cause the body to retain more sodium and water. The results are more stress on the kidneys.

9. What are some programs in place to prevent teen steroid use?

- ATLAS (Athletes Training and Learning to Avoid Steroids Program)
- National Institute on Drug Abuse
- The Blue Cross and Blue Shield Association (BCBSA) Healthy Competition Campaign

School Bullying

1. What is the current news on bullying and cyberbullying?

School bullying, hazing, fraternity initiations, and cyberbullying have been in the news for several years. Some high schools have cancelled their participation in athletic games for entire seasons. University athletic and music programs have laid severe penalties on students and faculty for participating in or not preventing bullying. Parents whose children have been victims of school bullying in some form have sued school districts for their alleged lack of anti-bullying enforcement or poor response to it.

2. What significant laws have been proposed or enacted?

As of 2014, there is no federal law that specifically applies to bullying. When bullying is based on race, color, national origin, sex, disability, or religion, many of these cases are enforced by harassment or civil rights laws. All fifty states have some laws that pertain to bullying, with some working more effectively than others.

3. What components make up an effective anti-bullying law?

According to StopBullying.gov, there are twelve key components that anti-bullying laws or policies should have to be effective:

- Purpose Statement: Outlines the range of detrimental effects of bullying on student learning and safety. Declares any form of bullying is unacceptable.
- Statement of Scope: Covers conduct on school campus, at school-sponsored activities (regardless of location), in school transportation, or through school-owned technology (such as school provided e-mail accounts, social media, blog sites, or chat rooms).
- Specification of Prohibited Conduct: Provides specific definition of bullying and cyberbullying with a list of specific behaviors that constitute bullying.
- Enumeration of specific characteristics of bullying: Explains that bullying may include, but is not limited to, acts based on actual or perceived characteristics where students have historically been targets of bullying and provides examples of such characteristics.
- Development and implementation of local educational agency (LEA) policies: This directs every LEA to develop and implement policies prohibiting bullying through a collaborative process with all interested parties.
- Components of LEA Policies: Includes a definition of bullying consistent with the definitions specified in state law.
- Review of local policies: Includes a provision for the state to review local policies on a regular basis to ensure the goals of the state statute are met.
- Communication Plan: Includes a plan for notifying students, students' families, and school staff of policies related to bullying, including the consequences for engaging in bullying.

- **Training and Preventative Education:** Includes provision for school districts to provide training for staff at all levels. It encourages school districts to implement age-appropriate school- and community-wide bullying-prevention programs.
- **Transparency and Monitoring:** Includes a provision for LEAs to report annually to the state the number of reported bullying incidents and responsive actions taken. Also included is a provision to make data on bullying incidents public and available with appropriate protections to ensure students are protected.
- **Statement of Rights to other legal recourse:** Includes a statement that the policy does not preclude victims from seeking other legal remedies.
- **Cyberbullying or Electronic Harassment Clause:** Having a specific clause dedicated to cyberbullying is important due to the unique nature of cyberbullying and how it can be different from traditional bullying.

4. What are schools doing about bullying?

With several high-profile incidents of bullying and cyberbullying in the news, many schools have taken action to address the problem. Many schools are starting at the beginning by assessing the degree and type of bullying currently on campus. To help prevent bullying before it happens, many schools have instituted anti-bullying programs beginning in the early grades. These programs model acceptable and unacceptable behavior and provide ideas on how students can address bullying if they become victims. Schools are engaging parents and students in creating a sense of community that works together as a unified front against bullying. Policies and rules are created which can include a school mission statement, codes of conduct, rules and policies, and a reporting system. Many schools are working to build a safe environment for students to establish a culture of acceptance, tolerance, and respect. Efforts are being made to ensure that policies are ongoing by training teachers how to intervene consistently and appropriately.

5. What are the courts doing with school bullying?

Obviously, this is a moving target as school bullying incidents come to court and different courts arrive at different rulings over different incidents. The most significant court rulings have occurred at the local level. In some cases, local courts have ruled in favor of the bullied victim and in other cases courts have ruled in favor of the alleged perpetrator against false accusation. A few local courts have ruled that schools have the right to sue students who bully other students and have delivered strong messages that parents may be held legally responsible when

their children bully their classmates. In a few appeals cases, courts have found that schools are not liable when they provide the necessary services for an appropriate education, do not violate any discrimination laws, and act reasonably and responsibly when facing a bullying incident. As of 2014, the Supreme Court has declined to take up any school bullying case.

6. What are some of the legal and constitutional issues surrounding cyberbullying?

Both state and federal governments have recognized a student's need for school safety. Several states have passed anti-bullying laws aimed at making schools safe for learning. The federal government has laws in place such as the First Amendment, the Establishment Clause, and others aimed at making sure school districts provide equal protection of students' federal and state constitutional rights. Often times, a case of bullying will fall under state or federal laws related to how schools interact with students and how students interact with each other. These laws include anti-harassment and civil rights laws.

7. What is the difference between bullying and harassment?

The legal definitions of bullying and harassment sound fairly similar. Bullying is an intentional act (for example verbal or non-verbal threats, taunts, physical attacks, blackmail, manipulation, or extortion) that causes harm to others. Harassment is conduct that annoys, threatens, intimidates, or causes fear in others.

8. What are some of the myths and facts about bullies and victims?

Myth: There is not any bullying in "my" school.

Fact: Bullying happens in every school. Bad schools deny it, ignore it, rationalize it, handle it inappropriately, blame the victim, blame the parents, or say they have done what their legally responsible for and then they are done.

Myth: If you ignore bullying, eventually the bully will get tired and go away.

Fact: Bullies bully to get a response. If the bully is ignored, the bullying will get worse.

Myth: If kids would just stand up for themselves, the bullying would stop.

Fact: Usually not. Often the bully is more powerful than the victim and if challenged, he or she will just bully harder.

Myth: Bullying toughens kids up in a positive way.

Fact: Bullying is in the same category as harassment, discrimination, racism, assault, stalking, physical or sexual abuse, molestation, and rape. It causes trauma and psychological injury. The result can be a lifelong blight on students' psyche. It can also lead the victim to get even with a more dramatic display of violence aimed at others perceived to be weak or those responsible for the bullying.

Myth: Bullying is just a part of growing up.

Fact: Harassment, discrimination, racism, assault, stalking, physical or sexual abuse, molestation, and rape are also a part of life, but all are considered unacceptable.

Fact: Victims blame themselves for being bullied.

Fact: Victims are afraid to go to school.

Fact: Everyone is capable of being a bully.

9. What are some of the problems with anti-bullying laws?

In response to recent cases of bullying, many state legislatures have passed anti-bullying laws. Many of these laws are effective in setting intelligent policy to address the problem with reasonable consequences for perpetrators. Questions have risen, however, about whether some state laws have gone too far and have possibly violated students' First Amendment right to free speech. Some states have established cyberbullying laws and allow schools to punish students for comments made in online forums that create a hostile environment or cause physical or emotional harm. The problem with some of these laws is that many online comments are not usually made at school but instead in the privacy of a student's home. The question is, does the school—an arm of the government—have the right to censor students writing from their homes?

In other cases, state legislatures have passed laws requiring schools to establish new anti-bullying policies and procedures but have not provided funding for teacher training or student awareness programs. The laws require the state to "grade" schools on their anti-bullying policies and if the schools fail, the state can revoke their license.

Another problem for lawmakers is that the definition of bullying varies from state to state. In some states, bullying is described as persistent harassment, while in other states it is defined as simple annoying behavior or teasing. Some students can absorb a lot of harassment and shrug it off, while others are very sensitive and can experience harmful effects from negative comments made by their classmates. It is hard to know where to draw the line.

Gun Control

1. What steps have been taken to create gun control?

Many different steps have been taken to create gun control. Gun control advocates have gotten federal, state, municipal, and local laws passed, which create greater gun control. They have also filed lawsuits against the gun industry on behalf of victims of gun violence and their families.

2. What has Congress done thus far about gun control and gun rights?

Congress has addressed this issue on many levels. It has passed laws that limit the types of guns that can be bought. Furthermore, it has created laws that require criminal background checks for people who wish to buy firearms.

3. What significant federal laws pertain to gun control and gun rights?

Congress has passed many laws that favor gun control, such as the 1968 Gun Control Act; the Brady Bill (1994); and the Federal Assault Weapons Ban, however it expired in 2004, ten years after being passed. Laws protecting gun ownership include the Firearms Owners' Protection Act (1986), and the 2005 Protection of Commerce in Arms Act, which protects the gun industry from civil lawsuits.

4. What kinds of court challenges have occurred regarding gun control and gun rights?

There are many court cases being heard on both sides of the argument. Gun control advocates are seeking lawsuits against gun manufacturers that market weapons that are suitable for committing crimes and provide no positive benefits to society. Gun rights advocates are seeking litigation against gun control laws that infringe on the Second Amendment. Some famous cases include *Nordyke v. King* and. There are many more cases that are in current litigation.

5. Did the court decisions resolve the conflicts?

No, the decisions are usually very narrowly defined and cannot be used as broad legal precedents.

6. What provisions exist in the Constitution regarding gun control and gun rights?

There are no provisions in the Constitution regarding gun control. However, the Second Amendment gives the people the right to bear arms.

7. How have executive orders affected gun control and gun rights?

Executive orders have not affected gun control or gun rights because these are mainly legislative and judicial issues.

8. What congressional, public, or academic support exists for gun control?

There is a broad range of support for gun control. Liberal groups and the Democratic Party favor gun control. Studies have shown that academics and students also favor gun control.

9. What congressional, public, or academic support exists for gun rights?

A broad range of support exists for gun rights as well. Conservative organizations and the Republican Party favor one's right to bear arms. Yet, some liberal parties, such as the Libertarian Party, also favor gun rights. The most vocal supporter of gun rights is the National Rifle Association, which lobbies Congress and state legislatures to maintain lax gun regulations.

10. What current legislation is being considered regarding gun control and gun rights?

The House of Representatives has passed H.R. 1036, which protects the gun industry from civil lawsuits. The measure is now in the Senate as S-659, where it is being debated.

11. How does this conflict relate to students?

With tragic shooting sprees in schools, such as the Columbine High School shootings in 1999 (killing thirteen), to the 2007 Virginia Tech massacre (in which thirty-two people were killed and seventeen wounded), to the Sandy Hook Elementary School shooting in 2012 (with twenty-six victims fatally shot), students are being affected more and more by gun violence. In 2001, some 7,000 guns were confiscated from U.S. high schools.

Teacher Answer Sheets for Legislative Process Questions

1. How do we enact change?

Pro: We are seeking legislation that would ensure the use of capital punishment in the United States. We must gain the support of a congressional representative who will sponsor our bill. We should seek a broad coalition of support from victims' advocacy groups, law enforcement personnel, and pro-capital punishment organizations.

Con: We are seeking legislation that would ban the use of capital punishment in the United States. We must gain the support of a congressional representative who will sponsor our bill. We should seek a broad coalition of support from some religious organizations, law enforcement personnel, and anti-death penalty organizations.

2. How do we get our legislation started?

Pro: We must first find a congressional representative who supports our position and who will make every effort to help ensure the use of capital punishment. We choose to use the term "capital punishment" over the "death penalty" to place emphasis on the "punishment" aspect of the bill. Many organizations are currently arguing for such a guarantee. We must mobilize these groups into a single cohesive campaign. We should focus our efforts on the fact the U.S. Constitution allows for capital punishment, that under federalism, each state should be allowed to decide for itself if its citizens want capital punishment, and that capital punishment should be available to protect the public and deter future crime.

Con: We must first find a congressional representative who supports our position and who will sponsor our bill. We must simultaneously develop a campaign to boost support for a federal "No Death Penalty" bill. We choose to use the term "death penalty" over "capital punishment" to remind people that "death" is the purpose of capital punishment. We should focus our efforts on the fact that advancements in DNA evidence have shed doubt on the convictions of individuals in several death penalty cases and that convictions have been reversed as a result. We must convince the public that imposing the death penalty presents an irrevocable risk, should a jury or judge make a mistake.

3. What type of measure shall we propose?

Both sides: A bill is a sufficient start for our cause and the easiest approach to creating change.

4. What will our bill say?

Pro: Our bill should say, "Because capital punishment has been deemed not to violate the Eighth Amendment provision against cruel and unusual punishment, capital punishment should be allowed as a proper form of punishment."

Con: Our bill should say, "Due to recent reversals of death penalty cases, because of advanced DNA testing, the federal government shall ban the use of the death penalty in all capital cases."

5. Should we take our proposal to the House of Representatives or to the Senate?

Both sides: Either house is an acceptable place to send our proposal.

6. What would be the profile of a congressional representative who would sponsor our bill?

Pro: We should lobby a congressperson who has gone on record in support of capital punishment, in general, this would be conservative congresspersons. We should seek the support of a congressperson whose constituents were affected by violent crime.

Con: We should lobby a congressperson who has gone on record as opposing the death penalty. In general, this would be liberal congresspersons. We can also target congresspersons who have questioned the fairness of capital punishment on humanitarian grounds as well as equal protection under the law for all Americans.

7. Is there a congressional representative who would sponsor our bill?

Pro: Congressional representatives who take a strong stance on crime and are from a state where capital punishment is allowed or supports capital punishment. Representatives who live in high-crime rate states.

Con: Congressional representatives who believe that the death penalty is "cruel and unusual" punishment and are from states where DNA testing has reversed court decisions.

8. What committees are likely to be assigned our bill?

Both sides: In all likelihood, a bill of this nature would be sent to the Senate Judiciary Committee or the House Judiciary Committee.

9. Have they recently held hearings, and what were the outcomes of those hearings?

Both sides: *(This topic is frequently under review by both houses' judiciary committees. Students should check reliable sources such as THOMAS from the Library of Congress [thomas.loc.gov], GovTrack.us, and OpenCongress.org to see what legislative activity is pending on this issue.)*

10. What strategies can we develop to get our bill through committee hearings?

Pro: We should focus our efforts on gaining support from conservative members of both houses' judiciary committees. We should emphasize the constitutionality of capital punishment and that it is a good policy to bring justice to crime victims.

Con: We should appeal to the committee, claiming the public's sentiment has shown signs of opposing the death penalty. We can cite the recent repeal of dozens of death sentences by several states. Furthermore, we can promote our legislation by claiming that the elimination of federal prison-building budgets for executions and the ending the litigation surrounding death penalty inmates would save taxpayer dollars.

11. What interest groups, religious groups, political parties, government departments, or congressional committees can we expect to support our cause?

Pro: We can expect support from law enforcement associations, conservative members of Congress, anti-violence groups, victims' rights groups, and conservative individuals and organizations.

Con: We could turn to anti-death penalty advocacy groups, public defenders, the American Bar Association, liberal members of Congress, and anti-capital punishment groups.

12. What interest groups, religious groups, political parties, government departments, or congressional committees will most likely oppose our legislation?

Pro: We may face opposition from juvenile advocacy groups, public defenders, liberal members of Congress, and anti-death penalty groups.

Con: We may face opposition from law enforcement associations, conservative members of Congress, anti-violence groups, and victims' rights groups.

13. Can we expect to have broad public support for our legislation?

Both sides: This issue is very polarized. We can expect public support based upon individual political ideology and experience. Currently, the nation is split almost fifty-fifty over the use of capital punishment. Therefore, we can expect a diverse range of public support on both sides—but neither side has a clear majority.

14. How does our bill get to the floor of Congress?

Both sides: Our legislation will first be assigned to a committee. Committee members will review our proposal and mark up the bill. They may add amendments or delete clauses to our bill. Once the bill is voted out of committee, it will be assigned a time to be heard by the full House or Senate. In the House of Representatives, the Rules Committee will determine the time the bill will be heard and the rules of debate. In the Senate, bills are scheduled to be heard as they come out of committee.

15. What happens to our bill after one house approves it?

Both sides: After one house passes our legislation, the other house must pass an identical piece of legislation before it is passed on to the president. If the second house passes a different piece of legislation, it must be considered by a conference committee of both houses.

16. How does our bill get to the president?

Both sides: After both houses pass our bill, it is sent to the president for a signature.

17. What options does the president have?

Both sides: The president has four options: (1) veto the bill; (2) sign the bill; (3) accept the bill but not sign it, and after ten days it will pass into law; and (4) perform a pocket veto.

18. How long might it take for us to get our legislation passed?

Pro: The Supreme Court has consistently ruled that capital punishment is constitutional. Momentum is in our favor. We should be able to defeat any proposed legislation prohibiting or limiting capital punishment in a matter of months to a couple of years. In general, abolishing capital punishment is not heavily favored among the public. It would not be difficult to generate sufficient support to defeat any such legislation.

Con: This issue is so volatile that it would probably take years to get such legislation passed. Public sentiment is generally not in favor of abolishing the death penalty all together. It might be prudent to limit the use of the death penalty or require more affirming evidence, such as DNA testing, in death penalty cases.

19. If we are not successful in passing federal legislation, what executive, judicial, or state-level legislative action can we take?

- How could we pass a state law?

Pro: Currently, a state has the right to decide its own punishment options for criminal cases within the state. The federal government does not require the use of capital punishment and cannot pass a law to disallow a state-mandated death penalty. However, more states can pass legislation that would allow for capital punishment. We can direct our efforts toward those states.

Con: Although a state legislature cannot create legislation to mandate a federal ban on the death penalty, it can ban the death penalty within the state. We can concentrate our efforts at banning the death penalty in states where it is currently allowed.

- What is an initiative?

Both sides: An initiative is a piece of legislation that allows citizens to bypass the state legislature and the governor. By gaining a certain number of signatures, citizens can get initiatives placed before the voters during state elections. If the initiatives win, they are passed into law by the voters, bypassing the legislature and the governor.

- What is a referendum?

Both sides: A referendum is the review of a piece of state legislation during state elections. Gathering a predetermined number of signatures to create a referendum allows citizens to challenge state laws they oppose. Citizens vote on whether to keep, abolish, or amend existing laws.

- How could we pursue a civil case in federal court?

Pro: Congress must first pass legislation to prohibit federal use of the death penalty, which is unlikely. A civil case would be difficult to develop without such legislation.

Con: Many civil cases have been brought in the past on behalf of individuals sentenced to death. These, however, are centered on the procedure of executions, specifically lethal injections. With the Supreme Court's ruling allowing the death penalty, it is not advisable to pursue a federal civil case on the death penalty.

- How would we participate in an *amicus curiae* brief?

Both sides: If a case regarding our issue were being heard by a court, we could write an *amicus curiae* brief. In our brief, we would lay out our reasons for supporting, or opposing, the death penalty. Furthermore, we would list all of the groups who support our position on the issue and how many signatories are on our petition. An *amicus curiae* brief—"friend of the court" document—is filed by interested parties and is meant to influence the court hearing the case.

- How could we change the Constitution to favor our issue?

Both sides: In this case, we could begin a national campaign to create a constitutional amendment to ban (or protect) the death penalty. This approach would be far more difficult than getting a bill through Congress, so it would be best to concentrate our efforts on a congressional measure.

- How could an executive order help us?

Both sides: An executive order would not help our cause. This issue is restricted to the legislative and judicial branches.

- What problems would we have with concurrent powers?

Both sides: The federal government cannot pass laws that mandate the states to repeal or institute the death penalty for state crimes. Punishment for state crimes is under the jurisdiction of the states and not the federal government. However, the federal government does have the power to allow or disallow the death penalty for federal crimes.

Teen Steroid Use

1. How do we enact change?

Pro: We are seeking legislation that would ensure steroids do not get into the hands of teenagers. We must gain the support of a congressional representative who will sponsor our bill. We should seek a broad coalition of support from some anti-drug organizations, teen health advocacy groups, and law enforcement personnel.

Con: We are seeking legislation that would protect the civil liberties of teenagers and support schools in the effort to control the use of steroids. We must gain the support of a congressional representative who will sponsor our bill. We should seek a broad coalition of support from teen civil rights advocacy groups, teacher unions, and some anti-drug organizations.

2. How do we get our legislation started?

Pro: We must first find a congressional representative who supports our position and who will make every effort to further limit teens' access to and use of steroids. Many organizations are currently working toward this goal. We must mobilize these groups into a single cohesive campaign. We should focus our efforts on the fact that although adolescent steroid use seems to be low currently, there are still too many teens using steroids and currently government agencies do not have enough authority to regulate steroid manufacture and distribution better and place strict punishment for use and distribution.

