Elections 2008

American Bar Association Division for Public Education

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Elections 2008

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Director’s Note

The 2008 elections are just a few weeks away. At the presidential level, we have a historic contest between Democratic Senator Barack Obama (IL), the first African American to be nominated by a major political party, and Republican Senator John McCain (AZ), a war hero and former prisoner of war in Vietnam. The candidates provide sharp contrasts on major policy issues—the war in Iraq, the economy, the environment, and health care, as well as the role of the federal government and personal styles of leadership.

Insights explores the elections from political, policy, and legal perspectives. We begin with a close look at the presidential contest, featuring profiles of the two candidates. Leonard Steinhorn then analyzes the presidential campaign, the candidates, and their positions on the key issues. John Paul Ryan examines third-party candidates for president, their historical significance, and several such candidates competing on behalf of the Green Party and Libertarian Party in 2008. Richard Briffault then tackles the complex question of public financing of presidential elections, offering both historical background and an analysis of the current crises facing the program.

Two articles address the issue of voter eligibility, primarily determined by the states under our system of government. In Viewpoint, Erika Wood traces the roots and causes of the disenfranchisement of voters who have been convicted of felony crimes. In Law Review, Charles F. Williams discusses the Supreme Court’s recent decision upholding Indiana’s requirement that voters must show photo identification.

In our era of new technologies, the Internet is clearly becoming a potent political tool for both candidates and voters. In Perspectives, Karen A. B. Jagoda describes some of the new online opportunities for citizens to become actively engaged in political campaigns. Julie Barko Germany explores this issue from the point of view of the candidates, especially their tendencies to use online tools to reinforce their messages conveyed in television advertising. And Meg Heubeck describes a nationwide mock-election program conducted online, in which “Students in Action” can learn and communicate about the campaign, the candidates, and the issues.

Lessons and classroom resources complement the articles and major themes. John Paul Ryan offers a lesson in which students closely scrutinize the Web sites of candidates McCain and Obama to learn more about the issues and the candidates’ use of online tools. Teaching with the News reprints an article on the Federal Elections Commission and its role in monitoring campaign expenditures. As always, go to www.insightsmagazine.org for more resources.

Mabel McKinney-Browning

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Senator John McCain
Republican senator from Arizona seeks presidency.

John McCain Profile
Born in Panama Canal Zone, 1936
Graduated U.S. Naval Academy, 1958
Served in Navy, 1958–81
POW, Vietnam, 1967–73
U.S. House of Representatives, Arizona, 1982–86
U.S. Senate, Arizona, 1987–

McCain on Leadership
"We face an enemy that has repeatedly attacked us and remains committed to killing Americans and the destruction of our values. This election is about who is best prepared to lead and defend our nation and its global allies... from day one. This election is about making sure we have the experienced leadership to guide us to victory in this war, protect the nation against future terrorist attacks, and support our troops and first responders who are on the frontlines of the war. This election will decide whether we choose to fight or announce surrender. It will decide whether we have a president who dangerously weakens U.S. security or strengthens it... having a courageous Commander-in-Chief who is willing to lead us in this war, rally our democratic allies, and defeat our enemy to secure a broader peace is what's at stake in this election" (excerpt from www.JohnMcCain.com).
**Senator Barack Obama**

Democratic Senator from Illinois seeks presidency.

**Barack Obama Profile**

Born in Honolulu, Hawaii, 1961  
Graduated Columbia University, 1983  
Received J.D. from Harvard University, 1991  
Civil Rights lawyer, 1993–96  
Illinois State Senate, 1997–2004  
U.S. Senate, Illinois, 2004–

**Obama on the Issues**

"I am in this race to tell the corporate lobbyists that their days of setting the agenda in Washington are over. I'm in this race because I want to stop talking about the outrage of 47 million Americans without health care and start actually doing something about it. I'm in this race to end our dependence on Middle East oil and save our planet from the crisis of climate change so we can give our children a planet that's cleaner and safer than we found it. As president, I will end the war in Iraq, a war that I opposed from the beginning and that should never have been authorized. I will finish the fight against Al Qaeda. And I will lead the world to combat the common threats of the 21st century—nuclear weapons and terrorism; climate change and poverty; genocide and disease" (excerpt from “The Blueprint for Change,” www.barackobama.com/pdf/ObamaBlueprintForChange.pdf).
Comparing the Candidates: Backgrounds and Issues

Historic election provides striking contrasts of styles and policies.

by Leonard Steinhorn

The 2008 presidential election marks the first time in our nation's history that two sitting U.S. senators are competing against one another for the Oval Office. In this article, communications scholar Leonard Steinhorn examines the two major-party candidates—their backgrounds, personal styles of leadership, and positions on the major issues of the day.

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We’re weeks away from the presidential election, yet the historical analogies are already piling up. Some say this year resembles 1960, in which a young, idealistic, new-generation leader challenged an America grown stale in the Eisenhower era and framed the election as a choice between past and future. Others look at 1976, just two years after Watergate, when an untested Democrat promising to heal our nation should have won easily but barely held on because of concerns about his gravitas and inexperience.

Still others argue that a comparison to 1980 makes the most sense, when doubts about a challenger kept the race close at first but were not strong enough to worry a nation fed up with the party in power and tired of a governing ideology that had become feckless and out-of-date. Yet some point to 1952, when Americans couldn’t warm up to a liberal, cerebral senator from Illinois and instead chose a sturdy war hero as their president.

The 2008 campaign will certainly create its own narrative, one that future historians will mine for lessons and trends. But whatever the end result, the path to victory for either Barack Obama or John McCain will require each candidate to navigate some long-standing tensions that continue to riddle our political culture: red versus blue, old versus young, rural versus urban, tradition versus change, prejudice versus tolerance, and past versus future. In a time of global and economic uncertainty, should we rely on the old, stolid, muscular values of 1950s America? Or should we as voters adopt the fresh, innovative, inclusive approach of a new American generation?

Actually the “we” may be a misleading word, because there are many different constituencies that make up the “we” in America. If John McCain prevails, his “we” will likely be comprised of many Southern and Rust-Belt whites, social and

“Each candidate must navigate long-standing tensions that ... riddle our political culture.”

Leonard Steinhorn is Professor of Communication and Affiliate Professor of History at American University, specializing in politics and media. He is the author of The Greater Generation: In Defense of the Baby Boom Legacy (Thomas Dunne Books, 2006), a frequent contributor to the online journal History News Network, and the Political Analyst for FOX-5 News in Washington, D.C.
religious conservatives, small-business owners, rural and older voters, veterans, foreign-policy hawks, laissez-faire proponents, and libertarians who dislike government more than they dislike the religious right.

Barack Obama's “we” will be quite different: more from the Northeast and West Coast, social liberals, African Americans, a majority of Latinos and Jews, large numbers of under-30 voters, people with advanced degrees, union members, those less likely to attend church, unmarried women, urban dwellers, and libertarians who dislike the religious right more than they dislike government.