Con: We must first find a congressional representative who supports our position and who will sponsor our bill. We must simultaneously develop a campaign to boost support for better enforcement of students' rights and more education about steroids as well as provide better support for schools' faculty and administration on preventing teen steroid abuse.

3. What type of measure shall we propose?

Both sides: A bill is a sufficient start for our cause and the easiest approach to creating change.

4. What will our bill say? (Examples)

Pro: Our bill should say, "Strong enforcement to control and eliminate teen steroid use."

Con: Our bill should say, "Protection of adolescent civil rights and more support for schools to control teen steroid use."

5. Should we take our proposal to the House of Representatives or to the Senate?

Both sides: Either house is an acceptable place to send our proposal.

6. What would be the profile of congresspersons who would sponsor our bill?

Pro: We should lobby a congressperson who has gone on record supporting strong enforcement against the distribution and use of steroids. In general, conservative congresspersons favor such regulation. We should also seek the support of congresspersons whose constituents were negatively affected by teen drug use.

Con: We should lobby congresspersons who have gone on record as opposing infringement on students' civil liberties and providing more support for schools in fighting drug use. In general, we are seeking support from liberal congresspersons who support protections of students' civil liberties and schools in general. We can also target congresspersons who have questioned the fairness of mandatory drug testing on the grounds of equal protection under the law for all Americans and those who support more funding for staff development in schools.

7. Is there a representative who would support our bill?

Pro: Congressional representatives who take a strong stance against teen drug use and teen crime. We need to find representatives who live in states with high instances of illegal drug-use.

Con: Congressional representatives who believe that students' rights have been eroded with draconian laws that violate their civil liberties and punish rather than educate. Also, representatives who support increased funding for schools to better educate staff and students about steroid use and control.

8. What committees are likely to be assigned our bill?

Both: U.S. Senate Committee on Health, Education, Labor, and Pensions and U.S. Senate Judiciary Committee. U.S. House Committee on Education and Workforce, and U.S. House Judiciary Committee.

9. Have they recently held hearings, and what were the outcomes of those hearings?

Both sides: *(This topic is frequently under review by the appropriate committees in both houses. Students should check reliable sources such as THOMAS from the Library of Congress [thomas.loc.gov], GovTrack.us, and OpenCongress.org to see what legislative activity is pending on this issue.)*

10. What strategies can we develop to get our bill through committee hearings?

Pro: We should focus our efforts on gaining support from conservative members of both houses' committees. We should emphasize the potential danger of anabolic steroid use by teens as an extension of the growing illegal drug problem.

Con: We should appeal to the members of both houses' committees who want to protect teens' civil liberties. We should point out that teen steroid use is low and declining and that the problem is not with the students or the schools but with poor regulation of trade from other countries and the U.S. fitness market.

11. What interest groups, religious groups, political parties, government departments, or congressional committees can we expect to support our cause?

Pro: We can expect support from law enforcement associations, anti-drug organizations, and conservative members of Congress

Con: We could turn to teachers' unions, advocates for protecting teens' civil liberties, legitimate organizations that support the use of medically controlled steroid use, and liberal members of Congress.

12. What interest groups, political parties, government departments, or congressional committees will most likely oppose our legislation?

Pro: We may face possible opposition from juvenile advocacy groups, some school districts, civil liberties organizations, and liberal members of Congress.

Con: We may face possible opposition from law enforcement associations, conservative groups, anti-drug use organizations, and conservative members of Congress.

13. Can we expect to have broad public support for our legislation?

Both sides: This issue is very polarized. We can expect public support based upon individual political ideology and experience. Currently, there is not as much concern about students' civil liberties as there is about teen drug use. More funding for schools is a perennial concern but also very polarized. Therefore, we can expect a diverse range of public support on both sides.

14. How does our bill get to the floor of Congress?

Both sides: Our legislation will first be assigned to a committee. Committee members will review our proposal and mark up the bill. They may add amendments or delete clauses to our bill. Once the bill is voted out of committee, it will be assigned a time to be heard by the full House or Senate. In the House of Representatives, the Rules Committee will determine the time the bill will be heard and the rules of debate. In the Senate, bills are scheduled to be heard as they come out of committee.

15. What happens to our bill after one house approves it?

Both sides: After one house passes our legislation, the other house must pass an identical piece of legislation before it is passed on to the president. If the second house passes a different piece of legislation, it must be considered by a conference committee of both houses.

16. How does our bill get to the president?

Both sides: After both houses pass our bill, it is sent to the president for a signature.

17. What options does the president have?

Both sides: The president has four options: (1) veto the bill; (2) sign the bill; (3) accept the bill but not sign it, and after ten days it will pass into law; and (4) perform a pocket veto.

18. How long might it take for us to get our legislation passed?

Pro: It would not take very long for our legislation to be passed. Most congresspersons are concerned about teenage drug use, as is most of the public. With adequate lobbying, we could get our legislation passed through Congress in under two years.

Con: It might take several years to rally sufficient support among congressional leaders. Not everyone believes students' civil liberties are in jeopardy over the issue of steroid use. Many feel that students' rights are not the same as adult rights and thus are not as protected by the Bill of Rights, specifically in this case, the Fourth Amendment right to privacy and Fifth Amendment right to due process. Furthermore, many congresspersons feel educational leaders are not doing enough to curb drug use in schools. It would take significant lobbying to change this perception.

19. If we are not successful in passing federal legislation, what executive, judicial, or state-level legislative actions can we take?

- How could we pass a state law?

Pro: Currently, the U.S. Congress has the right to regulate the distribution and use of drugs, including anabolic steroids. If members of Congress feel enough legislation exists now, we can concentrate our efforts on further strengthening state laws on teen steroid drug use.

Con: State legislatures can pass laws to protect teens' civil liberties as long as they do not circumvent a federal law or federal court rulings. We can concentrate our efforts on protecting students' rights in all fifty states.

- What is an initiative?

Both sides: An initiative is a piece of legislation that allows citizens to bypass the state legislature and the governor. By gaining a certain number of signatures, citizens can get initiatives placed before the voters during state elections. If the initiative wins, it is passed into law by the voters, bypassing the legislature and the governor.

- What is a referendum?

Both sides: A referendum is the review of a piece of state legislation during state elections. Gathering a predetermined number of signatures to create a referendum allows citizens to challenge state laws they oppose. Citizens vote on whether to keep, abolish, or amend existing laws.

- How could we pursue a civil case in federal court?

Both sides: Currently, there are a few civil cases that have gone to court against drug companies and some individuals involved in steroid use. It would be wise to monitor civil cases on steroid use in order to determine how to build support for our legislation.

- How would we participate in an *amicus curiae* brief?

Both sides: If a case regarding our issue were being heard by a court, we could write an *amicus curiae* brief. An *amicus curiae* brief—"friend of the court" document—is filed by interested parties and for the purpose of influencing the court hearing the case. In our brief, we would lay out our reasons for supporting, or opposing, more regulations on anabolic steroid use by teenagers and supporting or not supporting protecting students' civil liberties. Furthermore, we would list all of the groups who support our position on the issue and how many signatories are on our petition.

- How could we change the Constitution to favor our issue?

Both sides: In this case, we could begin a national campaign to create a Constitutional amendment to ban (or protect) the use of anabolic steroids. This approach would be far more difficult than getting a bill through Congress, so it would be best to concentrate our efforts on a congressional measure.

- How could an executive order help us?

Both sides: An executive order would not help our cause. This issue is restricted to the legislative and judicial branches.

- What problems would we have with concurrent powers?

Both sides: Currently, there are no problems with concurrent powers in the anabolic steroid issue. There may be potential conflict over teen civil liberties and federal regulation of state-run schools regarding the extent of authority between state and federal governments. The Supreme Court has become crucial in this conflict, often establishing limits and determining if state laws are in line with or attempting to supersede federal jurisdiction.

School Bullying

1. How do we enact change?

Pro: We are seeking legislation that would increase enforcement against school bullying and cyberbullying. We must gain the support of a congressional representative who will sponsor our bill. We should seek a broad coalition of support from teen health advocacy groups, law enforcement personnel, education organizations, and legal counsel.

Con: We are seeking legislation that would protect the civil liberties of all teenagers, help support schools in addressing school bullying and/or making laws more consistent in cases of school bullying. We must gain the support of a congressional representative who will sponsor our bill. We should seek a broad coalition of support from teen civil rights advocacy groups, law enforcement personnel, education organizations, and legal counsel.

2. How do we get our legislation started?

Pro: We must first find a congressional representative who supports our position and who will make every effort to increase enforcement against school bullying. Many organizations are currently working toward this goal. We must mobilize these groups into a single, cohesive campaign. We should focus our efforts on the fact that school bullying is increasing and the consequences are more and more disastrous with suicides and violence related to bullying incidents.

Con: We must first find a congressional representative who supports our position and who will sponsor our bill. We must simultaneously develop a campaign to inform school personnel, parents, and students about the possible backlash on student civil rights with oppressive laws and school policies aimed at addressing the school bullying problem.

3. What type of measure shall we propose?

Both sides: A bill is a sufficient start for our cause and the easiest approach to creating change.

4. What will our bill say?

Pro: Our bill should say, "School-bullying policies should be strictly enforced and any transgression punished."

Con: Our bill should say, "Teenagers' civil liberties must be protected, schools need more support in addressing school bullying, and laws and policies addressing school bullying need to be more consistent."

5. Should we take our proposal to the House of Representatives or to the Senate?

Both sides: Either house is an acceptable place to send our proposal.

6. What would be the profile of a representative who would sponsor our bill?

Pro: We should lobby a congressperson who has gone on record supporting strong regulations against school bullying. In general, conservative congresspersons favor strong rule-enforcement legislation but might not support a law that treads on states' rights. We should seek the support of a congressperson whose constituents were negatively affected by school bullying.

Con: We should lobby a congressperson who has gone on record as opposing infringement on students' civil liberties, feels schools need more support in addressing school bullying, and believes that anti-bullying laws need to be more consistent. In general, we need liberal congresspersons who support protections of students' civil liberties and schools in general and who does not believe this is a matter that can be addressed only by the states. We can also target congresspersons who have questioned the fairness of school bullying laws on the grounds of equal protection under the law for all Americans.

7. Is there a representative who would support our bill?

Pro: Congressional representatives who take a strong stance against school bullying and cyberbullying. We need to find representatives who live in states with high instances of school bullying.

Con: Congressional representatives who believe that students' rights have been eroded with draconian laws that violate their civil liberties and punish rather than educate.

8. What committees are likely to be assigned our bill?

Both: US Senate Committee on Health, Education, Labor, and Pensions and the US Senate Judiciary Committee. US House Committee on Education and Workforce and the US House Judiciary Committee.

9. Have they recently held hearings, and what were the outcomes of those hearings?

Both sides: *(This topic is frequently under review by the appropriate committees in both houses. Students should check reliable sources such as THOMAS from the Library of Congress [thomas.loc.gov], GovTrack.us, and OpenCongress.org to see what legislative activity is pending on this issue.)*

10. What strategies can we develop to get our bill through committee hearings?

Pro: We should focus our efforts on gaining support from conservative members of both houses' committees. We should emphasize the increasing frequency of and problems with school bullying and that stricter laws with tougher enforcement are needed.

Con: We should appeal to the members of both houses' committees who want to protect teenagers' civil liberties and help schools address school bullying. We should point out that the problem cannot be adequately addressed with just stricter laws and enforcement. Students' rights need to be considered, as does greater support for schools when creating new laws to address school bullying.

11. What interest groups, religious groups, political parties, government departments, or congressional committees can we expect to support our cause?

Pro: We can expect support from law enforcement associations, some anti-bullying organizations, and conservative members of Congress.

Con: We could turn to teachers' unions, advocates for protecting teens' civil liberties, some state legislatures and governors, liberal members of Congress, and anti-bullying organizations that support protecting student rights and helping schools address the problem.

12. What interest groups, political parties, government departments, or congressional committees will most likely oppose our legislation?

Pro: We may face possible opposition from juvenile advocacy groups, some school districts, some state legislatures and governors, civil liberties organizations, and liberal members of Congress.

Con: We may face possible opposition from some anti-bullying organizations, conservative groups, some school districts, and conservative members of Congress.

13. Can we expect to have broad public support for our legislation?

Both sides: This issue is very polarized. We can expect public support based upon individual political ideology and experience. Currently, the nation is more concerned about the increase in school bullying than it is in students' civil liberties and the support of teacher training. Therefore, we can expect a diverse range of public support on both sides.

14. How does our bill get to the floor of Congress?

Both sides: Our legislation will first be assigned to a committee. Committee members will review our proposal and mark up the bill. They may add amendments or delete clauses to our bill. Once the bill is voted out of committee, it will be assigned a time to be heard by the full House or Senate. In the House of Representatives, the Rules Committee will determine the time the bill will be heard and the rules of debate. In the Senate, bills are scheduled to be heard as they come out of committee.

15. What happens to our bill after one house approves it?

Both sides: After one house passes our legislation, the other house must pass an identical piece of legislation before it is passed on to the president. If the second house passes a different piece of legislation, it must be considered by a conference committee of both houses.

16. How does our bill get to the president?

Both sides: After both houses pass our bill, it is sent to the president for a signature.

17. What options does the president have?

Both sides: The president has four options: (1) veto the bill; (2) sign the bill; (3) accept the bill but not sign it, and after ten days it will pass into law; (4) perform a pocket veto.

18. How long might it take for us to get our legislation passed?

Pro: It would not take very long for our legislation to be passed. Most congresspersons are concerned about school bullying, as is most of the public. With adequate lobbying, we could get our legislation passed through Congress in under two years.

Con: It might take several years to rally sufficient support among congressional leaders. Most members of Congress feel that stricter laws and enforcement against bullying has a greater priority than students' rights and that students' rights are not the same as adult rights. Furthermore, many congresspersons feel that educational leaders are not doing enough to curb bullying in schools with the resources they have now. It would take significant lobbying to change this perception

19. If we are not successful in passing federal legislation, what executive, judicial, or state-level legislative actions can we take?

- How could we pass a state law?

Pro: Currently, there are no federal laws against school bullying. Some members of Congress feel that school bullying is a state and local issue and that other federal laws against harassment and civil rights violations based on race, gender, religion, and ethnic origin are enough federal regulation. We can concentrate our efforts on further strengthening state laws on teen steroid drug use.

Con: State legislatures can pass laws to protect teens' civil liberties as long as they do not circumvent a federal law or federal court rulings. We can concentrate our efforts on protecting students' rights in all fifty states.

- What is an initiative?

Both sides: An initiative is a piece of legislation that allows citizens to bypass the state legislature and the governor. By gaining a certain number of signatures, citizens can get initiatives placed before the voters during state elections. If the initiative wins, it is passed into law by the voters, bypassing the legislature and the governor.

- What is a referendum?

Both sides: A referendum is the review of a piece of state legislation during state elections. Gathering a predetermined number of signatures to create a referendum allows citizens to challenge state laws they oppose. Citizens vote on whether to keep, abolish, or amend existing laws.

- How could we pursue a civil case in federal court?

Both sides: Currently, there have been a few state civil cases that have gone to court over the issue of school bullying. The focus of the suits has been as varied and random as the acts themselves. Some suits have been directed against the bullying perpetrator, some against the parent of the perpetrator, and some against the schools.

It would be wise to monitor civil cases on school bullying in order to determine how to build support for our legislation.

- How would we participate in an *amicus curiae* brief?

Both sides: If a case regarding our issue were being heard by a court, we could write an *amicus curiae* brief. An *amicus curiae* brief—“friend of the court” document—is filed by interested parties and is meant to influence the court hearing the case. In our brief, we would lay out our reasons for supporting, opposing, or offering alternatives to more strict enforcement of anti-bullying laws. Furthermore, we would list all of the groups who support our position on the issue and how many signatories are on our petition.

- How could we change the Constitution to favor our issue?

Both sides: In this case, a Constitutional amendment is not a viable option, because there are already many provisions in place that allow for stricter enforcement against bullying and student rights. Thus, it would be far more difficult to ratify a Constitutional amendment than getting a bill through Congress, so it would be best to concentrate our efforts on a congressional measure.

- How could an executive order help us?

Both sides: An executive order would not help our cause. This issue is restricted to the legislative and judicial branches.

- What problems would we have with concurrent powers?

Both sides: Currently, there may be some problems with concurrent powers as many people feel school bullying is a matter for the states and local government bodies. The Supreme Court has become crucial in this conflict, often establishing limits and determining if federal laws are exercising concurrent powers or attempting to supersede state jurisdiction.

Gun Control

1. How do we enact change?

Pro: We are seeking legislation that would authorize civil cases to be brought against gun manufacturers who negligently market weapons whose sole purpose is to conduct crimes. The easiest way to create legislation is by gaining the support of a congressional representative who will sponsor our bill. We should seek a broad coalition of support from criminal justice groups, liberal political groups, and families of murder victims.

Con: We are seeking passage of H.R. 1036 and S-659, which would eliminate frivolous lawsuits against the gun industry. We must develop a lobbying campaign to gain enough support in the Senate to pass our legislation. We must gain the approval of sixty members of the Senate in order to break the current Democratic filibuster against our legislation.

2. How do we get our legislation started?

Pro: We must develop a strategy to counteract the current gun rights legislation in the Senate. Furthermore, we must create legislation that would guarantee families and victims of negligent criminal acts the right to sue the gun manufacturers and distributors who market guns and allow them to get into criminals' hands.

Con: Because our legislation has already been introduced into Congress and passed through the House of Representatives, we need to focus our efforts on the Senate. We must convince at least ten Democrats to change their position on our legislation and allow a vote to take place.

3. What type of measure shall we propose?

Both sides: A bill is a sufficient start for our cause and the easiest approach to creating change.

4. What will our bill say?

Pro: Our legislation will say, "The families and victims of violent firearm crimes have the right to sue gun manufacturers, distributors, and retailers who negligently market or distribute firearms for criminal purposes."

Con: We do not need to write a new bill. We can simply support H.R. 1036 and S-659.

5. Should we take our proposal to the House of Representatives or to the Senate?

Pro: Because the House of Representatives passed the pro-gun rights legislation with a clear majority, we should take our bill to the Senate, which has not passed any such legislation.

Con: Our bill has already passed through the House and is now in the Senate.

6. What would be the profile of a congressional representative who would sponsor our bill?

Pro: We should target a congressional representative who has supported gun control legislation in the past. We should target Democratic senators because they currently are blocking S-659.

Con: We should target a congressional representative who has supported gun rights legislation in the past. We should focus our support on conservative members of Congress. Currently some fifty senators have sponsored S-659.

7. Is there a congressional representative who would sponsor our bill?

Pro: Senator Hillary Clinton (D-NY), Senator Mel Carnahan (D-MO), and Senator Edward Kennedy (D-MA) all have supported gun control measures in the past.

Con: Senator George Allen (R-VA), Senator Bill Frist (R-TN), and Senator Orrin Hatch (R-UT) all have supported gun rights measures and are co-sponsors of the current legislation.

8. What committees are likely to be assigned our bill?

Both sides: Our legislation will likely go to several committees, due to the importance of the issue. First, it may go to the Senate Committee on Judiciary or the Subcommittee on Urban Affairs. Next, it will likely go to the Committee on Rules and Administration in order to limit amendments and break any potential filibusters.

9. Have they recently held hearings, and what were the outcomes of those hearings?

Both sides: Congress holds hearings on gun control issues in nearly every congressional session. The Committee on Judiciary has addressed this legislation in both houses. The Committee on Budgeting and Finance has also addressed elements of the legislation. Furthermore, the House Committee on Rules has set specific parameters for the debate and amendments that could be added to the legislation. *(Students should check reliable sources such as THOMAS from the Library of Congress [thomas.loc.gov], GovTrack.us, and OpenCongress.org to see what legislative activity is pending on this issue.)*

10. What strategies can we develop to get our bill through committee hearings?

Pro: We must hope that our legislation is sent to a committee that is controlled by senior Democratic congresspersons. If our legislation is sent to a Republican-controlled committee, it will be killed.

Con: Our legislation has already passed through committee.

11. What interest groups, religious groups, political parties, government departments, or congressional committees can we expect to support our cause?