Each campaign has developed a ground game to get its particular “we” out to vote. Obama's campaign has opened more offices in more states than previous Democratic campaigns, and Obama has staffed them not only with professionals but with local volunteers trained in getting out the vote and armed with highly sophisticated voter research and the technological tools to make things happen. The GOP effort builds on its vaunted 72-Hour Project, also based on voter data, that may have made the difference in 2004 because of its success in bringing out large numbers of social conservatives, evangelicals, and Republican-leaning voters.

Of course the national demographic, as interesting as it is to dissect, is far less important than how it plays out in the battleground states that will decide this election. Regardless of who wins the popular vote, the Electoral College chooses the president. Had one or two states flipped in the previous two presidential elections, we would have had a President Al Gore or John Kerry.

As in 2000 and 2004, the election battleground will cut a wide swath of the old industrial states—Pennsylvania, Ohio, Michigan, Wisconsin, Iowa, Missouri, and Minnesota. And once again they'll be joined by three states from three different regions that over the last few elections have been splitting right down the middle—Florida, New Mexico, and New Hampshire.

But these traditional battleground states will have more company this year. Some reliably Republican states are now competitive, in part because of dissatisfaction with the Bush administration but also because of demographic and cultural shifts within those states. Virginia's 13 Electoral College votes are up for grabs, making the solid Republican South a little less solid, as the state's more liberal suburbs of Washington, D.C., have grown in numbers and strength. Colorado and Nevada, both of which have seen an infusion of Latino voters, have also joined the fray.

The Candidates' Biographies

For voters, the choice is between two candidates with very different biographies and worldviews. These are indeed historic candidacies—one would be the first African American elected to the White House, just four decades after legal segregation ended in this country, and the other would be the first and perhaps only Vietnam veteran to serve in the Oval Office, as well as the oldest American ever to win a first term as president. Each candidate has a very different American story to tell.

Barack Obama’s narrative epitomizes the American Dream. Raised by his white Kansan mom and his grandparents after his Kenyan father left the family when he was only 2, he grew into a teenager tempted by the streets, a young adult determined to get an education, and a Harvard Law School graduate who turned down Wall Street offers to work as a community organizer in Chicago.

It's this life experience that inspires Obama's sense of patriotism—that it's as much about the rockets' red glare as it is about America living up to its ideals and empowering even those with the most humble of backgrounds to achieve their dream. What Obama offers is a candidacy built on the traditional American
The age gap separating the candidates—Obama is 47, McCain 72—is only the most obvious difference between the two. John McCain is the son and grandson of Navy admirals, and despite a fairly rambunctious youth, he set out on a path to follow, as he put it, the faith of his fathers, attending the Naval Academy and then serving as a naval pilot in the Vietnam War.

But his life of privilege and service would forever change when his plane was shot down over North Vietnam and he was taken prisoner of war. For six years, from 1967 to 1973, he faced torture and lived at the will of his captors. When in 1968 his father was named commander of U.S. forces in the Pacific, the North Vietnamese saw a propaganda opportunity and offered to release McCain, but he refused, saying he would accept release only after those captured before him were given a similar offer. For McCain, patriotism is steeped in the 1950s notion of promoting American exceptionalism and defending America’s honor. For years he found it hard to forgive Vietnam War opponents who, he felt, dishonored the country, demoralized the troops, and contributed to our losing the war.

If Obama’s defining narrative is the American Dream, McCain’s is one of sacrifice, honor, and individual will. He survived and defied the most ruthless of captors, and he has staked his public image on speaking his mind, fighting his foes, defending his honor, and never toeing any line with which he disagrees, thus earning him the maverick label. When his political career nearly ended in disgrace during the Keating Five scandal of the late 1980s and early 1990s, in which McCain was rebuked by the Senate Ethics Committee for exercising “poor judgment” in trying to influence regulators on behalf of a contributor, he turned his dishonor into a cause, becoming one of the Senate’s leading advocates for campaign-finance reform.

McCain’s critics see it differently. Democrats argue that McCain essentially votes the party line but cynically exploits the maverick image to attract independents and hide his conservative and bellicose worldview. Others, noting McCain’s occasional poison-pen letters and abusive dress-downs of colleagues, say that what the media describe as “straight talk” is really a prickly temperament that causes him to lash out at perceived slights and angrily question the motives of those who disagree with him. To them, McCain’s temperament may pose problems in his relations with Congress and foreign leaders.

Voters no doubt will be evaluating these candidate narratives, judging whether they’re the right fit for the times, and that’s as it should be. We’ve seen throughout history how character can define a presidency—how Lyndon Johnson’s insecurities helped mire us in Vietnam, how Richard Nixon’s us-against-them paranoia led to Watergate, how Bill Clinton’s personal foibles led to his impeachment, how George W. Bush’s messianic outlook led to the war in Iraq. But in the long run, it’s the political ideology of these candidates that will make its mark on our lives through the policies they hope to enact.

The Candidates’ Policies
If there’s one similarity between the two candidates, it’s their promise to reach across party lines to end the hyperpartisan culture of Washington. Both candidates also promise to take on special interests and reduce the influence of lobbyists. McCain, for example, has already wrestled with Big Tobacco, and Obama has championed ethics bills and refused contributions from lobbyists.
But a promise to change Washington doesn’t mean that Obama and McCain would take our country in the same direction—quite the opposite. Obama doesn’t expect government to meet every need, but he sees it as a watchdog for citizens, provider of services, and agent of change. McCain prefers limited government and private-sector solutions, and he equates federal agencies with spending and excess. To be sure, there are issues on which they generally agree—support embryonic-stem cell research, both want immigration reform that closes the borders but also creates a path to citizenship, and both oppose torture as an interrogation technique. But on most issues, they stand on opposite sides.

On federal-court appointments, McCain would select conservative judges in the mold of the two Bush Supreme Court picks, John Roberts and Samuel Alito. McCain’s appointees would generally favor business interests, support executive privilege, and sympathize with the social-conservative agenda, particularly in the areas of church-state and reproductive rights. “I will be a pro-life president, and this presidency will have pro-life policies,” McCain said. Obama’s court choices will likely be polar opposites— siding more with workers and consumer interests, more prone to support government transparency, and strongly in favor of civil rights and liberties, particularly women’s rights and the right to privacy. “I am pro-choice, I believe in Roe v. Wade, not because I’m pro-abortion but because ultimately I don’t think women make these decisions casually,” Obama said.

On the economy, McCain will likely extend the Bush tax cuts, giving more money back to the wealthy in the hope that they will invest it back in productivity and business, whereas Obama will likely raise taxes on the richest Americans but offer greater benefits for the middle-class and put more money into rebuilding our nation’s infrastructure. For energy independence, McCain calls for a major investment in nuclear power and an end to limits on offshore oil drilling, whereas Obama would commit to a Manhattan Project for clean, efficient, and renewable energy, which he claims would create millions of green-collar jobs.

With millions of Americans lacking basic health-care coverage, McCain would work largely within the current system but would provide tax credits and state-wide pools to help Americans gain access to health care. Obama would create a national health-care plan for employers and individuals similar to what members of Congress have, providing small businesses, families, and individuals subsidies if they need them and mandating coverage for children.