Pro: We can expect support from the Democratic Party and liberal groups. Many law enforcement agencies support stiffer gun control measures. We can also turn to pro-gun control advocacy groups, and to the victims and families of violent firearm crimes.

Con: We can expect support from conservative groups and the Republican Party. The Libertarian Party also supports an individual's right to bear arms. We can turn to the NRA and other pro-gun rights advocates. Lastly, we can turn to gun manufacturers and retailers to support our legislation.

12. What interest groups, religious groups, political parties, government departments, or congressional committees will most likely oppose our legislation?

Pro: We can expect opposition from conservative groups and the Republican Party. The Libertarian Party also supports an individual's right to bear arms, and therefore opposes our legislation. We can also expect stiff resistance from the NRA and other pro-gun rights advocates. Lastly, we will be opposed by gun manufacturers and retailers.

Con: We can expect opposition from the Democratic Party and liberal groups. Many law enforcement agencies support stiffer gun control measures and may oppose our legislation. We can also expect opposition from pro-gun control advocacy groups, and the victims and families of firearm crimes.

13. Can we expect to have broad public support for our legislation?

Both sides: This is a partisan issue and the public, much like Congress, is almost evenly split. Although a broad range of people will support each side of the issue, neither side will have a clear majority.

14. How does our legislation get to the floor of Congress?

Both sides: Our legislation will first be assigned to a committee. Committee members will review our proposal and mark up the bill. They may add amendments or delete clauses to our bill. Once the bill is voted out of committee, it will be assigned a time to be heard by the full House or Senate. In the House of Representatives, the Rules Committee will determine the time the bill will be heard and the rules of debate. In the Senate, bills are scheduled to be heard as they come out of committee.

15. What happens to our bill after one house approves it?

Pro: If our legislation is passed through the Senate, it will be sent to the House.

Con: Our legislation has already been approved by the House of Representatives and is now in the Senate.

16. How does our bill get to the president?

Both sides: After both houses pass our bill, it is sent to the president for a signature.

17. What options does the president have?

Both sides: The president has four options: (1) veto the bill; (2) sign the bill; (3) accept the bill but not sign it, and after ten days it will pass into law; (4) perform a pocket veto.

18. How long might it take for us to get our legislation passed?

Pro: It may take us years to get our legislation passed due to the Republican majority in Congress. We must either gather support from more Republicans or wait for Democrats to regain a majority in Congress.

Con: Our bill may pass the Senate in a matter of months. We have the votes needed to pass our bill. We just need to end the Democratic filibuster on this issue.

19. If we are not successful in passing federal legislation, what executive, judicial, or state-level legislative action can we take?

- How could we pass a state law?

Pro: In 2002, California passed a series of gun control laws. One law allows gun manufacturers to be held liable for crimes committed with their weapons. We could lobby other states to create similar legislation.

Con: Many states, in particular southern states, have laws in place that exempt the gun industry from being sued in civil trials.

- What is an initiative?

Both sides: An initiative is a piece of legislation that allows citizens to bypass the state legislature and the governor. By gaining a certain number of signatures, citizens can get initiatives placed before the voters during state elections. If the initiative wins, it is passed into law by the voters, bypassing the legislature and the governor.

- What is a referendum?

Both sides: A referendum is the review of a piece of state legislation during state elections. Gathering a predetermined number of signatures to create a referendum allows citizens to challenge state laws they oppose.

- How could we pursue a civil case in federal court?

Both sides: Many civil suits are currently being heard over gun control issues. If H.R. 1036 and S-659 pass, it would be nearly impossible to bring civil suits against the gun industry.

- How would we participate in an *amicus curiae* brief?

Both sides: If a case regarding our issue were being heard by a court, we could write an *amicus curiae* brief. In our brief, we would lay out our reasons for supporting, or opposing, gun control. Furthermore, we would list all of the groups who support our position on the issue and how many signatories are on our petition. An *amicus curiae* brief—"friend of the court" document—is filed by interested parties and is meant to influence the court hearing the case.

- How could we change the Constitution to favor our issue?

Both sides: In this case, the Constitution gives the people the right to bear arms under the Second Amendment. It would be very difficult to pass another amendment that would place gun control limits.

- How could an executive order help us?

Both sides: An executive order would not really help us because this issue is strictly a matter for Congress and the judicial branch.

- What problems would we have with concurrent powers?

Both sides: Currently, there are no problems with concurrent powers in the gun control issue.

CSA Board Questions

The CSA Board President

The CSA board president is an expert on the process of how bills become law, executive orders, and the Constitution. The board president's questions should be aimed at testing the students' knowledge of how legislation is passed into law, and when it would be appropriate to use other federal solutions such as an executive order or an amendment to the Constitution.

1. What process did our recommended bill go through once it was introduced in the House and Senate?
2. Why do you think our bill has failed to become law?
3. Other than legislation, what federal-level solutions have we considered? Executive orders? Supreme Court rulings?
4. How would we have to change the Constitution in order to achieve the solution we want?

Board Member #1

The first Board Member to ask questions favors federal legislative solutions, and will ask questions that test the students' understanding of federal solutions and how interest groups go about influencing federal legislation.

1. Before you abandon a federal legislative solution, tell me what makes you think this solution would not succeed?
2. What groups and individuals could we depend upon to support a federal legislative solution?
3. Haven't there been laws similar to what we are supporting that have passed? Why is ours different?

Board Member #2

The second Board Member favors state legislative solutions, and will ask questions that test the students' understanding of state solutions.

1. How would the referendum process apply to our issue?
2. How could we pursue an initiative, and would it be an effective solution?
3. What about the state legislature and the Governor? How could we pass state-level legislation?
4. Why would (or wouldn't) a state-level solution be appropriate?

Board Member #3

The third Board Member favors judicial solutions, and will ask questions that test the students' understanding of judicial solutions.

1. How could we pursue a civil case in federal court?
2. How could we participate in an Amicus Curiae brief?
3. Are there state-level judicial solutions that we should consider?
4. Why would (or wouldn't) a judicial solution be appropriate?

Board Member #4

The fourth Board Member favors no solution, and wants the group to stop all action.

1. Why is it necessary that we do anything about this?
2. What will be the benefit of our getting involved in this action?
3. What will be the negative effects of our involvement in this action?

Rubric for the Written Report of Findings by Issue Research Groups

(optional beginning of unit)

Component and Its Recommended Value	Exceeds Standards (score 4–5)	Meets Standards (score 3)	Does Not Meet Standards (score 1–2)
I. Answers to Research Questions (60%)	Includes <i>accurate, thorough, detailed</i> answers to all research questions Summarizes information <i>succinctly</i> , into its most important elements	Includes <i>accurate</i> answers to all research questions Summarizes information into its <i>important</i> elements; may be <i>somewhat wordy, or overly simplified</i>	Answers are <i>incomplete, too brief, and/or inaccurate, and/or does not answer some/most</i> research questions Summarizes information <i>too briefly, or copies too much</i> information without summarizing
II. Policy Statement:			
1. What position CSA should support (15%)	States proposed stand on the issue <i>clearly</i> and <i>includes details and specific “fine points”</i>	States proposed stand on the issue <i>clearly but in somewhat general terms</i>	<i>Does not</i> state proposed stand on the issue or does so <i>unclearly</i>
2. Why they chose this position (20%)	Defends proposed policy <i>persuasively, using sound logic and detailed</i> evidence gathered from research	Defends proposed policy <i>somewhat</i> persuasively, using logic and <i>some</i> evidence gathered from research	<i>Does not</i> defend proposed policy persuasively; uses <i>unsound logic and/or relies only on emotion and opinion</i> ; evidence from research is <i>not used or is off the point</i>
3. How this position supports the CSA mission statement (5%)	Shows <i>full understanding</i> of the mission of CSA by <i>clearly and thoroughly</i> explaining how the proposed policy supports it	Shows <i>basic understanding</i> of the mission of CSA by clearly explaining how the proposed policy supports it	<i>Does not address or appears to misunderstand</i> the mission of CSA and does not explain how the proposed policy supports it

Rubric for the Oral Debate of Findings by Issue Research Groups

(optional beginning of unit)

Component and Its Recommended Value	Exceeds Standards (score 4–5)	Meets Standards (score 3)	Does Not Meet Standards (score 1–2)
I. One-minute Presentation (25%) A. Synthesis of Information from Research Report B. Proposed Policy Statement 1. What position CSA should support 2. Why they chose this position 3. How this position supports the CSA mission statement	Summarizes information from Research Report <i>succinctly</i> , into its <i>most important</i> elements States proposed stand on the issue <i>clearly</i> and <i>includes details and specific “fine points”</i> Defends proposed policy <i>very persuasively, using sound logic and detailed evidence</i> from the report Shows <i>full understanding</i> of the mission of CSA by <i>clearly and thoroughly</i> explaining how the proposed policy supports it	Summarizes information from Research Report into its <i>important</i> elements; may be <i>somewhat wordy, or overly simplified</i> States proposed stand on the issue <i>clearly but in somewhat general terms</i> Defends proposed policy <i>persuasively, using logic and some evidence</i> from the report Shows <i>basic understanding</i> of the mission of CSA by <i>clearly</i> explaining how the proposed policy supports it	Summarizes information from Research Report <i>too briefly, or reads too much</i> information without summarizing <i>Does not</i> state proposed stand on the issue or does so <i>unclearly</i> <i>Does not</i> defend proposed policy <i>persuasively</i> ; uses <i>unsound logic and/or relies only on emotion and opinion</i> ; evidence from the report is <i>not used or is off the point</i> <i>Does not address or misunderstands</i> the mission of CSA and <i>does not</i> explain how the proposed policy supports it
II. Three-minute “Sparring” (50%)	Uses <i>sound</i> logic and <i>detailed</i> evidence to argue <i>very persuasively</i> for their position, following the descriptions above in (B) for questions 1, 2, 3 Responds <i>effectively</i> to counterarguments from opposing group; listens to their point, uses <i>clear</i> logic and <i>detailed</i> evidence	Uses <i>reasonable</i> logic and <i>some</i> evidence to argue <i>somewhat persuasively</i> for their position, following the descriptions above in (B) for questions 1, 2, 3 Responds <i>adequately</i> to counterarguments from opposing group; listens to their point, uses logic and evidence	<i>Does not</i> use sound logic and detailed evidence to argue <i>persuasively</i> for their position, following the descriptions above in (B) for questions 1, 2, 3 <i>Does not</i> respond adequately to counter-arguments from opposing group; <i>does not</i> listen to their point and/or use logic and evidence
III. One-minute Conclusion (25%)	Pulls together the <i>most powerful</i> arguments and pieces of evidence; uses points made by both sides during sparring <i>without being repetitive</i> ; <i>wraps up gracefully</i> and stays within time limit	Pulls together the <i>basic</i> arguments and pieces of evidence; uses points made by both sides during sparring; stays within time limit	<i>Does not</i> pull together arguments and evidence, or points made during sparring; may repeat previous comments; <i>exceeds or falls very short</i> of time limit, or <i>has to stop</i> without finishing

Rubric for the Written Description of a Bill and Strategy for Passing Legislation

(middle of unit)

Key Steps to Be Explained	Exceeds Standards (score 4–5)	Meets Standards (score 3)	Does Not Meet Standards (score 1–2)
1. How to enact change	<i>Clearly and succinctly</i> states what they are seeking to do, and <i>accurately</i> identifies the best means of doing so	<i>Clearly</i> states what they are seeking to do, and <i>accurately</i> identifies the best means of doing so	<i>Does not</i> clearly state what they are seeking to do, and/or <i>inaccurately</i> identifies the best means of doing so
2. How to get legislation started	Describes <i>accurately and in detail</i> the first steps to be taken	Describes <i>accurately</i> the first steps to be taken	Describes <i>inaccurately or omits</i> the first steps to be taken
3. What the proposed bill will say	Follows example format <i>exactly</i> ; the bill: <ul style="list-style-type: none"> • has been given a number and an accurate title, and has lettered subparts • states <i>completely, in detailed and precise language</i> what Congress declares to be true, and what action it is taking 	Follows example format <i>closely</i> ; the bill: <ul style="list-style-type: none"> • has been given a number and an accurate title and has lettered subparts • states <i>completely and clearly</i> what Congress declares to be true, and what action it is taking 	<i>Does not</i> follow example format closely; the bill: <ul style="list-style-type: none"> • has not been given a number or title, or it is <i>inaccurate and/or inappropriate</i>; subparts are <i>not lettered</i> • <i>does not</i> state completely and/or clearly what Congress declares to be true, and what action it is taking
4. Where proposal should be sent	<i>Accurately and completely</i> explains and <i>justifies</i> the choice of which chamber of Congress	<i>Accurately</i> explains the choice of which chamber of Congress	<i>Does not</i> accurately and completely explain the choice of which chamber of Congress
5. What types of proposals can be sponsored	<i>Accurately and completely</i> describes the four forms in which a proposal may be made	<i>Accurately</i> describes the four forms in which a proposal may be made	<i>Does not</i> accurately or completely describe the four forms in which a proposal may be made
6. What type of proposal should be employed	<i>Accurately and thoroughly</i> discusses the reasons for choosing one and <i>rejecting other types</i> of proposals	<i>Accurately</i> discusses the reasons for choosing one type of proposals	<i>Does not</i> accurately discuss the reasons for choosing or rejecting types of proposals
7. How to get proposal into the congressional system for a vote	<i>Accurately explains and justifies in detail</i> how to get <i>this particular</i> proposal into the congressional system for a vote	<i>Accurately</i> explains how to get this <i>type</i> of proposal into the congressional system for a vote	<i>Does not</i> accurately explain how to get this proposal into the congressional system for a vote

Rubric for the Written Description of a Bill and Strategy for Passing Legislation *(continued)*

Key Steps to Be Explained	Exceeds Standards <i>(score 4–5)</i>	Meets Standards <i>(score 3)</i>	Does Not Meet Standards <i>(score 1–2)</i>
8. How to get legislation started	<i>Accurately, completely, and in detail</i> explains what a congressional committee is, describes its functions and procedures, and tells how a bill moves through each step of the process	<i>Accurately</i> explains the <i>most important points</i> about what a congressional committee is, describes its functions and procedures, and tells how a bill moves through each step of the process	<i>Does not</i> accurately and/or completely explain what a congressional committee is, describe its functions and procedures, and tell how a bill moves through each step of the process
9. What the proposed bill will say	<i>Accurately, completely, and in detail</i> explains how to make congressional members aware of the bill, how to gain support from interest groups, and how congressional sponsors will need to promote the bill	<i>Accurately</i> explains the <i>most important points</i> about how to make congressional members aware of the bill, how to gain support from interest groups, and how congressional sponsors will need to promote the bill	<i>Does not</i> accurately and/or completely explain how to make congressional members aware of the bill, how to gain support from interest groups, and how congressional sponsors will need to promote the bill
10. Where proposal should be sent	<i>Accurately, completely, and in detail</i> explains how the House and Senate debate a bill, add amendments or “riders”, and vote on or recommit the bill	<i>Accurately</i> explains the <i>most important points</i> of how the House and Senate debate a bill, add amendments or “riders”, and vote on or recommit the bill	<i>Does not</i> accurately and/or completely explain how the House and Senate debate a bill, add amendments or “riders”, and vote on or recommit the bill
11. What types of proposals can be sponsored	<i>Accurately and completely</i> explains how the House and Senate send a bill to the other chamber, may give the bill to a Conference Committee, and vote to approve the final bill	<i>Accurately</i> explains the <i>most important points</i> of how the House and Senate send a bill to the other chamber, may give the bill to a Conference Committee, and vote to approve the final bill	<i>Does not</i> accurately and/or completely explain how the House and Senate send a bill to the other chamber, may give the bill to a Conference Committee, and vote to approve the final bill
12. What type of proposal should be employed	<i>Accurately and completely</i> explains <i>most important points</i> about how the President may sign, pocket-veto, or veto a bill	<i>Accurately and completely</i> explains the <i>basic information</i> about how the President may sign, pocket-veto, or veto a bill	<i>Does not</i> accurately and/or completely explain how the President may sign, pocket-veto, or veto a bill
13. How to get proposal into the congressional system for a vote	<i>Accurately, clearly and in detail</i> discusses the <i>realistic</i> chances for their <i>particular</i> bill	<i>Accurately and clearly</i> discusses the <i>realistic</i> chances for their bill or bills of this general type	<i>Does not</i> accurately and/or clearly discuss the <i>realistic</i> chances for their bill or bills

Rubric for the Written Report of Findings by Issue Research Groups

(optional beginning of unit)

Component and Its Recommended Value	Exceeds Standards (score 4–5)	Meets Standards (score 3)	Does Not Meet Standards (score 1–2)
I. Explanation of Alternatives to Legislation: (40%) <ul style="list-style-type: none"> • State legislation • State initiative or referendum • Judicial actions (civil lawsuit, Amicus Curiae brief) • Constitutional amendment • Executive order 	Describes all five alternatives <i>clearly, accurately, and in detail</i>	Describes all five alternatives <i>clearly and accurately</i>	Describes alternatives <i>unclearly and/or inaccurately</i> , and/or omits one or more alternatives
II. Recommendation and Defense of Proposed Solutions (40%)	Describes the proposed solution <i>clearly, accurately, and in detail</i> Defends the proposed solution <i>logically</i> (relies on reasoning and evidence) <i>and persuasively</i> <i>Offers a detailed explanation</i> of the likelihood of success of each alternative; <i>considers particular aspects</i> of the policy issue analyzed	Describes the proposed solution <i>clearly and accurately</i> Defends the proposed solution <i>logically</i> (relies on reasoning and evidence) <i>Mentions or explains briefly</i> the likelihood of success of each alternative; <i>may not refer</i> to particular aspects of the policy issue analyzed	Describes the proposed solution <i>unclearly and/or inaccurately</i> <i>Does not defend</i> the proposed solution <i>logically nor persuasively</i> (uses <i>vague or opinion-based</i> appeals instead of reasoning and evidence) <i>Does not mention or inaccurately</i> explains the likelihood of success of the solution; <i>does not refer</i> to particular aspects of the policy issue analyzed
III. Presentation Skills (20%)	Presentation stays within time limit and <i>uses the right amount of time</i> (not redundant, wordy, nor too brief) Visual materials enhance the presentation and are <i>accurate, carefully mad, and follow the principles of good graphic design</i> <i>All</i> group members participate <i>substantively</i> and <i>roughly equally</i> in the presentation and are <i>fully</i> able to answer questions	Presentation stays within time limit, but <i>may be a bit too brief or lengthy</i> Visual materials enhance the presentation and are <i>accurate</i> <i>All</i> group members participate <i>substantively</i> in the presentation and can answer questions; <i>some may dominate or play lesser roles</i>	Presentation is <i>too brief or too long</i> Visual materials are not used, or are <i>inaccurate, poorly made, hard to understand, or otherwise detract from</i> the presentation <i>One or more</i> group members <i>do not</i> participate <i>substantively</i> in the presentation and are <i>unable</i> to answer question

Test for *LegiQuest*

Answer Key

1. Which of the following is the central power of the legislative branch?
 - A Power to carry out laws
 - ☒ B Power to make laws
 - C Power of judicial review
 - D Power of attorney
2. How can citizens affect public policy?
 - A Gain the support of a congressional representative
 - B Use the initiative process
 - C Place a referendum on the ballot
 - ☒ D All of the above
3. What is the power of judicial review?
 - A The power to review elections for fraud.
 - B The power to appeal a court decision.
 - ☒ C The power to decide if any law or government action is constitutional.
 - D The power to exercise powers of another branch.
4. According to the principle of checks and balances, what can a president do if he disagrees with a law passed by Congress?
 - A Override it
 - ☒ B Veto it
 - C Declare it unconstitutional
 - D Place it with a new committee
5. The U.S. Constitution creates a federal system, which means
 - ☒ A responsibilities are divided between national and state governments.
 - B powers are divided among the different branches of government.
 - C political parties determine who gets funding.
 - D citizens vote for representatives in government.
6. The main purpose of a congressional conference committee is to
 - A hold hearings and conduct debates over a bill.
 - B regulate state and national elections.
 - ☒ C reconcile differences between bills passed in the House and Senate.
 - D influence public policy decisions.
7. How many members of both houses can override a veto?
 - A Unanimous consent
 - B Half of each branch
 - C Three-fourths majority
 - ☒ D Two-thirds majority
8. Where do most bills begin?
 - A the President's budget
 - B the Senate
 - ☒ C the House of Representatives
 - D Citizen's initiatives

9. What happens to most bills that go through Congress?
 - ☒ A They die in committee.
 - B They are returned to the president.
 - C They are passed.
 - D They are tabled for another time.
10. How long can a floor debate go on in the House of Representatives?
 - A Until everyone has had a chance to speak
 - ☒ B Limited by the Speaker of the House
 - C Until one side agrees with the other side's position
 - D Unlimited with a filibuster
11. When does a bill become law?
 - A After judicial review
 - B After Congress passes the bill
 - C When the people approve the bill
 - ☒ D Upon the president's signature
12. The main purpose of a special interest group is to
 - ☒ A influence public policy decisions.
 - B collect and distribute funds for political candidates.
 - C regulate the different departments of the Executive Branch.
 - D enforce the laws of Congress.
13. Which Supreme Court case established the doctrine of judicial review?
 - A *McCulloch v. Maryland*
 - B The Oakland Cooperative case
 - ☒ C *Marbury v. Madison*
 - D *Gonzales v. Raich*
14. What important precedent did the case of *McCulloch v. Maryland* establish?
 - A The Supreme Court could rule a law or government action unconstitutional.
 - ☒ B The federal government is supreme over the states.
 - C Congress could make any law it wanted.
 - D Maryland could not set up its own bank.
15. Why is it important to obtain a bill sponsor?
 - A A sponsor writes the bill.
 - B Only sponsors can vote on a bill.
 - C A sponsor will pay for the bill.
 - ☒ D A sponsor introduces the bill.
16. Where does a bill go after it is sent to either the Speaker of the House or the Senate Majority Leader?
 - ☒ A To an appropriate committee.
 - B To the president for signing.
 - C To the other house for approval.
 - D To a vote by either house.

17. Why are bills sent to a subcommittee?
- A To be written up for a floor vote.
 - B So they can be tabled or killed.
 - ☒ C To be scrutinized through hearings and deliberation.
 - D To see if it is legally binding.
18. How can special interest groups make sure their bills will be supported in Congress?
- A Contact members of Congress to make them aware of the bill.
 - B Form coalitions with other interest groups who believe in their cause.
 - C Garner the support of the public to contact their representatives in Congress.
 - ☒ D All of the above.
19. What is the purpose of a filibuster?
- A To ensure all parties have an opportunity to debate a bill.
 - ☒ B To slow down or stall the legislative process.
 - C To amend a bill with a rider.
 - D To send a bill back to committee.
20. When does a bill in one chamber go to the other chamber?
- ☒ A When it is approved by the first chamber.
 - B When it is ready for the president to sign.
 - C When it is ruled unconstitutional by the Supreme Court.
 - D When it is first introduced.
21. Why might a president veto a bill?
- A Because he or she approves of it.
 - B It has gone past the 10 day waiting period.
 - ☒ C Because she or he disagrees with it.
 - D It has been agreed to by both houses of Congress.
22. Which of the powers listed below is *not* a concurrent power?
- A levy taxes
 - B borrow and spend money
 - ☒ C print money
 - D establish courts
23. If a special interest group is not successful in getting Congress to pass a law, which of the following is probably *not* a good option?
- ☒ A Encourage the president to pass an executive order.
 - B Go to individual state legislatures.
 - C Propose a Constitutional amendment.
 - D Take their case to court.

24. What is the "iron triangle?"
- A a metaphor for the three branches of government: legislative, executive, and judicial
 - ☒ B a term describing the relationship between Congress, the bureaucracy, and the private sector contractors
 - C the minority members of the Supreme Court who never agree with the majority
 - D the inner ring of the Pentagon where the three major military branches are headquartered
25. How do issue networks work to influence Congress?
- A They gather and administer funds for Congressional elections.
 - B Hold primary elections and town hall meetings for Congressional members to hear their ideas.
 - C They threaten to shift their support for state and local government.
 - ☒ D Interest groups form alliances with government bureaucracy and consultants to push for a specific policy.
26. The basic purpose of a lobbyist is to
- A offer enough money to get a legislature to support their cause.
 - B run candidates who will support their issues.
 - ☒ C sell ideas and solutions to a problem.
 - D write legislation that will be debated in Congress.
27. What is the best alternative special interest groups have if they fail to obtain federal legislation for their cause?
- A They can wait for the next election.
 - B Protest in the streets.
 - C Find another cause.
 - ☒ D Look to state legislatures.
28. How does seeking solution through an initiative and referendum differ from a legislative action?
- A The initiative and referendum process are more expensive.
 - ☒ B The vote over the solution is directly in the hands of the people.
 - C The initiative and referendum will require court action, not legislative action.
 - D The initiative and referendum take longer than legislative action.

Entry Document: First Memo from Richard Barley



C O U N C I L O F S T U D E N T A D V O C A T E S

CSA MISSION

The Council of Student Advocates represents the interests of high school students throughout the United States.

CSA works in partnership with state and national government to create public policy pertaining to issues the CSA members have deemed critical to their interests, and to the protection and enhancement of our quality of life now and in the future.

CSA advocates for education, juvenile justice, communications and technology, and social welfare as these issues affect high school students.

TO: Research Staff
FROM: Richard Barley, Director, Council of Student Advocates
RE: Recent Legislative Issues

Members of our council have questioned me about recent controversial issues that may require our taking a position and pursuing legislative action. Our membership is concerned that Congress is not responding to the needs and interests of high school students, and our involvement in these issues is urgent.

As researchers for CSA, the council would like you to review previous laws and court cases regarding these issues, answer questions about the issues, and recommend a position that will support the CSA mission.

I will be sending you a problem overview describing the issues and questions that our membership would like answered. Please do whatever research is necessary to prepare answers to these questions. I will expect to receive this information from you in three days.

Please keep in mind that CSA is a new organization dedicated to representing the concerns of high school students. Our organization needs to demonstrate that high school students—numbering more than 16 million in the United States—have a place in the political process. As high school students, we expect to be taken seriously as political participants, and we intend to accomplish meaningful change by taking advantage of the political tools available to us. This effort will require the active participation of our membership, as well as the dedication and expertise of staff members such as you.

Entry Document: First Memo from Richard Barley



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TO: Chief Lobbyists
FROM: Richard Barley, Director, Council of Student Advocates
RE: Recent Legislative Issues

Members of our council have questioned me about recent controversial issues that may require our taking a position and pursuing legislative action. Our membership is concerned that Congress is not responding to the needs and interests of high school students, and our involvement in these issues is urgent.

The council would like you to review information about these issues and recommend a position that will support the CSA mission.

I will be sending you a problem overview describing the issues, along with answers to questions about the issue. Please review this information and suggest a stand you think CSA should take on the issue.

Please keep in mind that CSA is a new organization dedicated to representing the concerns of high school students. Our organization needs to demonstrate that high school students—numbering more than 16 million in the United States—have a place in the political process. As high school students, we expect to be taken seriously as political participants, and we intend to accomplish meaningful change by taking advantage of the political tools available to us. This effort will require the active participation of our membership, as well as the dedication and expertise of staff members such as you.

Medical Marijuana

Legal Status of Medical Marijuana: State vs. Federal

What has happened in the medical marijuana movement so far?

Manufactured substances fall under the jurisdiction of the federal government because they are transported by interstate commerce. In 1970, Congress passed Section 801, the Controlled Substance Act. It states, "The illegal importation, manufacture, distribution, and possession and improper use of controlled substances have a substantial and detrimental effect on the health and general welfare of American people." Marijuana is listed as a Schedule 1 controlled substance and is, therefore, banned by the federal government from production, manufacture, distribution, and possession. The only exception to the ban is production for government-approved research. Thus far, government-approved research has found no medical benefits in marijuana.

Proposition 215 was an initiative passed by California voters in 1996. This proposition added the Compassionate Use Act, Section 11362.5, to the Health and Safety Code. The Compassionate Use Act ensures that seriously ill California citizens have the right to obtain marijuana for medical purposes deemed worthy by a physician. Patients and primary caregivers who use, grow, or distribute marijuana for medical purposes are not subject to criminal prosecution.

What happened as a result of this legislation?

Cannabis clubs, which were once underground organizations, began to function openly as a means of distributing marijuana for medicinal purposes. Clubs opened in San Francisco, Los Angeles, Oakland, and San Diego. Patients could receive marijuana for medical purposes if they presented a physician's prescription to an accredited cannabis club nurse. This transaction made the sale of marijuana legal for that patient as far as the State of California was concerned.

How did the federal government respond?

In 1998, the U.S. Attorney General sued the Oakland Cannabis Buyers Cooperative on the basis that it had violated the 1970 Controlled Substance Act. The case went to the District Court, which found the cooperative in contempt of court because cooperative members continued to sell marijuana after an injunction had been placed upon them.

The cooperative appealed to the Ninth Circuit Court of Appeals, which overturned the District Court's ruling on the basis that there was a medical necessity for patients who rely on marijuana. The Attorney General appealed to the Supreme Court, claiming there was no medical necessity and that the court erred in lifting the injunction against the cooperative. On May 14, 2001, the Supreme Court accepted the case. It ruled 8-0 that the cooperative had violated the Controlled Substance Act. The court reasoned that the only exception allowing for the growth, use, and distribution of marijuana was government-approved research and since no government research has proven the medical benefits of marijuana, the Ninth Circuit Court should not have lifted the injunction against the cooperative. Therefore, the decision of the Appeals Court was reversed. Marijuana could no longer be considered a legal substance for medical purposes in California or any other state.

On June 6, 2005, the Supreme Court ruled 6 to 3 in *Gonzales v. Raich* that federal law enforcement officials could prosecute medical marijuana patients who reside in a state where medical marijuana is legal under state law. The Court cited the Commerce Clause that gives Congress the power to

regulate purely local activities that have a substantial effect on interstate trade. However, the Court did not state that the California law was unconstitutional. It also left the prosecution of patients using medical marijuana up to the discretion of the federal government.

In 2009, the U.S. Supreme refused to hear a long contested case brought by San Diego County (*San Diego County v. San Diego NORML et al.*) over its refusal to implement statewide medical marijuana laws. The 1996 California state law, Proposition 215, required local government officials to issue identification cards for patients who have doctor's approval for using medical marijuana. Such ID cards are used to enter California medical marijuana shops and shown to police officers who find patients in possession of marijuana. San Diego County argued that it didn't have to follow the state law because the federal ban on marijuana trumps state law. The Supreme Court's refusal to hear the case validated both the San Diego Superior Court and the Fourth District Court of Appeals rejection of the San Diego County case.

What precedents give the federal government, and in particular the judicial branch, the authority to decide that a state law or code is unconstitutional?

It started over 200 years ago with the Marshall Court. Under the leadership of Chief Justice John Marshall, the Supreme Court defined its role in government through several landmark cases. *Marbury v. Madison* (1803) set the stage. The second U.S. President, John Adams, signed the Judiciary Act of 1800, which created several new judgeships. Adams gave each of the new seats to Federalists—members of his own party. Unfortunately for Adams, not all of his appointments were sent before the end of his term. In the election of 1800, the Republicans, the rival party of the Federalists, won both the presidency and control of Congress. The Republicans did not want any more Federalist judges. (The Federalists had appointed all of the judicial seats, which were guaranteed for life.) The Republicans repealed the Judiciary Act and did not award any of the remaining appointments. Marbury, one of the withheld appointees, sued James Madison, the Secretary of State.

Marbury appealed his case to the Supreme Court by asking them to extend a *writ of mandamus*, which would force the government to give him his rightful position. The Marshall court ruled that Marbury should have been delivered the commission, but that the Judiciary Act of 1789, which gave the Supreme Court the power to issue *writs of mandamus*, exceeded the authority of the court as specified by Article III of the Constitution. The Supreme Court hamstrung itself—that is, it denied itself the power to issue a *writ of mandamus*—in order to demonstrate that the Constitution allows each branch and level of government only certain powers and responsibilities. When a level or branch of government has been extended too much power, it is the job of the Supreme Court to arbitrate the powers vested in the Constitution.

What was the significance of Marbury v. Madison?

The decision gave the Supreme Court the authority to declare acts of Congress and the President unconstitutional if they exceeded the powers granted by the Constitution. The decision made the Supreme Court the final authority on the meaning of the Constitution, and on how constitutional powers would be distributed among the branches of government.

Why is this case relevant to medical marijuana?

Marbury v. Madison is the precedent, which allows the Supreme Court the power of judicial review. In the case of medical marijuana, the ruling in *Marbury v. Madison* gives the court the ability to review the constitutionality of the Compassionate Use Act of 1996.

What gives the Supreme Court the right to review state laws, and what precedent gives federal laws sovereignty over state laws?

McCulloch v. Maryland (1819) was another Marshall triumph for the judicial branch. In addition to asserting the power of the judicial branch, it benefitted the federalist system as a whole by strengthening federal control over the states. In 1818, Maryland enacted a law taxing all non-state chartered banks within the state, including the congressionally created Bank of the United States. The law also imposed state procedures for how these non-state banks could issue bank notes. The state sued James McCulloch, the cashier of the Baltimore branch of the Bank of the United States, for failure to uphold state tax laws. The result of this case has been characterized as the most influential in American jurisprudence. John Marshall ruled that Congress may create a national bank, even though the Constitution makes no mention of it, for the reason that it may “make all laws which shall be necessary and proper for carrying into execution,” the expressed powers in the Constitution. This case also overruled Maryland’s tax on the bank.

What is the significance of this case?

The court reaffirmed that the Constitution gives Congress the right to levy taxes, regulate commerce, and “make all laws which shall be necessary and proper for carrying into execution” the needs of the government. The court contended that the Constitution, and the laws made in pursuance thereof, are supreme and cannot be controlled by the various states. This decision forces states to comply with federal regulations. It leaves no room for states to act contrary to federal law.

Why is this significant to California’s pursuit to legalize medical marijuana?

This case is the precedent. It says that federal regulations are supreme over state laws. Furthermore, it demonstrates that the Constitution does not allow states to change federal regulations and institutions (i.e., levy a tax on a federal institution). In the medical marijuana case, California tried to create an exception to the Controlled Substance Act of 1970 for the production of marijuana as a medical product. In a sense, the citizens of California were not willing to meet the regulations set forth by Congress. The federal judicial branch, as it did 200 years ago, will not allow states to pick and choose which federal regulations they wish to follow. The Supreme Court maintained this stance by summarily rejecting the Oakland Cooperative’s case 8-0.

How has law enforcement followed up on the court’s decisions?

Although the Supreme Court has ruled that federal law enforcement officials can prosecute medical marijuana cases, it did not declare the California law invalid. Thus, local government is obligated to follow state law regarding medical marijuana. In February, 2009, Attorney General Eric Holder said the Justice Department would no longer raid medical marijuana clubs that are established under state law, and in October of that same year, the Department of Justice announced it would not prosecute people who were complying with California’s medical marijuana laws. However, in October of 2011, U.S. attorneys in California announced they would prosecute medical marijuana dispensaries that they regard as commercial entities.

For current status see

<http://www.cdph.ca.gov/programs/mmp/Pages/Medical%20Marijuana%20Program.aspx>

Policy Statement: Support Legalization of Medical Marijuana**1. *We propose that CSA support the legalization of medical marijuana.***

- Legalization would allow patients and their caregivers to have access to a product they deem beneficial.
- To support this finding, CSA should help design and support federal legislation that will protect patients' rights to medical marijuana.

2. *We choose this stand because*

- Many critically ill patients find marijuana to have beneficial effects. Many of the caregivers of critically ill patients concur.
- The majority of the population is unconcerned with the effects of legalizing medical marijuana, while only a handful of anti-drug and law enforcement organizations have called for immediate action against cannabis clubs and their patients. These law enforcement organizations benefit (in the form of jobs) from making medical marijuana illegal.
- The amount of law enforcement manpower needed to dismantle the medical marijuana industry is costly and prohibitive, given the current condition of the economy. The federal government would spend less money regulating the industry than it does trying to criminalize patients who use medical marijuana.

3. *The ways this position supports the CSA mission statement are*

- The issue affects all high school students, especially those with family members who may need medicinal marijuana.
- Protection and enhancement of our quality of life requires that we monitor the way government spends its resources, especially since current high school students are going to inherit a sizeable federal debt.

Policy Statement: Prevent Legalization of Medical Marijuana

1. *We propose that CSA support efforts to prevent the legalization of medical marijuana.*

- Patients and their caregivers should abide by existing federal mandates that make medical marijuana illegal.
- Federal law enforcement agencies should enforce current bans on marijuana.
- In the absence of voluntary compliance and federal enforcement, CSA should assist in the design and support of federal legislation to specifically prevent patients and their caregivers from access to marijuana.

2. *We choose this stand because*

- *McCulloch v. Maryland* (1819) sets the precedent that federal regulations are supreme over state laws.
- The Constitution does not allow states to change federal regulations and institutions.
- California has tried to create an exception to the Controlled Substance Act of 1970 for the production of marijuana as a medical product and was not willing to meet the regulations set forth by Congress.
- The states are not allowed to pick and choose which federal regulations they wish to follow.

3. *The ways this position supports the CSA mission statement are*

- This issue affects high school students because medical marijuana may be subterfuge for recreational use of the drug.
- There is no scientific proof that medical marijuana is effective.
- There is evidence that marijuana is a gateway drug and that long-term use can have detrimental effects.

Death Penalty

Issue Overview

What is capital punishment?

Capital punishment, commonly referred to as the death penalty, has been a form of punishment for as long as there have been organized political communities. It is the severest sentencing that society can place on an individual. In the United States, the death penalty dates back to the Colonial Period (1608). It remained a sentencing option after the Revolutionary War and the establishment of a new government under the Constitution.

How long has capital punishment been a sentencing option in the United States?

From the birth of the U.S. until the 1960s, the death penalty was seen as a constitutionally acceptable form of punishment. However, in the 1960s a series of Supreme Court decisions began to cast doubt on the constitutionality of the death penalty. This movement culminated in the suspension of the death penalty in 1972. The issue of the arbitrariness of the death penalty was brought before the Supreme Court in 1972 in *Furman v. Georgia* (408 U.S. 238). Furman, using an Eighth Amendment challenge, argued that capital cases resulted in arbitrary and capricious sentencing. The Supreme Court held that Georgia's death penalty statute, which gave the jury complete sentencing discretion without any guidance as to how to exercise that discretion, could result in arbitrary sentencing. The court held that the scheme of punishment under the statute was therefore "cruel and unusual" and violated the Eighth Amendment.

What legal action reinstated the death penalty?

On June 29, 1972, the Supreme Court effectively nullified 40 death penalty statutes it deemed no longer valid. Subsequently, the sentences of 629 death row inmates around the country were overturned and the death penalty was suspended. This suspension lasted less than five years. States began to redefine the discretion given to juries by providing sentencing guidelines for the judge and jury when deciding whether to impose death. A series of three Supreme Court decisions—collectively referred to as the Gregg Decision, after *Gregg v. Georgia* (428 U.S. 153)—deemed that under these revised guidelines, the death penalty was not unconstitutional according to the Eighth Amendment. On January 17, 1977, Gary Gilmore was executed by firing squad in Utah, thus resuming exercise of the death penalty. To date, the Supreme Court has continued to uphold the use of the death penalty.

How do other nations view the death penalty?

More countries have abolished capital punishment than use it. As of 2010, fifty-eight countries have retained the death penalty and ninety-six countries have abolished it. The remaining thirty or so countries have either not used it for ten years or use it only in extreme circumstances. In 2007 and 2008, the UN General Assembly passed non-binding resolutions calling for a global moratorium on executions with eventual abolition.

Is the death penalty a state issue or a federal issue?

Congress or any state legislature may prescribe capital punishment for murder or other capital crimes. The Supreme Court ruled in *Gregg v. Georgia* (1976) that the death penalty is not a violation of the Eighth Amendment's ban on cruel and unusual punishment. However, according to the Court, the Eighth Amendment does proscribe certain procedures as to when the death penalty can be applied and the manner in which it is carried out. The Eighth Amendment requires that sentencing courts consider "the evolving standards of decency" to determine if a particular punishment constitutes cruel and unusual punishment. When considering the evolving standards of decency, the courts have to look objectively for any change in community standards and make independent evaluations about whether the law in question and its mandated punishment are reasonable.

How is the death penalty applied throughout the United States?