Finally, McCain opposes troop withdrawal from Iraq and envisions a long-term commitment to Iraq similar to what we have in South Korea. Obama has called for a timetable to get the troops out, arguing that Iraq is a distraction and a strain on the military, and that we must focus on the real war on terror in Afghanistan and Pakistan.

History is written everyday through the decisions of our leaders and their imprint on society. With two profoundly different candidates, this election is more than just a contest. It’s about the vision of America we will bequeath our children.

For Further Reading

Web Sites of Interest:
FiveThirtyEight/Electoral Projections. www.fivethirtyeight.com

FOR DISCUSSION

Which candidate will win the presidential election? Why?
We elect presidents through the electoral votes of the individual states. But the media mostly report polling data for the national popular vote to track which candidate is leading. Why?
What are some of the issues on which Senators McCain and Obama generally agree? Where do they sharply disagree? How?
Third Parties and Their Candidates: Then and Now

These candidates have contributed diverse views to the political landscape.

by John Paul Ryan

Third parties of many political stripes and causes have surfaced in presidential elections dating back to the mid-19th century. In this article, John Paul Ryan discusses some of the more prominent third parties and their candidates who have influenced presidential elections and public policy, including two such candidates competing in the 2008 presidential election.

Since the early days of the republic, when John Adams and the Federalists and Thomas Jefferson and his followers fiercely contested presidential elections, the United States has relied upon a two-party system. After a short flirtation beginning in the 1830s with the Whig Party (and its opposition to the growing powers of the president under Democrat Andrew Jackson), the United States settled into its current two-party structure shortly before the Civil War. While the Democratic and Republican parties have certainly shifted (or perhaps even exchanged) policies and constituencies over these past 150 years, the dominance of these two political parties has remained constant.

Nevertheless, third parties and their candidates have periodically played important roles in both elections and the contest of ideas. From time to time, third parties have fielded candidates for president and, often, for other elected offices at the federal and state levels. In the nineteenth century, the Greenback Party (1874–84) was one of the first to make a dent in the political landscape—it supported reliance on a paper-money system that farmers favored, but the party later broadened its appeal to progressive workplace goals that would become the foundation of the Populist and Progressive movements of the early twentieth century. At about the same time, the Prohibition Party, which advocated a ban on the manufacture and sale of alcohol, regularly began to field presidential candidates. At its peak in the early 1900s, the Prohibition Party garnered 1–2% of the popular vote, but it also helped nurture the climate for passage of the 18th Amendment in 1919. Though ultimately defeated in its goals, the Prohibition Party has continued to field a presidential candidate in every election since the 1960s.

Perhaps the most influential third party of the twentieth century was the Socialist Party, which advocated for workers and the formation of labor unions, opposed America’s entrance into World War I, and by mid-century was smeared with the “communist” label; since then, its influence has been primarily intellectual.

"The United States has relied upon a two-party system..., but third parties have played important roles."

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and literary rather than political. Labor leader Eugene Debs ran as the Socialist Party candidate for president from 1904-12 and in 1920, reaching a high of 7% of the popular vote in the multiparty congestion of the 1912 election (see below). Equally important, other socialist candidates were elected to office on the local level during this same time period—as mayors (including of New York City), city council members, state legislators, etc. Norman Thomas carried the banner of the Socialist Party in presidential elections from 1928-48, and candidates representing this party have run for president in nearly every election since.

**Third Parties in Four Elections**

At least four elections are worthy of mention for the significant influence of third-party candidates in them. In 1912, Theodore Roosevelt (who served as president from 1901-09) bolted from his own Republican Party and the conservative policies of President William Howard Taft and ran as a Progressive (Bull Moose) Party candidate. On a platform of environmental conservation, improved relations between unions and management, and progressive support for the protection of women and children in the workplace, Roosevelt received 27% of the popular vote and carried six states, actually finishing second in both popular and electoral votes behind the winning candidate, Democrat Woodrow Wilson. This ideological division between liberals/moderates and conservatives within the Republican Party would continue for the next seventy years until Ronald Reagan’s presidency settled, at least for a generation, the party’s ideological direction.

In 1968, American Independent Party candidate George Wallace, the segregation governor of Alabama, received almost 10 million votes (14%). With his message of racial fear, Wallace carried five southern states totaling 46 electoral votes, a result that came relatively close to sending the election between Republican Richard Nixon and Democrat Hubert Humphrey into the U.S. House of Representatives for resolution. Wallace followed in the footsteps of Dixiecrat Party candidate Strom Thurmond, who campaigned on similar themes in the 1948 election and carried five southern states including his native South Carolina.

In 1992, Independent Party candidate H. Ross Perot received almost 20 million votes (19%), representing the largest impact of a third-party candidate since 1912 (although he carried no states and thereby received no electoral votes). Many analysts believe that multimillionaire businessman Perot and his message of economic reform, including balanced budgets, took many more votes from Republican President George H.W. Bush, helping to elect the Democratic challenger Bill Clinton.

Finally in 2000, Green Party candidate and longtime consumer advocate Ralph Nader, running on a platform of environmental activism and progressive policies in labor relations and civil rights, captured almost 3 million votes (3%). Nader received 97,488 votes in Florida, a state that Republican George W. Bush officially carried by a mere 537 votes. Although many factors contributed to Democrat Al Gore’s loss, the “Nader factor” is cited as a key one by Democratic leaders and political analysts alike.

**Third Parties in 2008**

In 2008, the Green Party nominated Cynthia McKinney, an African American and former congresswoman from Georgia, as its presidential candidate. She served twelve years in the House of Representatives between 1992 and 2006. The party’s platform includes, among other provisions, environmental advocacy, appeals for social justice, and broad support for workers and human rights. The Green Party currently has ballot status in approximately twenty states and the District of Columbia. For more about McKinney and her campaign, go to: www.gp.org/index.php.

The Libertarian Party is another significant third party today, as it has been since its founding in the 1970s. Based upon a distinctive platform of minimal government regulation and support for individual liberties, the Libertarian Party has made a modest showing in presidential elections but boasts more elected public officials in state and local government than any other third party. Bob Barr, also a former member of Congress from Georgia, is the Libertarian Party’s candidate in the 2008 presidential election. For more about Barr and his campaign, go to: www.BobBarr2008.com.

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**FOR DISCUSSION**

Why do you think it is so difficult for third parties to attract large numbers of voters?

Of what significance is the electoral college in the persistence of our two-party political system?

Do third parties rely primarily upon issues and platforms or the charisma of their candidates? Can you give examples from presidential elections to support your answer?
Public Financing and Presidential Elections

Public funding seeks to reduce dependence on private donors, ease fund-raising burden.

by Richard Briffault

In this article, legal scholar Richard Briffault traces the history of public funding of presidential elections. He analyzes the implications and prospects for the 2008 general election campaign. He also discusses the challenges facing the system of public funding, as campaign costs increase and public support wanes, and possible reforms.