The U.S. Supreme Court has ruled if a penalty is not proportional to the crime, it violates the Eighth Amendment's prohibition against cruel and unusual punishment. The Court has ruled that when considering what constitutes cruel and unusual punishment, courts must consider the evolving standards of decency. When administering the death penalty, courts look to three factors: the degree of the offense and the harshness of the penalty; how the justice system punishes other criminals; and how other justice systems punish for the same crime. All three of these criteria help determine the standard of decency, and that standard can evolve over time.

In following the "standards of decency" doctrine, the Supreme Court has further clarified that a state cannot apply the death penalty to the crime of adult or child rape because it violates the proportionality requirement. At the time of this ruling, only a few states supported such a penalty, thus the Court found that there wasn't strong consensus for capital punishment in these cases. The Court has also ruled that executing mentally challenged criminals and juvenile criminals violates the ban on cruel and unusual punishments.

Society believes that the application of the death penalty should be as even as possible. However, the application of the criteria above to determine whether to implement the death penalty has proved to be inconsistent among the states. Prosecutors in one jurisdiction might pursue a death penalty while those in another might not, even if the case is the same. Also, with appeals and delays, the evolving standards of decency can change over time allowing application of the death penalty at one point and denying it at another. Another inconsistency in the application of capital punishment is with respect to race. Studies have shown that a death sentence is more likely when a white person is murdered than when a member of a racial minority is murdered.

How are some states rethinking their use of the death penalty?

With the advancement of forensic science and the ever-expanding use of DNA evidence in capital offense trials, many states are rethinking the use of the death penalty and the risk of making an irrevocable mistake. Several states have instituted moratoriums on scheduled executions while cases are reopened for further review as DNA samples and analysis have become available. Some states, like Michigan, Alaska, and Hawaii, have never allowed capital punishment. Eleven other states have fully abolished the death penalty, as has the District of Columbia.

How do opponents of the death penalty plan on using federal legislation to deter the use of capital punishment?

In recent years, a wide range of organizations have banded together to work toward the abolition of capital punishment by lobbying Congress and state legislatures to examine their concerns about the death penalty. Presenting their case on both moral and scientific grounds, the anti-death penalty movement presents evidence that shows the United States is a minority nation in practicing capital punishment. The movement also cites numerous studies and cases where DNA evidence proved convicted defendants on death row did not commit the crime. They have experienced some success in bringing about restrictions on the use of capital punishment in laws and court decisions.

For Further Research

- Death Penalty.org
<http://www.deathpenalty.org/>
- Death Penalty Information Center
<http://www.deathpenaltyinfo.org/>
- Pro-Death Penalty.com
<http://www.prodeathpenalty.com/>
- Balanced Politics
http://www.balancedpolitics.org/death_penalty.htm
- National Coalition to Abolish the Death Penalty
<http://www.ncadp.org/>
- Amnesty International:
<http://www.amnestyusa.org/abolish/juvexec.html>
<http://www.amnestyusa.org/>
- Annenberg Classroom
<http://www.annenbergclassroom.org/>
- American Civil Liberties Union:
<http://www.aclu.org/death-penalty/>
- Justice for All:
<http://www.prodeathpenalty.com/>
- Ethics Update Death Penalty
<http://ethics.sandiego.edu/Applied/DeathPenalty/index.asp>
- Freedom House:
<http://www.freedomhouse.org/>
- Cornell University for Case Reviews:
<http://www.law.cornell.edu/>

Research Questions and Resources

You have been asked by CSA to explain the history of the death penalty issue, to describe its current status, and to project what can be expected in the near future. You must also determine what stand CSA should take on this issue. In order to do this, please prepare answers to the following questions:

1. *What federal laws or constitutional amendments allow for use of the death penalty?*

Death Penalty Information Center

<http://www.deathpenaltyinfo.org/federal-laws-providing-death-penalty>

2. *What Supreme Court decisions have affected the use of the death penalty?*

Cornell University for Case Reviews:

http://www.law.cornell.edu/supct/cases/topics/tog_capital_punishment.html

3. *What court decisions relate to use of the death penalty in the case of a juvenile criminal?*

<http://www.law.cornell.edu/supct/html/03-633.ZS.html>

4. *What are the current restrictions on the power to sentence juveniles to the death penalty?*

<http://www.law.cornell.edu/supct/html/03-633.ZS.html>

5. *Which government bodies decide if the death penalty may be used?*

American Civil Liberties Union:

<http://www.aclu.org/death-penalty/>

6. *Do the states or federal government decide on the death penalty?*

http://www.law.cornell.edu/wex/Death_penalty

7. *What states allow the death penalty for juveniles?*

<http://www.deathpenaltyinfo.org/state-info-link>

8. *What age must a person be to be eligible for the death penalty?*

Death Penalty Information Center

<http://www.deathpenaltyinfo.org/juveniles-and-death-penalty>

Teen Steroid Use

Issue Background

On March 17, 2005, several of baseball's greatest players of the 1980s and 90s testified before the House Government Reform Committee. The committee's members were concerned about the accepted use of steroids by major league baseball players and the bad example they set as role models for aspiring youth. They were also skeptical of MLB's drug testing program and threatened to legislate tougher testing policies if the league didn't come up with a policy of its own. In the years that followed, many players admitted to using performance-enhancing drugs, including anabolic steroids.

In 2006, MLB launched an investigation, chaired by former U.S. Senator George Mitchell, into past steroid use by the league's players. The Mitchell Report, which detailed the use of steroids among major league baseball players also noted that while steroid use among high school students seemed to be declining at that time, it was estimated that 3–6% of teens, both male and female, have tried anabolic steroids. Besides the potential physical damage steroids can cause, its use among competing athletes creates an unfair advantage that reduces the importance of the player's accomplishments and calls into question the integrity of the sport.

Once thought to be a problem only with professional athletes and body builders, steroid abuse is prevalent in all levels of sports. In a 2010 National Institute on Drug Abuse study, teenagers were asked if they ever tried steroids—even once. The study found that a little over 1% of 8th graders, 1.6% of 10th graders, and 2% of 12th graders ever tried steroids. However, it is estimated that by the time they're high school seniors, 5–12% of male students and 1% of female students have used anabolic steroids. This amounts to more than half a million high school students.

What are Anabolic Steroids?

Anabolic-androgenic steroids are artificially produced hormones that are similar to testosterone. Anabolic refers to the steroid's ability to build up muscle. Androgenic refers to steroid's role in promoting the development of male sexual characteristics. These drugs go by product names such as oxandrin, dianabol, winstrol, deca-durabolin, and equipoise. They are also known by common street names such as "andro," "roids," and "juice."

The body produces steroids naturally to promote growth in tissue and maturation. Although testosterone is a mature male hormone, girls' bodies also produce it in smaller amounts. Testosterone promotes masculine traits developed during puberty such as a deepening of the voice, body hair and larger muscle mass. Increased testosterone levels can also promote aggressive behavior. Chemically produced testosterone has legitimate medical uses and is prescribed to help people with certain types of anemia and men who don't produce enough testosterone on their own.

Another type of steroid, called a steroidal supplement, contains the chemicals dehydroepiandrosterone (DHEA) and/or androstenedione (also known as "andro"). DHEA is related to testosterone and was widely advertised as a wonder drug with claims that it improved muscle strength and prevented heart disease. For many years, DHEA and other types of supplemental steroids were found in health food stores but now can only be obtained through a doctor's prescription. Steroidal supplements are generally weaker than anabolic steroids, with similar

short-term effects. Their side effects aren't as well known. As a result, users often take more than would generally be prescribed, causing unknown effects on the body.

Background and History

Anabolic steroids were developed in the 1930s by Dutch, German, and Swiss scientists working for pharmaceutical companies. Clinical trials on humans began in 1937 and steroids were referred to in weight training literature soon after. It was rumored that Nazi soldiers took anabolic steroids to increase their stamina and aggression, but these rumors have never been proven.

Controversy surrounding steroid use arose during the 1950s Olympic Games, when Soviet and Eastern European athletes were found to have taken testosterone injections. Since then, testing of athletes in nearly all sports has become mandatory, as legitimate and illegitimate pharmaceutical companies synthesize more and more strains of anabolic steroids designed to be within the rules or not illegal. By 1990, Congress passed the Anabolic Steroid Control Act, classifying steroids as controlled substances. This makes simple possession of such substances without a prescription a federal crime, punishable by up to one year in prison. Unlawful distribution or intent to distribute anabolic steroids is punishable by up to 10 years in prison.

How do anabolic steroids work?

Anabolic steroids are taken into the body in a variety of ways: topical creams, pill form, injections into the blood stream, or injections directly into the muscle. Once steroids have entered the bloodstream, they attach themselves to cells called receptor sites, which activate to produce protein. This, in turn, stimulates the muscle tissue to grow—what weight lifters call “bulking up,” normally done through weight lifting. Steroids also block the effects of stress on the muscle tissue so that muscle breakdown is reduced. Anabolic steroids can remain in the body anywhere from a few days to upwards of a year. Tests show that steroids improve strength, endurance, and muscle mass, but research hasn't shown that they improve skill, agility or athletic performance.

What are the effects of anabolic steroids?

Like most drugs, even illegal ones, anabolic steroids have legitimate uses. They can aid people who are hormone deficient. On the positive side, anabolic steroids can increase protein synthesis, stimulate bone marrow production, and increase red blood cells. They also stimulate the formation of muscle cells and thus increase muscle strength.

On the negative side, because steroids are artificially produced, as the name implies, they are not natural to the body. Their introduction into a young, healthy person tips the balance of natural hormone production and can have unwanted, serious consequences.

- For guys—shrinking of the testicles, reduced sperm count, infertility, development of breasts, increased risk for prostate cancer, and premature baldness
- For girls—growth of facial hair, pattern baldness, changes in or cessation of the menstrual cycle, and a permanently deepened voice¹

1. NIDA for Teens: The Science Behind Drug Abuse http://teens.drugabuse.gov/facts/facts_ster1.php

Steroid abuse can also result in behavioral effects such as mood swings, including manic symptoms. Depression, paranoia, jealousy, delusions, and impaired judgment can also result. Injection through an unclean hypodermic needle can result in the transference of life-threatening viral infections like HIV/AIDS and hepatitis. In rare cases, steroid abuse can cause death. When steroids enter the body, they go through the blood stream to organs where their effects are not beneficial. Steroid use can create a situation that makes the heart susceptible to attack and stroke. Steroids can lead to a condition called atherosclerosis, causing fatty deposits inside the arteries that restrict or block blood flow.

Why do teens use anabolic steroids?

For most teens, male and female, using steroids is about attaining peak performance in athletics and improving on physical appearance. Pressure from parents, peers, and the performance culture pushes teens to use steroids in order to succeed. Many teens are impatient and eager for fast results. They do not always consider the long-term consequences and possible health risks of their actions.

How are anabolic steroids getting into the hands of teenagers?

Most countries do not regulate anabolic steroids. Many chemical manufacturing companies in Mexico, Latin America, and Eastern Europe have sprung up to readily supply the U.S. fitness and dietary supplement products market. Steroids come in many forms and are very hard to regulate. The U.S. Food and Drug Administration (FDA) has not been given the authority to regulate dietary supplements, and very little is known about many consumer dietary and fitness products. Many products that can be purchased at a gym or fitness store may contain illegal steroids. Illegal drug rings also distribute large amounts of anabolic steroids. Although the DEA prosecuted over 50 cases of steroid distribution in recent years, the challenge of keeping them out of the fitness market is overwhelming.

What is the legal status of drug testing in schools?

In 2002 the U.S. Supreme Court ruled on the legality of drug testing in middle and high schools in the case of *Board of Education v. Earl*. The Tecumseh, Oklahoma School District created a regulation that allowed schools to test all students who participate in extracurricular activities, such as sports, clubs, and theater, for drugs. The defendant claimed that the regulation was an unconstitutional violation of the Fourth Amendment, which guards against unreasonable searches and seizures. The Supreme Court ruled that the school district was justified in creating that regulation because drug testing serves the greater community interest by detecting juvenile drug use. The regulation did not violate the Fourth Amendment. In general, the Supreme Court has allowed searches of students, their lockers, backpacks, and cars—more than would be permissible for adult citizens.

What are the concerns of people who oppose penalties on schools whose student athletes test positive for steroids?

In addition to privacy and Fourth Amendment concerns, some argue that it is not fair for schools as a whole to be punished for individual student violations of anti-steroid laws. Coaches and administrators do not have the time or capability to closely monitor what student athletes put into their bodies. Moreover, say opponents of penalties on schools, greater emphasis should be placed on making students more aware of the dangers of steroids, in combination with efforts to decrease their availability.

For Further Research

- National Institute on Drug Abuse (NIDA):
http://teens.drugabuse.gov/facts/facts_ster1.php
- United States Anti-doping Agency:
<http://www.usada.org/effects-peds/>
- Steroid Abuse:
<http://www.steroid-abuse.org/>
- NIDA for Teens:
<http://teens.drugabuse.gov/index.php>
- Muscle and Strength:
<http://www.muscleandstrength.com/articles/teen-steroids.html>
- Steroid.com:
<http://www.steroid.com/steroids-in-sports.php>
- Anabolic Steroid Abuse:
<http://www.steroidabuse.gov/>
- Teen Drug Abuse:
<http://www.teendrugabuse.us/teensteroids.html>
- All about Anabolic Steroids (Livestrong.com):
<http://www.livestrong.com/anabolic-steroids/>
- Timeline of Baseball's Steroid Scandal (MSNBC Sports):
<http://nbcsports.msnbc.com/id/22247395/>
- Baseball's Day of Reckoning in Congress (Washington Post):
<http://www.washingtonpost.com/wp-dyn/articles/A43422-2005Mar17.html>

Research Questions and Resources

You have been asked by CSA to explain the history of the teen steroid use issue, to describe its current status, and to project what can be expected in the near future. You must also determine what stand CSA should take on this issue. In order to do this, please prepare answers to the following questions:

1. What are anabolic steroids?

- National Institute on Drug Abuse:
<http://www.drugabuse.gov/infofacts/steroids.html>
- NIDA for Teens:
http://teens.drugabuse.gov/facts/facts_ster1.php#what_are_they

2. How are anabolic steroids used?

- About.com Men's Health:
http://menshealth.about.com/cs/fitness/a/anab_steroids.htm
- NIDA for Teens:
http://teens.drugabuse.gov/facts/facts_ster1.php#how_are_they_used

3. How many teenagers use anabolic steroids?

- NIDA for Teens:
http://teens.drugabuse.gov/facts/facts_ster1.php#num_teens_use
- SI.com (Sports Illustrated online):
<http://sportsillustrated.cnn.com/2008/magazine/03/11/steroid.survey/>

4. What are the problems with teens using anabolic steroids?

- Teen Drug Abuse:
<http://www.teendrugabuse.us/teensteroids.html>
- Steroid.com:
http://www.steroid.com/steroids_side_effects.php

5. What is the controversy around steroid use and abuse?

- Medscape:
<http://emedicine.medscape.com/article/128655-overview>
- Steroid.com:
<http://www.steroid.com/steroid-use-abuse.php>
- Steroid Abuse.com:
<http://www.steroid-abuse.org/the-controversy-both-sides-issue-general.htm>

6. What significant laws have been proposed or enacted on steroid use?

- Steroid Abuse.com:
<http://www.steroid-abuse.org/steroid-law-and-sports.htm>
- Steroid.com:
<http://www.teendrugabuse.us/teensteroids.html>

7. What can schools do about teen steroid use?

- Steroids in Schools:
<http://www.steroids.org/Steroids-in-Schools.php>
- Steroid Abuse.org:
<http://www.steroid-abuse.org/steroid-education-in-the-schools-teens.htm>

8. *What are some of the myths and facts of teen steroid use?*

- Steroids.org:
<http://www.steroids.org/Steroid-Facts.php>
- iSteroids Forum:
<http://forums.isteroids.com/anabolic-steroids-questions-answers/83544-steroid-facts-myths.html>
- About.com: Bodybuilding:
<http://bodybuilding.about.com/od/supplementationbasics/a/steroiddangers.htm>

9. *What are some programs in place to prevent teen steroid use?*

- NIDA for Teens:
http://teens.drugabuse.gov/facts/facts_ster2.php#prevent
- About.com What can be done to Prevent Steroid Abuse:
http://alcoholism.about.com/cs/steroids/f/steroids_faq09.htm

Policy Statement: Teen Steroid Use

1. We propose that CSA support the following position:

2. We choose this position because:

3. The ways this position supports the CSA mission statement are:

School Bullying

Issue Overview

It is estimated that each day 160,000 students in the United States refuse to go to school because they fear physical and verbal abuse by their peers. Bullying in schools is a serious problem that happens nationwide in all types of socio-economic and cultural environments. It knows no bounds in race, religion, gender, sexuality or ability. Long considered “just a phase” students go through, or a rite of passage, bullying has more recently been considered a very serious threat to the well-being of all students.

The assumption that school bullying was just part of the school environment and not of great consequence came crashing down on the morning of Tuesday, April 20, 1999 when two well-armed students went on a rampage, killing 13 people and wounding 24 before committing suicide. Allegedly, a main motivation for the killing spree was revenge for being bullied. Since then, academic institutions and social service organizations have conducted more studies, schools have implemented intervention programs, and the media has made bullying a go-to topic. While there is no definitive evidence that bullying is on the rise, there is greater awareness, due to higher reporting rates by students. In addition, cyberbullying (using Internet technology to harass or intimidate) is on the rise. Several tragic suicides have brought this issue national attention.

What is School Bullying?

School bullying is defined as repeated physical, verbal, or psychological abuse of victims (called “targets”) by other individuals (called “perpetrators”).

Bullying involves an imbalance of power where the perpetrators attempt to control or inflict harm on the targets, who usually find it difficult to defend themselves. Incidents of bullying usually are repetitive. The most common bullying situations are one-on-one or several people against one or a smaller group. Bullies will often recruit “lieutenants” who assist the primary bully by carrying out their bullying directives personally or supporting the bully by protecting him or her in some way. Other times, a bully’s accomplices can be those who witness bullying but do nothing to stop it.

There are several different forms of bullying:

- Verbal, in the form of name-calling, teasing, or verbal abuse
- Social, in the form of spreading rumors and purposefully excluding people from activities
- Physical abuse, such as hitting or shoving
- Cyberbullying, or using the Internet and online communication devices to cause harm to others

What are some facts about bullying?

- 30% of students in grades 6–10 are either bullies or victims of bullying
- 15% of all absenteeism is caused by the fear of being bullied at school
- 71% of students report incidents of bullying as being a problem at their school

- 20% of students admit to being a bully or engaging in some form of bullying
- About half of America's students have experienced some form of cyberbullying and about 20% experience it regularly
- Half of all bullying incidents go unreported

What is Cyberbullying?

In recent years, bullying, by students and sometimes adults, has moved from face-to-face confrontations to cyberspace. Cyberbullying has become a major problem in many schools. It is defined by willful and repeated harm inflicted through the use of computers, cell phones, and other web-based technology. It is just as harmful as, if not more than, traditional bullying and it is very difficult to prevent. According to the Pew Internet & American Life Project, 93% of young people in the United States are online and 73% have cell phones. Students instant message, text message, and visit social networking sites throughout the day. These applications can carry a bullying message quickly, repeatedly, and anonymously.

The effects of cyberbullying are nearly the same as traditional bullying. Student victims report the same levels of emotional pain, alienation, and despair as traditional bullying, but have the added factor of not being able to face their tormentor. While they may believe they know who has sent the email or posted the embarrassing pictures, it is very difficult to trace the sources. Parents, school administrations, and students are trying to address the issue with programs and school rules, but they seem to be behind the curve, as the rate of cyberbullying increases each year.

Part of the difficulty with addressing cyberbullying through legislation is that there are questions about how to identify perpetrators and how to deal with the potential for contradictions and exceptions when it comes to the school environment. Is cyberbullying the same as traditional bullying? What is the line between bullying someone and expressing dislike for them? What privacy issues arise when a cyberbullying attack originates from a private computer in someone's home? What are the limits of free expression and privacy?

What does the research say about bullying?

For years, bullying was considered part of the culture in schools, especially high schools. Until recently there hadn't been extensive research on bullying, but the Columbine massacre changed that. Although not enough time has passed for analysis of any comprehensive studies on long term effects and trends, recent studies reveal some interesting data.