President Theodore Roosevelt called for public funding of federal election campaigns in his 1907 State of the Union message. But it was not until 1966 that Congress first enacted a public-funding law. That measure, which would have made funds available to presidential nominees in the general election through payments to their political parties, was suspended in 1967 and never put into effect.

In 1971, Congress again adopted a public-funding law, but this measure provided funds directly to the nominee rather than the party. The law was scheduled to first take effect in 1976, but in response to the Watergate scandal, Congress dramatically overhauled campaign-finance law in 1974. In so doing, it extended public funding to primary elections and nominating conventions. Constitutional challenges to the public-funding law were rejected by the United States Supreme Court in the 1976 Buckley v. Valeo decision.

Starting in 1976, presidential candidates have been eligible for cash grants from the U.S. Treasury to help pay the costs of their campaigns. Public campaign funds are available in both the primary and general elections, as well as for the nominating conventions. The public-funding system is voluntary, but candidates who take public funds must agree to certain conditions, particularly limits on their use of personal funds in the election and on their total campaign spending. Both major-party nominees accepted public funds in their general election campaigns in every presidential election from 1976 through 2004.

Public funding has been praised for reducing the dependence of candidates on wealthy private donors, ameliorating the burdens of fund-raising, and enabling challengers, newcomers, and outsiders to contest elections more effectively. The

“Public funding ... is financed by a voluntary check-off option on individual tax returns.”

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Public-funding program has been credited with providing vital support to Jimmy Carter’s successful campaign for the Democratic nomination in 1976, as well as helping to sustain George H.W. Bush’s campaign for the Republican nomination in 1980, Gary Hart’s Democratic nomination campaign in 1984, and John McCain’s nomination campaign in 2000.

Skeptics, however, have criticized the program as “welfare for politicians” and have expressed concern about a law that limits campaign spending and commits tax dollars to candidates. Moreover, in recent years the public-funding program has faced challenges. In 2000, George W. Bush became the first major party nominee who did not participate in the public funding program for the primaries, and in 2004 neither President Bush nor Democratic challenger John Kerry relied on public funds to win his party’s nomination.

In 2008, neither of the leading Democratic contenders—Hillary Clinton and Barack Obama—accepted public funds in their protracted battle for the nomination. Senator Obama announced in June that he will not take public funding in the general election. Senator Obama is the first major party nominee not to take general election public funding since the law took effect in 1976. On the Republican side, during the primary phase of the campaign Senator McCain initially declined public funds in his campaign for the nomination. But after running into financial difficulty, he changed his mind and applied for public funds. Then, when he surged ahead politically and financially after winning the New Hampshire primary, McCain withdrew from the primary election public-funding program. None of the leading contenders for the Republican nomination took public funding in 2008. Senator McCain has said that he will accept public funds for his general election campaign.

Public Funding in Presidential Elections

The public-funding system is financed by a voluntary check-off option on individual tax returns. Initially set in the 1970s at $1 for an individual return and $2 for a joint return, in 1993 Congress raised the amount to $3 per individual return and $6 per joint return. The amount has not changed since then. Taxpayers choosing to dedicate $3 or $6 to the Presidential Election Campaign Fund do not increase their tax obligation; rather, the check-off allocates taxes they are required to pay. Initially, a fairly high proportion of taxpayers contributed to the fund—as much as 29% in 1980. That number has declined steadily since then, down to just 9% in 2005. This left the fund short of money at the start of the primary season.

The public-funding program for presidential elections is actually three programs—for presidential primary elections, the general election, and the nominating conventions.

Primaries. In the primaries, public funding operates through matching grants. To be eligible, a candidate must raise $5,000 in each of at least 20 states, with only $250 from any individual donor counting. A qualifying candidate can then receive public funds that match contributions, up to $250 per individual. The candidate must also agree (1) not to use more than $50,000 of his or her own personal funds, (2) to abide by a nationwide limit on primary election spending; and (3) to abide by state-specific primary spending limits. The nationwide spending limit this year is $42 million, with some additional spending permitted to cover certain accounting, legal, and fund-raising costs. The state-specific limits are based on state voting age populations.

In 2008, seven candidates qualified for primary matching funds—Democrats Joseph Biden, Christopher Dodd, John Edwards, and Dennis Kucinich, and Republicans Duncan Hunter, John McCain, and Thomas Tancredo. In February 2008, before he had received any funds, Senator McCain announced his withdrawal from the program so that he would not be bound by the spending limit. The legality of his action has been challenged, however. Critics contend that his certification of eligibility for public funds enabled him to obtain a four million dollar loan, and thus, that he benefited from his partic-

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Power for the People: New Forms of Political Activism Online
by Karen A.B. Jagoda

Are you a political activist? Before the Internet, there were limited ways for citizens to become involved in political campaigns. They could call friends and family to talk about candidates and issues. They could volunteer at a phone bank to contact a list of potential voters to encourage them to vote for a candidate or attend an event. They could walk around a neighborhood as campaign volunteers to solicit contributions and identify supporters. Gathering signatures on petitions and working to introduce a new candidate by handing out literature at a shopping center were other traditional ways to be involved in a campaign.

In the pre-online world, a voter might see a television commercial and decide to send a check to the candidate. This, of course, meant getting the checkbook, writing the check, finding a stamp and envelope, figuring out where to send the check, and getting the letter to the mailbox. Otherwise, they might attend a fancy dinner or candidate fund-raiser, spending hours at an event that cost everyone lots of money.

None of these activities has gone away, but the Internet has added a wide range of new options that can attract and engage a wider range of people (especially new voters and young people) to political campaigns. People have started to take advantage of the Web in order to break new ground as activists as well as to enhance traditional campaign techniques. When campaign volunteers are able to work on their own schedules out of virtual campaign offices, the nature of the political campaign is fundamentally changed.

A broader definition of political activism is necessary in order to take into account the power that voters have through their ability to talk back to candidates as well among themselves. The Internet is changing the expectations of voters, altering the way candidates run their campaigns and increasing uncertainty for traditional campaign managers and advisors.

Some new characteristics of political activism include: contributing online to a candidate or cause; signing up for a candidate or party online newsletter; visiting a candidate Web site and leaving a comment on an official blog; writing about a candidate or issues on one's own blog; posting or viewing online videos about politics or issues; sending an e-mail to a candidate or elected official about your concern; forwarding links to friends and family about political information; posting a question for a debate or online forum; and sending cell phone text messages about candidates or political events.

Putting these activists' characteristics into context, I see seven key trends in the changing political environment:

1. More money from more people enters the political campaign process. While traditional top-dollar contributors continue to fund political campaigns and activists groups, candidates are seeing the rise in the number of small donors who contribute a few dollars at a time. The Internet has brought in more first-time contributors aided by the ease and security of using it to submit credit-card contributions.

2. Online social networks have an impact. What are the implications for candidates looking to build relationships with voters and activists using online social media? There is strong evidence that social networks help generate buzz and awareness for candidates and advocates. These networks have also fueled the momentum for candidate fund-raising. The question remains whether the online social networking media will be responsible for more people voting.

3. Nationalization of campaigns. As a result of e-mail, social networks, and video sites, local campaigns can receive national attention. This means that money can be raised for a local issue or candidate because people around the country find continued on page 17
Changing Political Campaigns
One Voter at a Time
by Julie Barko Germany

The 2008 presidential campaign season has been called many things by the media—the YouTube Election, the Web 2.0 Election, and the Digital Election, to name a few. Online campaigning tactics have taken center stage. Every other article written about one of the presidential candidates mentions some kind of Internet tool or tactic, from online fund-raising and YouTube-style videos to blogs and social networking sites.

Many of these online campaign tactics are often labeled as “Web 2.0,” a term coined about four years ago at a conference sponsored by the O’Reilly technology publishing company (not the television host). At the time, founder Tim O’Reilly wanted to persuade the technology and business communities that the Internet was just as important then as it was before the dot-com bust. The term Web 2.0 refers to online platforms—a tech-savvy term for tools and applications—that allow users to participate, collaborate, interact, engage in collaborative problem-solving, and join interactive conversations. Web 2.0 emphasizes conversation and collaboration, rather than push-marketing or top-down control.

However, you probably will not hear the 2008 campaign season called the “Conversation Election,” despite the fact that many of the Web 2.0 tools making headlines were in fact designed to do just that. Politics hasn’t changed that much. The campaign culture values talking points, focused messages, and control, all of which seem somewhat incompatible with a Web 2.0 environment that values open conversation, transparency, and collaboration.

Indeed, campaigns are simply using technology to do the same things they always did, but with greater speed, efficiency, and efficacy. Take, for example, the way several of the presidential candidates began to use Web video. In January 2007, the Clinton campaign posted a video on YouTube designed to look and feel like a fireside chat. Senator Clinton sat on a sofa, perfectly coiffed. As Clinton looked into the camera, she slowly recited what appeared to be a very well-written speech. “I’m not just starting a campaign, though. I’m beginning a conversation,” she said. “Let’s talk about bringing the right end to the war in Iraq and rebuilding our reputation in the world.” It was a beautifully produced video, but the very things that made it beautifully produced also made it feel inauthentic. It was a typical campaign spot, rehearsed for a YouTube generation. It was a monologue, not the kind of conversation that Internet users have come to expect.

One of the most viewed Web videos of the 2008 campaign is a pro-Obama video posted on YouTube, “Vote Different.” It was created by Phil DeVellis in response to Clinton’s video. In it, workers marched in front of a bleak cityscape while Clinton’s voice from that video provided a voice-over. “Vote Different” ends when a video of Clinton speaking explodes out into the audience. In interviews after the video reached a million viewers, DeVellis said he wanted to reveal Clinton’s “fireside chat” to be a one-way conversation.

Another example is online fund-raising. Over the course of the past eight years, the number of small, online donors that a campaign attracts has become a new invisible primary—one of the many signals that a candidate will be successful during the general election. The Obama campaign, in particular, has been very vocal about the fact that much of the several hundred million dollars raised during the primary season has come in the form of “micro” donations from supporters who have yet to reach the maximum legal contribution for individuals in the primaries. However, The Huffington Post reported in April 2008 that the Obama campaign spent $18 million on television advertising in Pennsylvania leading up to the
primaries on April 22. In other words, instead of reinvesting the money to build dialogue with voters online, the campaign used it to buy television advertising.

On the Republican side, the McCain campaign has used its online presence to gain earned media attention. When the campaign faced financial difficulties in late 2007 and could not afford television advertising during the crucial months leading up to the primary season, the McCain campaign crafted YouTube videos designed to gain the media’s attention. Mark McKinnon, one of the campaign’s media consultants, said at an event that my organization held in February 2008 that the McCain campaign knew that the media was keeping a careful eye on its online presence. After the campaign posted a video on a site like YouTube, they could expect it to air at least once on network news and repeatedly on cable news stations.

New technologies have not changed political campaigns, at least not yet. The Internet is seen as a very useful mobilization tool, but it hasn’t changed the fundamental ways in which campaigns operate. Nor has it changed a campaign reality—the belief that the campaigns that spend the most money producing ads and purchasing advertising time on television gain significantly in the polls. In other words, it hasn’t changed a culture of crafted marketing messages into a culture that actively listens to voters.

What is changing, however, is the voting public. Both the Pew Internet & American Life Project and the research arm of the Atlantic Media Company see a similar trend: Americans are consuming information from more sources (television, radio, print journalism, mobile phones) than ever before, and they are consuming information from multiple media sources at the same time. According to a 2006 eMarketer Research survey, 24 percent of Americans who went online to learn about the 2006 elections accessed a blog. Another 10 percent turned to message boards and chat rooms to discuss election news and coverage.

This has led many voters to expect different things out of political campaigns, including increased transparency, more interactive options for volunteering and activism, and conversation. Voters are not waiting for campaigns to adapt to their expectations. They are actually engaging in activities designed to increase transparency in politics and build dialogue, whether the campaigns realize it or not.

Two University of Pennsylvania journalism students, E.J. Kalafarski and Chadwick Matlin, created a Web site “MapTheCandidates.com” to track every campaign stop of every major candidate on a Google Map. They linked video footage, pictures, and press clippings detailing what the candidates said or did at each stop to the Google Map. Another example, the Majority Accountability Project (MajorityAP.com) is a news and information clearinghouse that launched in April 2007. The site encourages voters to publish firsthand accounts of what their elected officials promise in stump speeches and, more important, what they have delivered. Then, there is PunchClock, an initiative of the Sunlight Foundation. PunchClock asked all candidates for congressional office, both incumbents and challengers, to promise that they will post their daily schedules on the Internet if elected.

Technology and culture are evolving. The real question isn’t whether the 2008 election will truly be the technology-powered election. It’s whether the 2010 midterm election and 2012 presidential elections will be known not just for technological savvy but the ability to use new technologies to engage candidates and voters in conversation.

About the GWU Institute

The Institute for Politics, Democracy & the Internet (www.ipdi.org) is part of the Graduate School of Political Management at The George Washington University. Its mission is to promote the use of the Internet and new communication technologies in politics to enhance democratic values, encourage citizen participation, and improve governance, at home and abroad; in short, to “democratize democracy.”

IPDI conducts research that anticipates and interprets trends; publishes studies and guidelines that show candidates, public officials, and activists how to make the best use of the new communication tools; and holds seminars and conferences that advocate best practices, teach new skills, and allow for the national and international exchange of ideas on the democratizing uses of the Internet and other new technologies.
out about it and look for ways to get involved. These can be official campaign activities, those of grassroots organizations, or just involved activists.

4. Global issues become local. Increasingly, broad issues that impact many people are gaining attention in state and local races. For example, online activists are developing widgets and other tools to measure carbon footprints. Thanks to the Internet, awareness of these tools can grow quickly and help environmental advocates as well as candidates at the local level enhance their own Web sites.