- A 2001 study by the National Institute of Health (NIH) found that bullying was wide-spread in U.S. schools. The study stated that 16% of students had been bullied in the weeks before the study and almost 9% of those surveyed indicated they had been bullied frequently. A little over 6% said they both bullied others and had been bullied themselves. The bullying occurred most often in sixth through eighth grade and there was little variation between urban, suburban, and rural areas. Males were both more likely to bully others and to be the targets of bullying, and more likely to be involved in physical bullying. Females said they were bullied verbally and psychologically. The study also found out that both the bullies and the targets experienced social and academic difficulty. The study concluded that more research is needed, but noted that studies in Norway and England have shown that school intervention programs can be successful.

- A 2003 study by UCLA stated that bullying in schools was “pervasive” and showed that more than one in five 12-year-olds were repeatedly either bullies, targets, or both. The study also revealed that, contrary to popular belief, school bullies do not suffer from low self-esteem but are in fact considered the “cool” kids. In the survey, bullies showed few signs of depression or social anxiety. Others surveyed indicated that many of the bullies in their schools held a higher rank in the social pecking order. The study’s authors warned that because current intervention programs in schools assume that bullies are social outcasts, they may not be effective. They suggested a better approach might be to create programs that focus on changing the peer culture that encourages bullying. Evidence indicated that victims of bullying are often emotionally distressed and socially marginalized. They are reluctant to talk about their plight and instead suffer in silence, blaming themselves.
- A 2009 Massachusetts Health Survey compared responses from students in middle schools and high schools who were subjects of bullying (targets, perpetrators, or both) with the responses of those who reported being neither bullies nor victims. Students were asked two questions: whether they’d been bullied at school in the past 12 months and whether they had engaged in activity that could be defined as bullying. The results indicated that compared with students who were neither bullies nor bullying victims, both middle school and high school bully-victims were more than three times as likely to report seriously considering suicide or intentionally injuring themselves. An overwhelming majority of these students also reported being physically hurt by a family member and/or witnessing violence in their homes. Sizable percentages of both bullies and bully-victims acknowledged recent use of alcohol and recent use of drugs.

The Effects of Bullying

Studies indicate that there are short- and long-term effects of bullying. In the short term, targets of bullying show signs of depression, anxiety, and anger. Studies indicate that there is a significant drop in academic performance by students who are chronically bullied. A recent study at the Yale School of Medicine concluded that while there is no definitive evidence to show that bullying makes kids more likely to kill themselves, there is a likely association. The long-term effects of bullying can be long-lasting feelings of insecurity, lack of trust, extreme sensitivity, and the need for revenge.

What is being done to address bullying in schools?

Currently, 47 states have passed anti-bullying laws. The first was Georgia in 1999. There are no federal laws directly dealing with school bullying. Since 2007, several states have passed laws against “digital harassment,” including Missouri and California. A cyberbullying bill was introduced into the U.S. House of Representatives, but so far there is no federal law addressing bullying or cyberbullying.

For Further Research

- Bullying.org:
<http://www.bullying.org/index.cfm>
- StopBullying.gov:
<http://www.stopbullying.gov/>

- Make Beats not Beat Downs:
<http://makebeatsnotbeatdowns.org/index.html>
- American Psychological Association:
<http://www.apa.org/topics/bullying/index.aspx>
- Stop Cyberbullying:
<http://www.stopcyberbullying.org/index2.html>
- Bullying Statistics:
<http://www.bullyingstatistics.org>
- The Bully Project:
<http://www.thebullyproject.com>
- Education.com Bullying at school and online:
<http://www.education.com/topic/school-bullying-teasing/>
- No Bully:
<http://www.nobully.com>
- Safe Schools/Healthy Student Project:
<http://youthviolence.edschool.virginia.edu/prevention/safe-schools-project.html>

Research Questions and Resources

You have been asked by CSA to explain the history of the school bullying issue, to describe its current status, and to project what can be expected in the near future. You must also determine what stand CSA should take on this issue. In order to do this, please prepare answers to the following questions:

1. *What is the current news on bullying and cyberbullying?*

- Cyberbullying News:
<http://www.cyberbullyingnews.com/>
- StopBullying.gov:
<http://www.stopbullying.gov/>

2. *What significant laws have been proposed or enacted?*

- Olweus Bullying Prevention Program:
http://olweus.org/public/bullying_laws.page
- BullyPolice.org:
<http://www.bullypolice.org/>
- LawBrain:
http://lawbrain.com/wiki/School_bullying_law

3. What components make up an effective anti-bullying law?

- StopBullying.gov:
http://www.stopbullying.gov/community/state_laws/key_components.html
- Bully Police USA:
<http://www.bullypolice.org/grade.html>

4. What are schools doing about bullying?

- eHow Family:
http://www.ehow.com/info_7897101_schools-doing-prevent-bullying.html
- STOP Bullying:
<http://www.stopcyberbullying.org/prevention/index.html>
- StopBullying.gov:
<http://www.stopbullying.gov/educators/index.html>

5. What are the courts doing with school bullying?

- Raven Days:
<http://www.ravendays.org/court.html>
- Cyber Bullying: Court Case Summaries:
<http://www.cyberbullyingnews.com/2010/04/cyber-bullying-court-case-summaries/>

6. What are some of the legal and constitutional issues surrounding cyberbullying?

- Education Week: Digital Directions:
<http://www.edweek.org/dd/articles/2011/02/09/02cyberbullying.h04.html>
- STOP Cyberbullying:
<http://www.stopcyberbullying.org/lawenforcement/index.html>

7. What is the difference between bullying and harassment?

- BullyOnline.org:
<http://www.bullyonline.org/workbully/bully.htm#Difference%20between%20bullying%20and%20harassment>

8. What are some of the myths and facts about bullies and victims?

- Bullyingonline.org:
<http://www.bullyonline.org/schoolbully/myths.htm>
- Education.com Bullying at school and online:
<http://www.education.com/reference/article/bullying-myths-facts/?page=2>

Gun Control

Issue Overview

On April 9, 2003, the U.S. House of Representatives voted 285-140 to pass H.R. 1036, a bill that effectively exempts the gun industry from current and future lawsuits. Sixty-eight Democrats joined with Republican colleagues to pass the bill. The Senate will now take up the measure. A number of lawsuits filed by American states, cities, municipalities, and individuals against gun makers and distributors could potentially be dismissed if this legislation passes. H.R. 1036, known as the "Protection of Lawful Commerce in Arms Act," seeks to

- Prohibit causes of action against manufacturers, distributors, dealers, and importers of firearms or ammunition products for the harm caused by the criminal or unlawful misuse of firearm products or ammunition products by others when the product functioned as designed and intended.
- Preserve a citizen's access to a supply of firearms and ammunition for all lawful purposes, including hunting, self-defense, collecting, and competitive or recreational shooting.
- Guarantee a citizen's rights, privileges, and immunities, as applied to the states, under the Fourteenth Amendment to the Constitution, pursuant to Section 5 of that amendment.

The gun control issue has been hotly debated for the last 10 years, and is one of the most heavily lobbied issues in Congress. Historically, gun control vs. gun rights has been a partisan issue. The Democratic Party and liberal organizations have mainly supported gun control, while the Republican Party and conservative groups have fiercely defended an individual's gun rights. The political contributions given to each side of the gun control issue demonstrate this partisan split. From 1990 to 2000, gun control PACs have donated \$1.3 million in soft money to congressional representatives. Approximately 92% of the contributions went to Democrats. During the same period, gun rights PACs have donated more than \$13 million in soft money to congressional representatives, with more than 90% of the contributions going to Republicans.

What is the history of the gun control movement?

Tragic national events, such as the assassinations of Robert Kennedy, Martin Luther King, and John Lennon and the shootings at Columbine High School in Littleton, Colorado, have fueled the resolve of members of the gun control movement. Since the 1960s, gun control advocates have successfully lobbied several pieces of legislation through Congress. In 1968, Congress passed the Gun Control Act, and in later congressional sessions approved the National Firearms Act and the Arms Export Control Act. In 1993, Congress passed the Brady Handgun Violence Prevention Act, which obligates handgun vendors to conduct instant national criminal background checks on all firearms sales or transfers. Gun control lobbyists have also passed many state and local laws that limit criminals and minors from receiving firearms. Yet, studies have shown that gun control legislation has done little to curb gun violence. An overwhelming majority of guns used to commit crimes are purchased illegally and are not registered.

What is the legal basis for gun rights advocates against gun control?

The legal basis for gun rights advocates comes directly from the Constitution. The Second Amendment states, “A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.” Gun rights lobbyists firmly believe that the clause “the right of the people to keep and bear arms” allows individual citizens to own firearms for leisure activities, such as hunting and skeet shooting, or for their personal protection. To gun rights lobbyists, attempts to enact gun control legislation violate the Second Amendment. The strongest and most vocal gun rights organization is the National Rifle Association (NRA). The NRA lobbies against gun control legislation that is presented to Congress. Similarly, the NRA and other gun rights groups actively lobby state and local legislators to prevent gun control at the state and local levels. Furthermore, much like the gun control lobbyists, gun rights advocates have taken their battle to the courts in order to protect gun manufacturers.

Where have gun control advocates taken their fight?

During the 1990s, gun control advocates took their battle to the courts and filed civil suits against gun manufacturers. In a 1994 landmark civil case, *Merrill v. Navegar, Inc.*, the victims and families of a downtown San Francisco shooting spree filed suit against the makers of the TEC-9 military assault pistols that were used in the crime. The case was finally decided in 2002 by the California Supreme Court. Although the case failed to hold the makers of the TEC-9 responsible for marketing violent weapons to criminals, it opened a floodgate of litigation against gun manufacturers nationwide.

In 2003, the U.S. House of Representatives passed a bill that exempted gun manufacturers and dealers from being held liable for crimes committed with their products. The Senate passed a modified version of the bill in July 2005 with a provision that mandated safety locks on handguns. President George W. Bush signed the bill into law, known as the “Protection of Lawful Commerce in Arms Act,” on October 26, 2005.

How have gun rights advocates answered the restrictions on gun ownership?

In the latter part of the decade, gun rights advocates went on the offensive, challenging local and municipal laws banning the possession of handguns. In June 2008, in the case of *District of Columbia v. Heller*, in a 5-4 decision the U.S. Supreme Court struck down a municipal handgun law in Washington, D.C., declaring that the Second Amendment of the Constitution protects the right of individuals to have firearms—including handguns—in their home for self-defense. At the time, this ruling only applied to the District of Columbia, since it is a federal district, essentially administered by Congress. Two years later, the Court extended the Second Amendment’s right to bear arms to every jurisdiction in the nation in the case of *McDonald v. City of Chicago*. Here the Court ruled that the Bill of Rights applies with full force to both the federal government and the states. The majority of justices said the right to keep a handgun for self-protection in the home is a “fundamental” right, deeply rooted in America’s history and tradition.

Encouraged by the Court striking down local gun laws, gun rights advocates have filed hundreds of lawsuits in an attempt to strike down local laws restricting gun use and ownership. However, the lower courts have taken a very narrow interpretation the Supreme Court’s ruling, noting that in the two cases, *Heller* and *McDonald*, the Court ruled on cases involving individual gun ownership in the home. Many lower courts say local governments have the right to restrict gun possession outside

the home. The Supreme Court will hear one case involving a Maryland law that requires gun owners to have a permit to carry a weapon in public and another on a federal ban on loaded firearms in national parks.

For Further Research

- The Brady Campaign to Prevent Gun Violence:
<http://www.handguncontrol.org/>
- The Jurist—Pittsburgh University Law School Journal—Gun Laws, Gun Control, and Gun Rights:
<http://jurist.law.pitt.edu/gunlaw.htm>
- Gun Control vs. Gun Rights:
<http://www.opensecrets.org/news/issues/guns/index.php>
- The ACLU's Stance on Gun Control:
http://www.aclu.org/racial-justice_prisoners-rights_drug-law-reform_immigrants-rights/second-amendment
- Gun Control in the United States—A Comparative Survey of State Firearm Laws:
http://www.soros.org/initiatives/usprograms/focus/justice/articles_publications/publications/gun_report_20000401
- Facts About Gun Control:
http://www.justfacts.com/gun_control.htm
- ATF Online—Firearms:
<http://www.atf.gov/firearms/faq/general.html>
- National Center for Policy Analysis:
http://ratify.constitutioncenter.org/constitution/details_explanation.php?link=069&const=02_art_02
- Student Pledge Against Gun Violence:
<http://www.pledge.org/>
- Constitution Center
<http://constitutioncenter.org/Files/guncontrol.pdf>
- National Rifle Association:
<http://www.nra.org/>
- National Rifle Association Institute for Legislative Action:
<http://www.nraila.org/>
- The Libertarian Party's Stance on Gun Rights:
<http://www.lp.org/issues/gun-laws>
- Women for Gun Rights:
<http://www.womensshooters.com/>

- The Legal Action Project:
<http://www.bradycenter.org/legalaction/>

Research Questions and Resources

You have been asked by CSA to explain the history of the gun control issue, to describe its current status, and to project what can be expected in the near future. You must also determine what stand CSA should take on this issue. In order to do this, please prepare answers to the following questions:

1. *What steps have been taken to create gun control?*

- Facts About Gun Control:
http://www.justfacts.com/gun_control.htm
- National Center for Policy Analysis:
<http://www.ncpa.org/pdfs/st176.pdf>

2. *What has Congress done thus far about gun control and gun rights?*

- The Jurist—Pittsburg University Law School Journal—Gun Laws, Gun Control, and Gun Rights:
<http://jurist.law.pitt.edu/gunlaw.htm>
- Gun Control vs. Gun Rights:
<http://www.opensecrets.org/news/issues/guns/index.php>

3. *What significant federal laws pertain to gun control and gun rights?*

- Gun Control in the United States: A Comparative Survey of State Firearm Laws:
http://www.soros.org/initiatives/usprograms/focus/justice/articles_publications/publications/gun_report_20000401
- The Jurist—Pittsburg University Law School Journal—Gun Laws, Gun Control, and Gun Rights:
<http://jurist.law.pitt.edu/gunlaw.htm>

4. What kinds of court challenges have occurred regarding gun control and gun rights?

- The Legal Action Project:
<http://bradycenter.org/legalaction/cases>
- Second Amendment Foundation Online:
<http://www.saf.org/>

5. Did the court decisions resolve the conflicts?

- The Legal Action Project:
<http://www.bradycenter.org/legalaction/cases>
- National Rifle Association Institute for Legislative Action:
<http://www.nraila.org>
- Christian Science Monitor:
<http://www.csmonitor.com/USA/Society/2010/0628/After-Supreme-Court-ruling-will-gun-control-laws-be-under-siege>
- Boston Globe:
http://articles.boston.com/2011-08-21/news/29912347_1_stephen-halbrook-gun-restrictions-gun-control

6. What provisions exist in the Constitution regarding gun control and gun rights?

Constitution Center:
http://ratify.constitutioncenter.org/constitution/details_explanation.php?link=069&const=02_art_02

7. How have executive orders affected gun control and gun rights?

National Center for Policy Analysis:
http://ratify.constitutioncenter.org/constitution/details_explanation.php?link=069&const=02_art_02

8. What congressional, public, or academic support exists for gun control?

- Student Pledge Against Gun Violence:
<http://www.pledge.org/>
- The Brady Campaign to Prevent Gun Violence:
<http://www.handguncontrol.org/>
- Gun Control vs. Gun Rights:
<http://www.opensecrets.org>

9. *What congressional, public, or academic support exists for gun rights?*

- National Rifle Association:
<http://www.nra.org/>
- Women for Gun Rights:
<http://www.womenshooters.com/>
- The Second Amendment Foundation Online:
<http://www.saf.org/>

10. *What current legislation is being considered regarding gun control and gun rights?*

- National Rifle Association Institute for Legislative Action:
<http://www.nraila.org/>
- The Jurist—Pittsburg University Law School Journal—Gun Laws, Gun Control, and Gun Rights:
<http://jurist.law.pitt.edu/gunlaw.htm>

11. *How does this conflict relate to high school students?*

- Student Pledge Against Gun Violence:
<http://www.pledge.org/>
- Children, Youth, and Gun Violence:
<http://futureofchildren.org/futureofchildren/publications/journals/article/index.xml?journalid=42&articleid=173§ionid=1124>

Policy Statement: Gun Control

1. We propose that CSA support the following position:
2. We choose this position because:
3. The ways this position supports the CSA mission statement are:

Second Memo from Richard Barley



C O U N C I L O F S T U D E N T A D V O C A T E S

CSA MISSION

The Council of Student Advocates represents the interests of high school students throughout the United States.

CSA works in partnership with state and national government to create public policy pertaining to issues the CSA members have deemed critical to their interests, and to the protection and enhancement of our quality of life now and in the future.

CSA advocates for education, juvenile justice, communications and technology, and social welfare as these issues affect high school students.

TO: Chief Lobbyists
FROM: Richard Barley, Director, Council of Student Advocates
RE: Recent Legislative Issues

Thank you for your research and suggestions on the position we should take regarding this recent controversial issue. Our membership has reviewed your findings, and we support your suggested position on the issue.

I have been asked by our membership to pursue a solution to this problem. However, I cannot do this without the support of lobbyists. The CSA board of directors has decided to cut our research staff in order to add staff to our lobbying team. We are transferring you to the lobbying office, where you will be expected to bring about the policy changes you encouraged CSA to support.

Please provide us with the following:

1. A description of a bill that supports our position and paraphrases what our bill will say, and
2. A strategy that will get our legislation passed.

Once again, you can follow the pattern of the enclosed medical marijuana example.

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Please follow the example of the enclosed medical marijuana report.

Sample—Prototype Report: Medical Marijuana

Legislative Process for Preventing Legalization of Medical Marijuana

How do we enact change?

We are seeking legislation to halt the use of marijuana for medical purposes, and to prevent primary caregivers from providing marijuana for patients in their care.

The easiest way to create legislation is by gaining the support of a congressional representative who will sponsor an anti-medical marijuana bill. This bill will be presented to Congress for debate and vote.

By passing the 1970 Controlled Substance Act, Congress showed its support for the anti-marijuana cause. The U.S. Supreme Court in 2001 has reinforced this stand. We seek to bolster our cause by getting Congress to approve a bill that summarily rejects marijuana as a medicine.

How do we get our legislation started?

The first step in getting our legislation passed is to garner the support of a member of Congress. Our sponsoring member can be either from the House of Representatives or the Senate. Since there are currently anti-marijuana bills on the record, congressional committees on our side, and strong judiciary and executive support, we can lobby a number of organizations and elected representatives in order to get our legislation reviewed on Capitol Hill.

What will our bill say?

S-7457: Dismantling of medical marijuana and “cannabis clubs”

Congress declares that

- a. Marijuana contains no medical benefits.
- b. Any state that has legalized marijuana for medical means is violating Section 801 of the Controlled Substance Abuse Act. The U.S. Supreme Court has ruled in *United States v. Oakland Cannabis Buyer's Cooperative* by a vote of 8-0 that any law, such as California's Section 11362.5 of the Health and Safety Code, has not created a federal exception to the Controlled Substance Act. Therefore, there are no legal grounds for cannabis clubs to operate in the United States.
- c. Although cannabis clubs are illegal, little has been done to dismantle them. Congress declares that state and federal agencies must reduce the capacity of cannabis clubs to function by the year 2010. This goal will be achieved through a cooperative effort between state and federal drug enforcement agencies.
- d. In order to generate the necessary enforcement of marijuana trafficking and distribution laws, \$25 million has been allotted to the Drug Enforcement Agency for the fiscal year 2003, and such sums as may be necessary for each of the fiscal years 2004, 2005, 2006, and 2007.

Should we send our proposal to the Senate or the House of Representatives?

We should send our proposal to both chambers of Congress. By sending our bill to both houses, we greatly increase the chances that one of our proposals will be approved. The fact that we can send the bill to either house will prove crucial further into the process, because a bill may be postponed in either house for any number of reasons. If our proposal gets stuck in committee in the Senate, it does not necessarily mean our proposal will be burdened in the House of Representatives. The houses are independent of one another, and each house decides which bills are to be reviewed.

What are the different types of proposals we can sponsor?

A proposed measure may come in one of four forms:

1. A bill, which starts in either the House or the Senate, must receive a majority vote by both houses and be signed by the President. It is the most common measure.
2. A joint resolution, which also can start in either house, must receive a two-thirds majority vote in both houses. This measure goes straight to the Administrator of General Services to be put directly into law, and does not need the authorization or signature of the President.
3. A concurrent resolution, which is enacted by both houses at the same time, deals with matters that directly affect the operations of the House of Representatives and the Senate.
4. A simple resolution, which pertains to only one house, usually decides the rules that govern the debates over bills within that house.

What kind of proposal shall we employ?

Although we will be sending our proposal to both houses of Congress, we should not attempt to create a joint resolution. A joint resolution requires a hefty two-thirds majority of both houses. This is a very tall order, no matter how much support one may have. Furthermore, joint resolutions are usually reserved for very important issues or bills that the President refuses to sign. A resolution may not be necessary since a Republican president probably would support our cause. Although our issue is important, it is not crucial to the survival of the nation. A regular bill will suit our needs perfectly. We must also consider the fact that we only need a simple majority to pass a bill.

How do we get our proposal into the congressional system so that it can be voted on?

A proposal must first be given to a member of Congress. Since our proposal is going to both houses of Congress, we must get both a member of the House and a Senator to sponsor our bill. In fact, they will each be sponsoring independent bills. They will have no real connection to each other, because the houses do not share bills or any other part of the decision-making process until one house has already approved the bill. Our congressional representatives will each sign the proposal and introduce it into legislation. Our proposals will be given a number HR-### (in the House of Representatives) or S-### (in the Senate), and then filed with the appropriate chamber clerk.

The House clerk and Senate clerk will each transform our proposal into bill form. In the House, the bill is given to the Speaker of the House; in the Senate, the bill is given to the Majority Leader. Each leader will decide the appropriate committee to address the bill.

What is a congressional committee and what effect does it have on our bill?

Congressional committees are a key part of the legislative process. A congressional committee is a smaller group of house members or senators, who deal with specific types of legislation.

Committees are an essential part of the legislative process because they delegate specific aspects of government to a small group of highly knowledgeable legislators. This ensures that the most qualified and educated legislators deal with the issues that directly pertain to their expertise. Bills are generally referred to the committee with jurisdiction over the content of the bill. If the bill might logically fall into more than one committee's jurisdiction, the Speaker exercises a good deal of power in deciding which committee will get the bill.

A committee's main function is to scrutinize a bill before it is debated on the House or Senate floor. In fact, congressional committees decide if Congress will address the issue at all. Committees are made up of subcommittees, and bills are generally sent to subcommittees for consideration before they are reviewed by the full committee. Most bills die at this point in the process, as subcommittees table the bill or some members actively block the bill. Bills that subcommittees decide to consider have hearings—testimony from experts, interest groups, Executive Department secretaries, and other members of Congress. The subcommittee deliberates and votes the bill back to the full committee.

A committee will usually hold hearings again on the bill. In this case, Congress is investigating medical marijuana. Therefore, they will hear expert testimony from leading scientists, advocates, law enforcement agents, and a host of other authorities on the issue, often repeating the subcommittee hearings. When the committee members feel they have sufficiently examined the issue, they will decide what to do. They could do nothing and drop the matter. They could also choose to table the issue for a later session, or proceed with a "mark-up" session.

In a "mark-up" session, the committee picks over the bill with a fine-toothed comb. They look at the language used in the bill, discuss its merits, and decide whether or not any amendments should be added. During this phase of the legislative process, a bill may change greatly from its original or intended form. It is solely up to the committee to decide how the bill will be presented to the House or Senate floor. A "mark up" session is the most intensive part of the legislative process. This is the period that can make or break a bill because the committee dictates how strong or dynamic a bill will be. If a relatively weak or unorganized bill is agreed upon, it will stand little chance of getting through a congressional debate.

In the past, the majority of congressional committees have supported our cause. In the House of Representatives, the issue has come before the Government Reform and Oversight Committee and the Judiciary Committee. In both instances, the committee rejected the call for reform on the medical marijuana stance. Senate committees—including the Health, Education, Labor, and Pensions Committee and the Commerce, Science, and Transportation Committee—have held similar hearings with the same result. Based on these facts, we can surmise that any number of committees would support a proactive rejection of medical marijuana.

When the details of our bill are finally decided, the committee will take a final vote. If the committee approves the bill, a thorough report will be developed based upon the committee's hearings. The subsequent report will be given to members of Congress to review before the debate. A floor debate date will be set. In the House, the Rules Committee, which is highly responsive to the Speaker of the House, sets the calendar. In the Senate, floor debate is determined by the date a bill passed out of committee.

How do we gain support for our bill?

It is now our job to get support for our bill. First and most rudimentary, we can call the offices of members of Congress and remind them of when our bill is being debated and voted upon. Washington is a very busy place. Often there are several issues or decisions being made at the same time. Promoting general awareness among congressional members can make a credible difference in passing a bill.

Second, we can try to garner support from interest groups that believe in maintaining a ban on medical marijuana. We have very strong support from major medical and law enforcement advocacy groups. These organizations include the American Medical Association, American Cancer Society, National Multiple Sclerosis Association, American Glaucoma Association, National Institute for Neurological Disease and Stroke, California Narcotics Officer's Association, New York Sheriff's Association, and many others.

Third, and perhaps most important, it is up to our congressional sponsors to raise awareness about our issue. Our senator and representative must have congressional staff on the phones and in the chambers drumming up support for our bill. Favors, such as voting for a colleague's legislation, may be cashed in as support for our bill. Furthermore, our senator or representative must champion our cause and be ready to defend its merits.

What happens during a debate on the floor of Congress?

The process of debating a bill is different in the Senate than it is in the House of Representatives. On the whole, the Senate is more lax about their rules of debate. Filibustering is allowed, and it often can slow the legislative process to a halt. Furthermore, the Senate does not usually put limits on the rules of debate. The House of Representatives, on the other hand, has over 300 more members, so it must be more particular as to how the debate will be handled. Limits on the time of debate, number of pro or con speeches, etc. must be determined before the debate begins. The Speaker of the House, or the Majority Leader in the Senate, sets the rules for debate. Members of Congress can also submit simple resolutions which may contain the rules for how a particular debate will be conducted.

After the parameters of debate are decided upon, members of Congress will test the bill's merits. The pro and con arguments will be heard. It is hard to say how long or how hard a bill may be debated. It varies depending upon the importance of the issue and how many congressional representatives are present during the debate.

Voting on the bill's amendments is a crucial part of the debate. Senators or representatives may make motions on whether to add an amendment or not. Amendments, often referred to as "riders," can have a great impact on legislation. A "rider" from the opposition can take the strength out

of a bill or make the bill undesirable. This type of rider is called a “poison pill.” These riders may have nothing to do with the legislation they are attached to. (State legislative bodies sometimes operate differently than Congress. Some state governments have provisions to limit riders to issues that relate solely to the bill. This is not the case with Congress.) Once the amendments have been decided upon, the bill is ready for a vote.

The houses can “recommit” a bill. This means the bill will be sent back to committee to be reinvestigated in the hope that a new, better bill will be developed. If the houses decide to go ahead with the vote, there are several acceptable ways of casting a vote. Sometimes an informal call vote will be held, in which no actual votes are cast. Representatives or senators simply yell out their votes. A raise of hands can be called for if the vote seems close. Informal calls are for bills that either have little opposition, or are voted on by only a small number of representatives. A formal ballot vote is the normal option for a high-profile bill. In this case, a timetable will be created for how long the vote will go on. The vote of each representative or senator is formally recorded, and these votes are published in the respective house’s daily journal.

How does the bill get to the other chamber of Congress?

If a majority of representatives approves our bill, it will be sent to the Senate for consideration. The Senate can send our bill to committee or straight to the floor. Whatever the Senate does with the bill, it must approve the exact same bill as the one approved by the House. If the Senate amends the bill and approves it, the bill must go back to the House, and the newly amended bill must be voted on. Sometimes bills can bounce back and forth between the Senate and House several times in several different forms. Basically, whichever chamber approves the bill first gives the bill to the other house. If both bills pass, they may be given to a joint committee. This committee is called a Conference Committee and is made up of select members from the House and Senate. This committee will decide on one comprehensive bill. This bill will be sent back to the floors of both houses to be voted on again. It must be voted on in the exact form approved by the joint committee. Assuming both houses have agreed on the same bill, it will be submitted to the President for his approval.

What options does the President have?

The President can sign the bill into law if he supports its merits. He can also allow it to become law without a signature on the bill. In this case, the President will hold onto the bill without signing it, and the bill will become law automatically after 10 legislative days. Presidents often use this tactic when they know there is a chance of a veto override but they want to go on record as not approving of the legislation. The President can also pocket-veto the bill, which means he simply holds onto the bill until the current session of Congress ends, assuming he receives the bill with less than 10 days left in the legislative session. A pocket veto refers to the President’s authority to kill a bill submitted within 10 days of the end of a legislative session by not signing it. Pocket vetoes cannot be overridden because Congress has adjourned. In this case, Congress has to wait until the next session to create a new bill and pass it through both houses again. A president can outright veto a bill as well. In this case, the bill is sent back to the house from which it originated with a letter from the President explaining his objections to the bill. Congress can override a veto, but it takes a two-thirds majority vote of both houses to do so.

What are the chances our bill would make it all the way through the legislative process?

Fewer than 10% of the bills presented to Congress ever make it into law. However, we actually have a very good chance of getting our legislation passed. Simply stated, we are asking the federal government to reaffirm something that it already believes in. This may sound redundant, but it is not unusual for a bill like ours to be presented as legislation—even though similar bills are already on the congressional record. We are simply helping to better define Congress's stance on medical marijuana so that it would be difficult for other federal and state branches, such as the judicial branch, to misinterpret the government's ban on marijuana for medical purposes.

Medical marijuana may benefit AIDS and cancer patients, but it also creates many problems for government institutions and American citizens. Many government agencies—such as the FBI, the DEA, and the Office of the Attorney General—would be affected by medical marijuana legalization. Law enforcement officials would be forced to spend millions of dollars regulating marijuana traffic for non-medical purposes. Furthermore, as of today there is no mechanism to detect if a person has been smoking marijuana. This means that police would not have a way of telling if a driver is under the influence of marijuana. The passage of legislation to allow for medical use of marijuana would make non-medical marijuana traffic more difficult to control and prosecute. Parents who have lost children due to drug overdoses will be very critical of any law that legalizes any narcotic for any use. Due to this burden, we could expect strong lobbying allies and outright support from congressional members.

Legislative Process for Legalization of Medical Marijuana***How do we enact change?***

In this case, we are seeking legislation to ensure a patient's right to use marijuana for medical purposes, and furthermore, to allow primary caregivers the right to provide marijuana to patients.

The easiest way to create legislation is by gaining the support of a congressional representative who will sponsor a medical marijuana bill that will be presented to Congress.

In the Oakland Cannabis Buyers Cooperative case, the Supreme Court specified that an exception could be created if government-sponsored scientific research proved that marijuana has medical benefits.

How do we get our legislation started?

We must persuade a member of Congress to sponsor a bill that would create government-sponsored research on the benefits of marijuana as a medicine. This research would deal specifically with the benefits of marijuana to AIDS and cancer patients.

If the subsequent government-sponsored research found that marijuana possessed benefits to AIDS and cancer patients, the Supreme Court's decision in the Oakland Cannabis Buyers Cooperative case would be severely undermined. Our legislation would then have created an exception to the Section 801 Controlled Substance Act.

What will our bill say?**HR21105: Research on the benefits of medical marijuana for AIDS, cancer, and multiple sclerosis patients**

Due to the public outcry and subsequent passing of state laws allowing the use of marijuana for medical purposes, the secretary requests that research be done on the benefits of medical marijuana for AIDS, cancer, and multiple sclerosis patients. Research shall be conducted specifically on the relationship between *tetrahydrocannabinol* (THC) and the ability to stimulate a patient's appetite. This research shall be conducted by a government-sponsored organization and shall comply with all known and accepted scientific methodologies.

- a. The purpose of this research is to give definitive proof on the issue of medical marijuana. Congress seeks resolution on the medical marijuana issue, which has been disputed in state legislatures and federal courts.
- b. This research will also determine the safest and most cost-effective manner of consuming marijuana. Furthermore, research will help determine if an oral pill-form can be developed.
- c. If research can definitively prove that marijuana has benefits as a medicine, Congress will determine if marijuana has cause to be taken off the 801 Controlled Substances Act's list of Schedule I controlled substances.
- d. For the purpose of providing the assistance required by this subsection, \$1 million has been allotted for research on medical marijuana for the fiscal year 2003, and such sums as may be necessary for each of the fiscal years 2004, 2005, 2006, and 2007.

What are the different steps a bill must go through in order to be passed by both houses of Congress?

The first step in getting legislation created at the federal level is to enlist the support and sponsorship of a U.S. congressional representative. A bill may be brought to either the House of Representatives or the Senate, or to both houses if one has strong support.

A proposed measure may come in one of four forms:

1. A bill, which starts in either the House or the Senate, must receive a majority vote by both houses and be signed by the President. It is the most common measure.
2. A joint resolution, which also can start in either house, must receive a two-thirds majority vote in both houses. This measure goes straight to the Administrator of General Services to be put directly into law, and does not need the authorization or signature of the President.
3. A concurrent resolution, which is enacted by both houses at the same time, deals with matters that directly affect the operations of the House of Representatives and the Senate.
4. A simple resolution, which pertains to only one house, usually decides the rules that govern the debates over bills within that house.

What type of measure shall we propose?

A bill seems the most reasonable choice. In general, the medical marijuana issue is very weak at the national level. Only a handful of states have laws that legalize the use of medical marijuana. There are currently no federal laws that lend any credence to the medical marijuana campaign.

Therefore, we cannot expect to garner an overwhelming majority of support from representatives. With these facts in mind, we must choose the form that needs the least amount of support in order to succeed. A bill is the best way to go.

Should we take our proposal to the House of Representatives or the Senate?

Deciding which is the correct house for our proposal is key to our chances of successfully passing our legislation. In this case, we would like immediate change in federal procedure so that patients can receive marijuana for medical treatments. Since time is a factor, we should send our proposal to the House because it has a reputation for getting legislation passed more quickly.

The prevailing notion on Capitol Hill is that the House of Representatives approves legislation faster than the Senate. The reason is quite simple: representatives serve a two-year term in office, while senators serve a six-year term. Basically, representatives have a greater incentive to see bills get passed because their constituencies need to see that they have tackled serious issues while in office. Senators, on the other hand, have six years to kick ideas and proposals around. Furthermore, the Senate is much more lax with their rules of debate. This means they can spend far more time picking over issues and bills. Therefore, we should concentrate our efforts on getting our bill through the House of Representatives.

How does our bill get to the floor of the House of Representatives in order to be voted on?

The next step in the legislative process is to file our proposal. It is drafted and presented to our sponsoring representative. The sponsoring representative then presents the bill to the House Clerk. The House Clerk retypes the proposal into “bill form” and gives it a number. Our proposal will be given a number HR-### to identify it as a House bill. Senate bills are identified as S-###. The bill is then given to the Speaker of the House, who in turn, delegates the bill to the appropriate committee for consideration.

Our bill must now go to committee before it ever has a chance of getting to the floor of the House of Representatives. Our bill would most likely go to a committee that deals with health and science issues.

What happens in a congressional committee?

A congressional committee is a smaller group of House or Senate members who deal with specific types of legislation. Committees are an essential part of the legislative process because they delegate specific aspects of government to a small group of highly knowledgeable legislators. This ensures that the most qualified and educated legislators deal with the issues that directly pertain to their expertise.

The House of Representatives has 20 different committees that range in purpose to meet all of the responsibilities of the legislative branch. The Speaker of the House decides which committees get which bills, and can send the bill wherever he likes. Where a bill is sent can greatly determine its outcome. Some committees are conservative, others liberal, and some are bipartisan. The committee is where “politics” really start to come into play. The Speaker can often help a bill get started by sending it to a committee that will treat it favorably, but this favor might cost our representative a vote for another issue somewhere down the road.

If our bill is sent to an undesirable (in the medical marijuana case, a conservative) committee, our bill can be stuck there for a very long time. The committee chairman decides which bills are looked at and which ones get left in the pile. If a particular committee chairman chooses to ignore the medical marijuana issue, it may never get to the House floor.

The issue of medical marijuana has been brought before several House and Senate committees. In the House of Representatives, the Judiciary Committee and the Committee on Government Reform have both recently held hearings on medical marijuana, but no pro response has come from either of those committees. This is probably because both committees have strong ties to law enforcement and the judicial system. A best-case scenario would be that our bill goes to a committee that does not have law enforcement ties. A good committee might be the Science Committee.

Committees are made up of subcommittees, and bills are generally sent to subcommittees for consideration before they are reviewed by the full committee. Most bills die at this point in the process, as subcommittees table the bill or some members actively block the bill. Bills that subcommittees decide to consider have hearings—testimony from experts, interest groups, Executive Department secretaries, and other members of Congress. The subcommittee deliberates and votes the bill back to the full committee.

Once a bill has been handed to committee, it is the job of the committee to thoroughly scrutinize the bill. The committee holds public hearings similar to those held by the subcommittee. In these hearings, experts and witnesses from both sides of the issue testify and answer questions. The committee, and in many cases a subcommittee, decides the language of the bill and whether or not any amendments will be added.

After the language and amendments have been decided, the committee conducts one last vote to approve the final bill, and it then goes to the House floor for debate. The committee can also decide to end the investigation without sending a bill to the floor, or table the issue until another session.

What happens to our bill when it finally is debated on the House floor?

How a particular bill is treated on the House floor varies widely, depending upon the issue and circumstances. A number of factors—such as the importance of the issue, date of the vote, partisan rally of support, or upcoming elections—are determinants that can affect the outcome of the vote.

In the House, either the Speaker or simple resolutions set the rules of debate. If a resolution specifies the terms of debate, the process specified must be voted on by the representatives. Once the parameters of the debate have been set up, the Speaker chooses who addresses the House, but usually both pro and con are allotted time to plead their case.

The next step is to add amendments. This is another key point in the viability of a bill. “Riders,” which are amendments added to a bill on the floor, can have serious effects on the power and credibility of a particular bill. A weak or erroneous “rider” can often be used by the opposition as a way of degrading support for a bill or shifting the focus away from what is important. This type of rider, if it is intended to kill the bill, is called a “poison pill.”

Once all amendments have been added or defeated, the House decides whether to vote on the bill or not. The House can “recommit” a bill, which means it will be sent back to committee to be reinvestigated in the hope that a new, better bill will be developed. If the House decides to go ahead with the vote, there are several acceptable ways of casting a vote. Sometimes an informal call vote will be held, in which no actual votes are cast. Representatives simply yell out their votes. A raise of hands can be called for if the vote seems close. Informal calls are for bills that either have little opposition, or are voted on by only a small number of representatives. A formal ballot vote is the normal option for a high-profile bill. In this case, a timetable will be created for how long the vote will go on. As the representatives cast their votes, they are formally recorded and reported in the House’s daily journal.

If the House approves our bill, does it go to the Senate?

If we get a majority of representatives to approve our bill, it will be sent to the Senate for consideration. The Senate can send our bill to committee or straight to the floor. Whatever the Senate does with the bill, it must approve the exact bill the House approved. If the Senate amends the bill and approves it, the bill must go back to the House and the Senate-amended bill must be voted on by the House. Sometimes bills can bounce back and forth between the Senate and House several times in different forms. It is also possible that both houses will agree to send the bill to a conference committee made up of select senators and representatives. This committee will reconcile the differences between the two versions of the bill. When agreement is reached, a compromise bill is sent to both houses for a vote. Once the bill has been agreed upon and approved by both houses, it is passed on to the final step in the process, the desk of the President.

What options does the President have?

The President can sign the bill into law if he supports its merits. He can also allow it to become law without a signature on the bill. In this case, the President will hold onto the bill without signing it, and the bill will become law automatically after 10 legislative days. Presidents often use this tactic when they know there is a chance of a veto override but they want to go on record as not approving of the legislation. The President can also pocket-veto the bill, which means he simply holds onto the bill until the current session of Congress ends, assuming he receives the bill with less than 10 days left in the legislative session. A pocket veto refers to the President’s authority to kill a bill submitted within 10 days of the end of a legislative session by not signing it. Pocket vetoes cannot be overridden because Congress has adjourned. In this case, Congress has to wait until the next session to create a new bill and pass it through both houses again. A president can outright veto a bill as well. In this case, the bill is sent back to the house from which it originated with a letter from the President explaining his objections to the bill. Congress can override a veto, but it takes a two-thirds majority vote of both houses to do so.