5. Increased impact of those under age 18. The Internet is new to many traditional voters who are used to online interactivity and the ability to quickly communicate and mobilize. Those still too young to vote are playing an increasingly influential role in how voters are perceiving candidates. By using the online tools in their everyday lives, those under 18 are paving the way for creating online relationships, researching candidates and issues, and having their voices heard.

6. The growth of the unofficial campaign. In addition to candidates reaching out to volunteers, activists are now encouraging each other to get involved. With Internet tools at their disposal, many grassroots activists start Web sites, participate in support groups on social networks, and plan events online and across geographically diverse communities. The energy of these people often runs into resistance from the official campaign that most likely is trying to control the candidate’s message. When these unofficial activities generate contributions, the candidates seem to be more interested in staying in touch with these groups. How does a smart campaign tap into this type of activity?

7. More transparency and “gotcha” politics. Citizen journalists, bloggers, and those with a skill for capturing images and audio of candidates have changed the way campaigns are covered by the news. More data is available online about the activities of politicians, more people are capturing video of local visits by candidates, and more outlets are available to post reports and video. There is both a tendency towards more transparency in the political campaign as well as an increased desire by the opposition to catch the candidate in an unscripted, embarrassing moment or outright lie.

Much of the Internet is new to those managing political and advocacy campaigns. While we are starting to see applications of some online tools, the changes in these campaigns are just beginning. There are a number of questions to consider: What will future political campaigns look like? How will activists continue to change the nature of political campaigns using the Internet as a basic element in their strategy? How do we protect First Amendment rights of those using the Internet to express their passion about a candidate or cause? What elements need to be in place to protect the privacy of candidates and politicians? What lessons can we learn from international examples of online activism?

Political activism supports a robust democratic society. Activists will increasingly determine which candidates will be most successful in this new world of interactivity, real-time rapid response, and voter-generated content.

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Elections 2008

Students in Action

Democracy: It's Up to Youth

by Meg Heubeck

When we think of students in action, our minds tend to picture students cleaning up their communities, working in the science lab to uncover nature's secrets, or participating in school athletics, drama, or one of the other myriad of school-sponsored activities. How often do we think of students actively following politics and engaging in the election of our national leader? Chances are we don't think about this. Politics has been cast in a negative light, due in part to scandals involving elected officials and the increasing polarization of the American public into "us-versus-them" camps of thought on political issues. Schools and educators are often afraid of engaging their students in civic activities such as mock elections and student congresses, yet this is just the type of activity that research shows is crucial to the continuation and strengthening of our government. The question then is how to motivate educators and students to get involved in the political process and become active in promoting and supporting the election process.

The Youth Leadership Initiative (YLI) at the University of Virginia Center for Politics was founded to combat apathy and cynicism toward the political process in the United States. Larry J. Sabato, the Center for Politics founder and Robert Kent Gooch Professor of Politics at the University of Virginia, was concerned about the lack of political participation demonstrated by his politics students and believed that the best way to increase participation was to create innovative educational programs for K-12 educators. Started in Virginia in 1998 with a statewide mock election, the program has spread nationwide and now includes a yearly mock election, the e-Congress, a service learning program entitled Democracy Corps, a data base of over sixty state-aligned lesson plans, and a campaign simulation CD-Rom, A More Perfect Union. All of these materials are made available to teachers free of charge via the Web site, www.youthleadership.net. YLI is committed to creating classroom materials that inspire students to a lifetime of civic action.

The most popular program provided by the Youth Leadership Initiative is the yearly mock election. The mock election gives students the opportunity to express their views and choose their candidate prior to the general election in November. What is unique about the YLI mock election is that it takes place online, providing participants access to results for their school, state, and the nation. It is also special in that it is limited to students, thus accurately representing the youth voice. This year promises to be a very exciting election season, and students participating in the YLI Mock Election will be engaging with and acting on their knowledge of the political process. More than just a day of voting, the YLI Mock Election provides everything a school needs to inform their students about the candidates, the importance of voting, and the democratic process. The YLI Mock Election will include all statewide races, including races for president, the House and the Senate, and gubernatorial races. This fall registered teachers will receive an election countdown calendar to help excite students about the election and to inform them about past elections. Mock Election tool kits containing beads, stickers, and tattoos, as well as downloadable posters and buttons, will motivate students to live this year's theme, Democracy: It's Up to Me.

Students participating in mock election programs must understand that with freedom comes responsibility and that it is up to each individual citizen to protect and further
the goals of American democracy. To help students in this endeavor, the Youth Leadership Initiative provides a series of rigorous, teacher-developed lesson plans that are aligned to each state's standards of learning and designed to actively involve students in the democratic process. For instance, in one plan students are given statements from the candidates on issues such as the environment, the economy, and abortion. The statements are not identified with the speaker, and the students are directed to circle the statement that reflects their beliefs. After the students have commented on each topic, they use a key to identify which candidate best reflects their interests in the election. Many times, students are surprised to find that the candidate that they most agree with isn't the one they originally intended to vote for. This type of critical thinking activity is crucial in developing responsible citizens. After all, responsible citizens realize that "picking the winner" isn't the sole reason for voting; the purpose of casting a vote is to be a part of the process and express one's views on the future of the nation.

This fall the YLI Mock Election will run from October 20–30th with results being posted on the Web site on October 31st. The two-week voting period allows teachers to schedule computer lab access or plan school-wide events. YLI schools are very creative in the ways that they choose to implement the Mock Election. Schools that have the most success in running their mock elections tend to involve the entire school community in the exercise. For example, Albemarle High School in Charlottesville, Virginia, is one YLI school that makes the Mock Election a community event involving all students and faculty in the activity. Albemarle uses its school lobby as a polling center. Members of the school's YLI club accept the responsibility for decorating the school, planning announcements, and running the polling stations. In 2004, they created t-shirts and distributed stickers to all of their classmates. Students can vote before school, during lunch, or during their social studies classes. Julie Strong, a YLI teacher and the sponsor of Albemarle's YLI club, sees voting in the Mock Election as only one element of participating in the election cycle. "I think the real key is piquing student interest in the 2008 election period through class discussions, campaign projects, multimedia presentations, including political satire from the likes of The Daily Show and continued on page 30
Learning Gateways

by John Paul Ryan

The 2008 Election: Using the Candidates’ Web Sites

In this lesson, students will develop a deeper understanding of the presidential campaign and the two major-party candidates through an intensive scrutiny of the candidates’ Web sites and other independent, active-learning methods.

Objectives

Students will be able to:
- Critically analyze the clarity and effectiveness of candidate Web sites.
- Assess the available opportunities for interactive dialogue between voters and the candidates.
- Develop more informed perspectives on key issues in the 2008 presidential campaign, by comparing and contrasting candidate positions on such policies as the economy, the war in Iraq, and health care.

Materials

Use the two essays in Perspectives that address the question: How Will the Internet Change Political Campaigns? See Karen A.B. Jagoda, “Power for the People: New Forms of Political Activism Online” (p. 14) and Julie Barko Germany, “Changing Political Campaigns One Voter at a Time” (p. 15). There are also newspaper articles that address this subject in an accessible and thoughtful manner. Two good examples are: “Internet and Politics: an Uneasy Fit” at: http://www.politicoonline.com/coverage/boston2007/boston.html and “The Limits and Promise of Interactive Politics Online” at: http://blog.washingtonpost.com/the-trail/2008/05/19/the_limits_and_promises_of_interactive_politics.html.

Target Group: Students in Grades 9-12

This lesson and the accompanying resources are suitable for high school students in American government, law, history, and other social studies classes. The content and objectives address national government and social studies standards (see the Insights Web site). The lesson can be abbreviated to a single classroom period or extended across several days.

Procedures

1. In the digital age, Web sites have become extensive windows into the heart and soul of candidates seeking public office at all levels, but especially for president of the United States. Divide the class into small groups of 3-4 students. Ask each group to research different aspects of the presidential campaign and the issues.

2. Assign the first group of students to compare the technologies and features of the Web sites of the two major party candidates—Senator Barack Obama (D-Illinois) and Senator John McCain (R-Arizona). How effective are the two Web sites at communicating images and messages? How attractive are they? How navigable and user-friendly are they? How well do they use video and audio clips? How effective are they at facilitating donations? From a technology standpoint, which Web site is better and why? What improvements should be made in each candidate’s Web site?

3. Assign three (or more) additional groups of students to compare the candidates’ stances on one (different) key issue of interest to them in the campaign—choose among such issues as the economy, the war in Iraq, health care policy, national security, immigration, the environment, and/or other issues. Ask the students to analyze the positions: How are the two candidates’ positions different from one another? How is each candidate’s position different from the current Bush administration policy? Then,
ask the students to assess the candidates’ positions compared to their own: Which position are the students most comfortable with? Why?

4. Assign another group of students to compare the two candidates on leadership qualities. Have the students draw up a short list of key qualities or attributes that are part of “leadership” (e.g., honesty, trustworthiness, management skills, communication skills, negotiation capacity, ability to inspire, etc.). Then, ask the students to find examples of these qualities from the two candidates’ Web sites. Which candidate seems to have the best of particular leadership attributes? Who would be the best leader? Why?

5. Assign one final group of students to identify and compare the two candidates’ (and their supporters’) use of other online resources—blogs, social network Web sites, virtual town hall meetings, etc. How visible an online presence does each candidate seem to have? How effective? Which campaign seems to better understand how to utilize the many opportunities for campaigning in the digital age?

6. Ask each student group to report on their findings. At the conclusion of each report, allow time for questions from other students. Allow about 5–10 minutes for each report (or longer, if you use more than one day for the entire lesson).

7. Wrap up the lesson by discussing the future possibilities for candidate Web sites and online politics generally. Have the students address whether campaigns and candidates will begin to use new technologies to build dialogue and conversations with voters or merely to reinforce candidate advertising on television (utilize the two essays in Perspectives).

Classroom Activities on Elections

Here’s a sampling of activities on the elections from teachers around the country.

Debbie Minchin (New Rochelle High School, New York): I recently finished a major project with my seniors, where they selected roles for a candidate debate. We had eight candidates, two campaign managers per candidate (responsible for helping the candidate learn the positions, produce posters and handouts, etc.), media experts (who wrote the questions, ran the debate, interviewed candidates and voters, and wrote it up for the paper), pollsters (who conducted pre- and post-polling), an election committee (who conducted the real voter registration and ran our mock primary), and coordinators (who organized ten classes to attend the debates, booked the room, invited press and administrators, etc.). Everyone learned a tremendous amount about the candidates’ positions, and students in my AP Government classes said it was the best thing they did in high school.

Debra Curtis (Waynflete School, Portland, Maine): We began working with classes this past spring on the fall elections, using each homeroom (there are 16 in our Upper School) as a different state (somewhat randomly chosen, looking for geographic diversity). Each homeroom needed to research whether its state chose its delegates by a primary or caucus, predict what would happen, and then track actual votes. Conventions will have taken place before students are fully back in school, so we planned two “mock conventions” for the spring to compare against the actual ones. Students from an elective course will be responsible for keeping hall boards updated on the status of upcoming elections in other states, and we will have a day-long symposium with outside speakers addressing the major issues under debate. We will vote in November, again by homeroom/state, and we will have homeroom choose electors based on how states actually vote. I hope to convene an Electoral College.

Thomas F. Curran (Cor Jesu Academy, St. Louis, Missouri): I assign students to recreate the historic 1912 election through a mock campaign. The project highlights the various strains of thought found in the Progressive Movement and the issues involved in that election. The class is divided into four teams, each representing one of the four presidential candidates (Wilson, Taft, Roosevelt, Debs). Teams prepare their campaigns by promoting their respective candidates through posters, buttons, etc. The next stage includes a ten-minute group presentation on each candidate. The final stage centers on a debate between the teams over the issues. Students should be evaluated on their grasp of the material, their ability to express ideas, and creativity.

Extension & Assessment

1. Assign all students to write a 2–3 page paper analyzing one of the policy issue areas not covered in the group reports. Ask the students to compare the candidates’ positions, highlight key differences, and state which candidate’s position they prefer and why.

2. Ask students to read the two essays in Perspectives (or one of the newspaper articles listed under “Materials”).

continued on page 30
Washington, D.C. A record-spending primary season is in full swing, but America’s elections watchdog is fresh out of bark and bite. Four of the six seats on the Federal Election Commission are vacant, with nominations caught up in partisan gridlock in the U.S. Senate. The FEC can still disclose data on elections, but without a quorum, it can’t issue regulations and binding opinions or file lawsuits.

“Everyone is running around Iowa and New Hampshire, and no one noticed that the FEC closed for business last week,” says Anthony Corrado, a campaign-finance expert at Colby College in Waterville, Maine.

In an election where spending is already on track to exceed $5 billion, even small ambiguities in the law can shift vast sums of money—and prospects for candidates. Moreover, without FEC action, a new federal ethics law requiring the disclosure of so-called “bundled” contributions, may not take effect in time to influence the 2008 election cycle.

While federal law limits individuals to $2,300 in contributions to a specific campaign, it’s not illegal for individuals to persuade friends and associates to also contribute and then take credit for the total. This bundle of contributions can enhance the political access of an individual donor.

But the Honest Leadership and Open Government Act, which President Bush signed into law on Sept. 14, imposes new disclosure requirements on bundlers who are also registered lobbyists. Candidates and party committees now must disclose a bundler’s name, address, employer, and the total contribution he or she is taking credit for. This reporting requirement takes effect 90 days after the FEC completes final regulations.

While the FEC has completed work on other rules in the new lobby and ethics law, such as restrictions on travel on private jets, it hasn’t competed regulations on the requirements for bundlers. To many public-interest groups, bundling disclosure is the cutting edge of the new lobby and ethics law—and the FEC’s current limbo means that bundling disclosure requirements will not be complete in time for the 2008 election cycle.