How long might it take for our bill to become law?

It is really anyone's guess how long or how many times it might take us to get our bill onto one floor of Congress, let alone both. The legislative system was designed so that laws are fairly difficult to get passed. As one can clearly see, there are many rigorous steps. The Founding Fathers felt that if a law were to be created in the United States, it must be able to have the support and strength of merit to last through several intensive steps.

It may take as long as 15 or 20 years to develop a strong enough congressional coalition and lobbying foundation to shift drug policy in the U.S. There are many private and public groups that think the adverse effects of allowing production and sale of marijuana outweigh the benefits gained by AIDS and cancer patients. This will make it very difficult to pass legislation protecting patients' rights to medical marijuana.

Who could we go to for support of our medical marijuana cause?

The struggle to legalize medical marijuana is relatively small as far as national movements go, and the people who are involved and actively support the issue are tenacious in their approach to legalization. Groups such as the November Coalition, WAMM (Women/Men's Alliance for Medical Marijuana), Marijuana Medical Project, and a host of other groups are networks of cancer and AIDS patients and primary caregivers who organize state initiatives around the country. These organizations are grassroots efforts, and are put together by people directly affected by the situation.

In order to have an extensive lobbying network, the medical marijuana movement must gain the support of a broader group of lobbyists. As of yet, no mainstream lobbying organization (such as AARP or ACLU) has stepped forward to join in the medical marijuana cause. If this resource could be tapped, it would mean a good deal more money, publicity, and credibility.

There have been no high-profile politicians who have backed the medical marijuana movement. It is essentially a non-issue in major state and federal elections. It would greatly help the medical marijuana issue if it were taken up during a national election.

Death Penalty: Legislative Process

You have been asked by CSA to develop a bill that addresses capital punishment. You must also develop a strategy that will get this legislation passed. Please describe your proposed bill, and explain the legislative process you will use to get the bill passed. You can do this by answering the questions below:

1. How do we enact change?
2. How do we get our legislation started?
3. What type of measure shall we propose?
4. What will our bill say?
5. Should we take our proposal to the House of Representatives or to the Senate?
6. What would be the profile of a representative who would sponsor our bill?
7. Is there a representative who would support our bill?
8. What committees are likely to be assigned our bill?
9. Have they recently held hearings, and what were the outcomes of those hearings?
10. What strategies can we develop to get our bill through committee hearings?
11. What interest groups, religious groups, political parties, government departments, or congressional committees can we expect to support our cause?
12. What interest groups, political parties, government departments, or congressional committees will most likely oppose our legislation?
13. Can we expect to have broad public support for our legislation?
14. How does our bill get to the floor of Congress?
15. What happens to our bill after one house approves it?
16. How does our bill get to the President?
17. What options does the President have?
18. How long might it take for us to get our legislation passed?
19. If we are not successful in passing federal legislation, what executive, judicial, or state-level legislative actions can we take?

- How could we pass a state law?
- What is an initiative?
- What is a referendum?
- How could we pursue a civil case in federal court?
- How would we participate in an *Amicus Curiae* brief?
- How could we change the Constitution to favor our issue?
- How could an executive order help us?
- What problems would we have with concurrent powers?

Death Penalty Web Resources

- Death Penalty.org
<http://www.deathpenalty.org/>
- Death Penalty Information Center
<http://www.deathpenaltyinfo.org/>
- Pro-Death Penalty.com
<http://www.prodeathpenalty.com/>
- Balanced Politics
http://www.balancedpolitics.org/death_penalty.htm
- National Coalition to Abolish the Death Penalty
<http://www.ncadp.org/>
- Amnesty International:
<http://www.amnestyusa.org/abolish/juvexec.html>
<http://www.amnestyusa.org/>
- Annenberg Classroom
<http://www.annenbergclassroom.org/>
- American Civil Liberties Union:
<http://www.aclu.org/death-penalty/>
- Justice for All:
<http://www.prodeathpenalty.com/>
- Ethics Update Death Penalty
<http://ethics.sandiego.edu/Applied/DeathPenalty/index.asp>
- Freedom House:
<http://www.freedomhouse.org/>
- Cornell University for Case Reviews:
<http://www.law.cornell.edu/>

Teen Steroid Use: Legislative Process

You have been asked by CSA to develop a bill that addresses steroid use by teenagers. You must also develop a strategy that will get this legislation passed. Please describe your proposed bill, and explain the legislative process you will use to get the bill passed. You can do this by answering the questions below:

1. How do we enact change?
2. How do we get our legislation started?
3. What type of measure shall we propose?
4. What will our bill say?
5. Should we take our proposal to the House of Representatives or to the Senate?
6. What would be the profile of a representative who would sponsor our bill?
7. Is there a representative who would support our bill?
8. What committees are likely to be assigned our bill?
9. Have they recently held hearings, and what were the outcomes of those hearings?
10. What strategies can we develop to get our bill through committee hearings?
11. What interest groups, religious groups, political parties, government departments, or congressional committees can we expect to support our cause?
12. What interest groups, political parties, government departments, or congressional committees will most likely oppose our legislation?
13. Can we expect to have broad public support for our legislation?
14. How does our bill get to the floor of Congress?
15. What happens to our bill after one house approves it?
16. How does our bill get to the President?
17. What options does the President have?
18. How long might it take for us to get our legislation passed?

19. If we are not successful in passing federal legislation, what executive, judicial, or state-level legislative actions can we take?

- How could we pass a state law?
- What is an initiative?
- What is a referendum?
- How could we pursue a civil case in federal court?
- How would we participate in an *Amicus Curiae* brief?
- How could we change the Constitution to favor our issue?
- How could an executive order help us?
- What problems would we have with concurrent powers?

Teen Steroid Use Web Resources

- National Institute on Drug Abuse (NIDA):
http://teens.drugabuse.gov/facts/facts_ster1.php
- United States Anti-doping Agency:
<http://www.usada.org/effects-peds/>
- Steroid Abuse:
<http://www.steroid-abuse.org/>
- NIDA for Teens:
<http://teens.drugabuse.gov/index.php>
- Muscle and Strength:
<http://www.muscleandstrength.com/articles/teen-steroids.html>
- Steroid.com:
<http://www.steroid.com/steroids-in-sports.php>
- Anabolic Steroid Abuse:
<http://www.steroidabuse.gov/>
- Teen Drug Abuse:
<http://www.teendrugabuse.us/teensteroids.html>
- All about Anabolic Steroids (Livestrong.com):
<http://www.livestrong.com/anabolic-steroids/>
- Timeline of Baseball's Steroid Scandal (MSNBC Sports):
[http://nbcports.msnbc.com/id/22247395/](http://nbcsports.msnbc.com/id/22247395/)
- Baseball's Day of Reckoning in Congress (Washington Post):
<http://www.washingtonpost.com/wp-dyn/articles/A43422-2005Mar17.html>

School Bullying: Legislative Process

You have been asked by CSA to develop a bill that addresses the school bullying issue. You must also develop a strategy that will get this legislation passed. Please describe your proposed bill, and explain the legislative process you will use to get the bill passed. You can do this by answering the questions below:

1. How do we enact change?
2. How do we get our legislation started?
3. What type of measure shall we propose?
4. What will our bill say?
5. Should we take our proposal to the House of Representatives or to the Senate?
6. What would be the profile of a representative who would sponsor our bill?
7. Is there a representative who would support our bill?
8. What committees are likely to be assigned our bill?
9. Have they recently held hearings, and what were the outcomes of those hearings?
10. What strategies can we develop to get our bill through committee hearings?
11. What interest groups, religious groups, political parties, government departments, or congressional committees can we expect to support our cause?
12. What interest groups, political parties, government departments, or congressional committees will most likely oppose our legislation?
13. Can we expect to have broad public support for our legislation?
14. How does our bill get to the floor of Congress?
15. What happens to our bill after one house approves it?
16. How does our bill get to the President?
17. What options does the President have?
18. How long might it take for us to get our legislation passed?

19. If we are not successful in passing federal legislation, what executive, judicial, or state-level legislative actions can we take?

- How could we pass a state law?
- What is an initiative?
- What is a referendum?
- How could we pursue a civil case in federal court?
- How would we participate in an *Amicus Curiae* brief?
- How could we change the Constitution to favor our issue?
- How could an executive order help us?
- What problems would we have with concurrent powers?

School Bullying Web Resources

- Bullying.org:
<http://www.bullying.org/index.cfm>
- StopBullying.gov:
<http://www.stopbullying.gov/>
- Make Beats not Beat Downs:
<http://makebeatsnotbeatdowns.org/index.html>
- American Psychological Association:
<http://www.apa.org/topics/bullying/index.aspx>
- Stop Cyberbullying:
<http://www.stopcyberbullying.org/index2.html>
- Bullying Statistics:
<http://www.bullyingstatistics.org>
- The Bully Project:
<http://www.thebullyproject.com>
- Education.com Bullying at school and online:
<http://www.education.com/topic/school-bullying-teasing/>
- No Bully:
<http://www.nobully.com>
- Safe Schools/Healthy Student Project:
<http://youthviolence.edschool.virginia.edu/prevention/safe-schools-project.html>

Gun Control: Legislative Process

You have been asked by CSA to develop a bill that addresses the gun control issue. You must also develop a strategy that will get this legislation passed. Please describe your proposed bill, and explain the legislative process you will use to get the bill passed. You can do this by answering the questions below:

1. How do we enact change?
2. How do we get our legislation started?
3. What type of measure shall we propose?
4. What will our bill say?
5. Should we take our proposal to the House of Representatives or to the Senate?
6. What would be the profile of a representative who would sponsor our bill?
7. Is there a representative who would support our bill?
8. What committees are likely to be assigned our bill?
9. Have they recently held hearings, and what were the outcomes of those hearings?
10. What strategies can we develop to get our bill through committee hearings?
11. What interest groups, religious groups, political parties, government departments, or congressional committees can we expect to support our cause?
12. What interest groups, political parties, government departments, or congressional committees will most likely oppose our legislation?
13. Can we expect to have broad public support for our legislation?
14. How does our bill get to the floor of Congress?
15. What happens to our bill after one house approves it?
16. How does our bill get to the President?
17. What options does the President have?
18. How long might it take for us to get our legislation passed?

19. If we are not successful in passing federal legislation, what executive, judicial, or state-level legislative actions can we take?

- How could we pass a state law?
- What is an initiative?
- What is a referendum?
- How could we pursue a civil case in federal court?
- How would we participate in an *Amicus Curiae* brief?
- How could we change the Constitution to favor our issue?
- How could an executive order help us?
- What problems would we have with concurrent powers?

Gun Control Web Resources

- The Brady Campaign to Prevent Gun Violence:
<http://www.handguncontrol.org/>
- The Jurist—Pittsburgh University Law School Journal—Gun Laws, Gun Control, and Gun Rights:
<http://jurist.law.pitt.edu/gunlaw.htm>
- Gun Control vs. Gun Rights:
<http://www.opensecrets.org/news/issues/guns/index.php>
- The ACLU's Stance on Gun Control:
http://www.aclu.org/racial-justice_prisoners-rights_drug-law-reform_immigrants-rights/second-amendment
- Gun Control in the United States—A Comparative Survey of State Firearm Laws:
http://www.soros.org/initiatives/usprograms/focus/justice/articles_publications/publications/gun_report_20000401
- Facts About Gun Control:
http://www.justfacts.com/gun_control.htm
- ATF Online—Firearms:
<http://www.atf.gov>
- National Center for Policy Analysis:
http://ratify.constitutioncenter.org/constitution/details_explanation.php?link=069&const=02_art_02
- Student Pledge Against Gun Violence:
<http://www.pledge.org/>

- Constitution Center
<http://constitutioncenter.org/Files/guncontrol.pdf>
- National Rifle Association:
<http://www.nra.org/>
- National Rifle Association Institute for Legislative Action:
<http://www.nraila.org/>
- The Libertarian Party's Stance on Gun Rights:
<http://www.lp.org/issues/gun-laws>
- Women for Gun Rights:
<http://www.womenshooters.com/>
- The Legal Action Project:
<http://www.bradycenter.org/legalaction/>

Memo from Barbara Wilson



C O U N C I L O F S T U D E N T A D V O C A T E S

CSA MISSION

The Council of Student Advocates represents the interests of high school students throughout the United States.

CSA works in partnership with state and national government to create public policy pertaining to issues the CSA members have deemed critical to their interests, and to the protection and enhancement of our quality of life now and in the future.

CSA advocates for education, juvenile justice, communications and technology, and social welfare as these issues affect high school students.

TO: Chief Lobbyists
FROM: Barbara Wilson, Acting Director, Council of Student Advocates
RE: Changes at CSA

As you may have already heard, Richard Barley was asked to step down as director of the Council of Student Advocates. The council is greatly concerned about the inability of our last administration and our lobbyists to bring about legislative change on issues important to us. Currently, we are sponsoring legislation, proposed by you, that has been voted on in committee and rejected.

Our membership is extremely disappointed by our inability to get a bill passed, and by you, our lobbyists. We were led to believe we had a chance at passing this bill. Mr. Barley has been fired as a result of this failure. To be candid with you, he took the fall for you this time, but now your job is on the line. We are considering a change in our lobbying strategies. In the meantime, the council would like you to provide the following for us:

An explanation of our alternatives now that federal legislation has failed.

1. Your recommendation as to whether we should pursue state legislation, an initiative, a lawsuit, or constitutional amendment, and what these would be.
2. An explanation as to why your recommendation will have the best possibility for success, and why other choices are less likely to work.

The deadline for a state initiative is fast approaching, and time is of the essence. Therefore, we have set a meeting between you and the CSA board for tomorrow. Be prepared to present your explanation and recommendations at tomorrow's meeting. The board will expect a five-minute report with visual presentation materials from you. Following your report, please allow five minutes for questions from the board.

Please be advised that quitting at this point is not an option.

Presentation to the CSA Board

Please prepare answers to the following questions:

1. If federal legislation fails, what are our alternatives at the state legislative level?
2. Can we pursue an initiative or a referendum?
3. What judicial alternatives do we have?
4. Do you recommend that we pursue state legislation or judicial solutions to the problem?
5. Could an Executive Order help us?
6. Please describe the solution you propose.
7. Please explain why you think your proposal is the best solution.

Name: _____

Date: _____

Test for *LegiQuest*

Please circle the letter of your answer.

1. Which of the following is the central power of the legislative branch?
 - A Power to carry out laws
 - B Power to make laws
 - C Power of judicial review
 - D Power of attorney

2. How can citizens affect public policy?
 - A Gain the support of a congressional representative
 - B Use the initiative process
 - C Place a referendum on the ballot
 - D All of the above

3. What is the power of judicial review?
 - A The power to review elections for fraud.
 - B The power to appeal a court decision.
 - C The power to decide if any law or government action is constitutional.
 - D The power to exercise powers of another branch.

4. According to the principle of checks and balances what can a president do if he disagrees with a law passed by Congress?
 - A Override it
 - B Veto it
 - C Declare it unconstitutional
 - D Place it with a new committee

5. The U.S. Constitution creates a federal system, which means
 - A responsibilities are divided between national and state governments.
 - B powers are divided among the different branches of government.
 - C political parties determine who gets funding.
 - D citizens vote for representatives in government.

6. The main purpose of a congressional conference committee is to
 - A hold hearings and conduct debates over a bill.
 - B regulate state and national elections.
 - C reconcile differences between bills passed in the House and Senate.
 - D influence public policy decisions.

7. How many members of both houses can override a veto?
 - A Unanimous consent
 - B Half of each branch
 - C Three-fourths majority
 - D Two-thirds majority

8. Where do most bills begin?
 - A the President's budget
 - B the Senate
 - C the House of Representatives
 - D Citizen's initiatives

9. What happens to most bills that go through Congress?
 - A They die in committee.
 - B They are returned to the president.
 - C They are passed.
 - D They are tabled for another time.

10. How long can a floor debate go on in the House of Representatives?
 - A Until everyone has had a chance to speak
 - B Limited by the Speaker of the House
 - C Until one side agrees with the other side's position
 - D Unlimited with a filibuster

11. When does a bill become law?
 - A After judicial review
 - B after Congress passes the bill
 - C When the people approve the bill
 - D Upon the president's signature

12. The main purpose of a special interest group is to
 - A influence public policy decisions.
 - B collect and distribute funds for political candidates.
 - C regulate the different departments of the Executive Branch.
 - D enforce the laws of Congress.

13. Which Supreme Court case established the doctrine of judicial review?
 - A *McCulloch v. Maryland*
 - B The Oakland Cooperative case
 - C *Marbury v. Madison*
 - D *Gonzales v. Raich*

14. What important precedent did the case of *McCulloch v. Maryland* establish?
- A The Supreme Court could rule a law or government action unconstitutional.
 - B The federal government is supreme over the states.
 - C Congress could make any law it wanted.
 - D Maryland could not set up its own bank.
15. Why is it important to obtain a bill sponsor?
- A A sponsor writes the bill.
 - B Only sponsors can vote on a bill.
 - C A sponsor will pay for the bill.
 - D A sponsor introduces the bill.
16. Where does a bill go after it is sent to either the Speaker of the House or the Senate Majority Leader?
- A To an appropriate committee.
 - B To the president for signing.
 - C To the other house for approval.
 - D To a vote by either house.
17. Why are bills sent to a subcommittee?
- A To be written up for a floor vote.
 - B So they can be tabled or killed.
 - C To be scrutinized through hearings and deliberation.
 - D To see if it is legally binding.
18. How can special interest groups make sure their bills will be supported in Congress?
- A Contact members of Congress to make them aware of the bill.
 - B Form coalitions with other interest groups who believe in their cause.
 - C Garner the support of the public to contact their representatives in Congress.
 - D All of the above.
19. What is the purpose of a filibuster?
- A To ensure all parties have an opportunity to debate a bill.
 - B To slow down or stall the legislative process.
 - C To amend a bill with a rider.
 - D To send a bill back to committee.
20. When does a bill in one chamber go to the other chamber?
- A When it is approved by the first chamber.
 - B When it is ready for the president to sign.
 - C When it is ruled unconstitutional by the Supreme Court.
 - D When it is first introduced.

21. Why might a president veto a bill?
- A Because he or she approves of it.
 - B It has gone past the 10 day waiting period.
 - C Because she or he disagrees with it.
 - D It has been agreed to by both houses of Congress.
22. Which of the powers listed below is *not* a concurrent power?
- A levy taxes
 - B borrow and spend money
 - C print money
 - D establish courts
23. If a special interest group is not successful in getting Congress to pass a law, which of the following is probably *not* a good option?
- A Encourage the president to pass an executive order.
 - B Go to individual state legislatures.
 - C Propose a Constitutional amendment.
 - D Take their case to court.
24. What is the “iron triangle?”
- A a metaphor for the three branches of government: legislative, executive, and judicial
 - B a term describing the relationship between Congress, the bureaucracy, and the private sector contractors
 - C the minority members of the Supreme Court who never agree with the majority
 - D the inner ring of the Pentagon where the three major military branches are headquartered
25. How do issue networks work to influence Congress?
- A They gather and administer funds for Congressional elections.
 - B Hold primary elections and town hall meetings for Congressional members to hear their ideas.
 - C They threaten to shift their support for state and local government.
 - D Interest groups form alliances with government bureaucracy and consultants to push for a specific policy.
26. The basic purpose of a lobbyist is to
- A offer enough money to get a legislature to support their cause.
 - B run candidates who will support their issues.
 - C sell ideas and solutions to a problem.
 - D write legislation that will be debated in Congress.

27. What is the best alternative special interest groups have if they fail to obtain federal legislation for their cause?
- A They can wait for the next election.
 - B Protest in the streets.
 - C Find another cause.
 - D Look to state legislatures.
28. How does seeking solution through an initiative and referendum differ from a legislative action?
- A The initiative and referendum process are more expensive.
 - B The vote over the solution is directly in the hands of the people.
 - C The initiative and referendum will require court action, not legislative action.
 - D The initiative and referendum take longer than legislative action.

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