“It’s absurd and irresponsible for our democracy to have a campaign-finance enforcement agency shut down right as we’re going into the heart of the 2008 presidential nomination process,” says Fred Wertheimer, president of Democracy 21, a public-interest group. “The growing problems associated with influence-seeking bundlers raising money for the 2008 presidential candidates provide powerful evidence that the privately funded, unlimited spending 2008 presidential primary race has returned American politics to the days of the Wild West.”

Until recently, FEC enforcement efforts focused mainly on abuses during the 2004 electoral cycle, especially the activities of groups that poured millions of dollars into federal campaigns and accepted contributions above the limits in federal law. Swift Boat Veterans and POWs for Truth raised more than $25 million in the 2004 election cycle to criticize the military record of Sen. John Kerry, the Democratic presidential nominee. In 2006, they settled with the FEC for civil penalties of $299,500. The League of Conservation Voters, which was critical of President Bush, raised $6.7 million in the 2004 election cycle, and paid penalties of $180,000. MoveOn.org’s Voter Fund, which spent $14.6 million on television advertisements in battleground states shortly before the 2004 presidential election, agreed to pay a civil penalty of $150,000, according to the FEC.

FEC officials, citing a record $5.5 million in fines last year, say such penalties are setting a new tone for candidates and groups raising funds for Campaign 2008.

But some public-interest groups say even a fully functioning FEC was less than effective in enforcing the laws on the books. “All of us would rather have a functioning FEC, but even their enforcement actions are so delayed and the
amounts so small, given the magnitude of the money involved, it's hard to get too exercised," says Meredith McGhee, policy director of the Campaign Legal Center. To political campaigners, "the FEC is seen as a cost of doing business," she adds.

Meanwhile, the Senate—now meeting in pro forma sessions to avoid presidential recess appointments—remains deadlocked over four pending FEC nominations, two proposed by Democrats and two by Republicans. All four have been serving as FEC commissioners under previous recess appointments. Senate Democrats have criticized one of the GOP nominees, Hans von Spakovsky, for his previous work in the Justice Department. Other nominees include Robert Lenhard, David Mason, and Steven Walther.

Senate majority leader Harry Reid proposed an up-or-down vote on each nominee, but Republican minority leader Mitch McConnell is holding out for a vote on all four at once. "If we're going to have a vote, it should be balanced and bipartisan," says Don Stewart, a spokesman for Senator McConnell. "Generally, the reason we move [FEC nominations] in groups is so that the party in the majority doesn't have a veto over the others."

Democrats say that the only way out of the impasse is for Mr. Bush to nominate someone else. "The next move is up to the White House," says Jim Manley, a spokesman for Senator Reid.

Ironically, the four nominees have been serving on a commission that has been unusually free of partisan rancor. "The conventional wisdom about this agency—that it is divided on partisan lines, three Democrats and three Republicans, and that we deadlock all the time—is completely untrue," says commissioner Ellen Weintraub, who was nominated by Democrats. "In fact, we almost never deadlock. There are thousands of votes throughout the year, and we deadlock on about 1 percent of them. We have taken some tough votes and agreed on some pretty stiff penalties for important political players out there," she adds.

**Editor's Update:** On June 25, 2008, after six months of vacancies and a lack of a quorum, the Senate impasse over confirmation of new members to the FEC was resolved when Hans von Spakovsky withdrew his name from consideration. Von Spakovsky was a controversial nominee who had been criticized for politicizing the handling of voting rights cases while he worked for the Justice Department. In all, five new members were appointed to the FEC, bringing the membership to a full membership of six individuals—three Democrats and three Republicans.

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**In the Classroom ...**

Use these discussion questions, resources, and the teaching activity to help students extend their understanding of the news article, promote classroom discussion, and offer opportunities for small out-of-class projects.

**Discussion Questions**

1. Most government agencies and commissions have an odd number of members (e.g., 7 or 9 or 15) to avoid the possibility of deadlocks and tie votes. Why would you think the Federal Elections Commission (FEC) has an even number of members (6)?

2. What is the purpose of the FEC? How does it enforce key provisions of the Federal Election Campaign Act of 1971?

3. The FEC imposes fines on organizations found to be in violation of election laws, but often years after the violation occurred. Do you think such sanctions are effective? Do they discourage future violations by these or other groups? Why or why not?

4. Why did the Senate have such a difficult time reaching agreement on the bipartisan appointment of new members to the FEC? Was the eventual Senate confirmation of these new members unanimous or divided?

**Resources**


The Campaign Legal Center: www.campaignlegalcenter.org/

Center for Responsive Politics: www.opensecrets.org/

**Teaching Activity**

As a homework assignment, ask your students to research and examine the backgrounds, qualifications, and political viewpoints of the six members of the Federal Elections Commission. In addition to the background information available on the FEC Web site, ask students to Google the names of the six members of the Commission. Do the members serve on the FEC full-time? In what state does each member currently reside? Are they all lawyers? What job did each member hold prior to serving on the Commission? Is there any evidence, in their backgrounds or prior positions, of the (partisan) political connections normally required to obtain such an appointment? Once the students have examined the backgrounds and qualifications of each member, ask them to compare and contrast the Democratic and Republican members as groups: Are their backgrounds and/or prior jobs different? How might the political viewpoints of Democratic and Republican members of the FEC differ?
Restoring the Right to Vote to People with Felony Convictions

by Erika Wood

This year, perhaps more than any in recent history, reminds us why the right to vote matters. Hundreds of thousands of Americans not only registered to vote but showed up at the polls on primary day. Small-donor campaign contributions are at an all-time high. And regardless of party affiliation, the real opportunity for there to be the first African American president should make all Americans proud to have a democracy that reflects not just the richness and diversity of our country, but also the decades of struggle that made this opportunity possible.

There remains, however, one last blanket barrier to the franchise. Across the country there are 5.3 million American citizens who are denied the right to vote because of a felony conviction in their past. Nearly 4 million of these people are not in prison; they live, work, pay taxes, and raise families in our communities but remain disenfranchised for years, often for decades, and sometimes for life (Manza & Uggen, 2006).

States vary widely on when and how they restore voting rights to felons. Maine and Vermont do not disenfranchise people with convictions; even prisoners may vote there. Other states do not let people vote while in prison, but have rules allowing people on probation or parole to vote. But there are still 35 states that keep people from exercising their rights as citizens after they have been released from prison. Rules vary in severity. Kentucky and Virginia are the last two remaining states that permanently disenfranchise all people with felony convictions, unless they apply for and receive individual, discretionary clemency from the governor.

To fully appreciate how these laws undermine our democracy, it is important to understand their deep roots in the troubled history of American race relations. In the late 1800s these laws spread as part of a larger backlash against the adoption of the Reconstruction Amendments—the Thirteenth, Fourteenth, and Fifteenth Amendments of the U.S. Constitution—which ended slavery, granted equal citizenship to freed slaves, and prohibited racial discrimination in voting.

During the Jim Crow era, Southern Democrats sought to solidify their hold on the region by modifying voting laws in ways that would exclude African Americans from the polls. Despite their newfound eligibility to vote, many freed slaves remained effectively disenfranchised. Violence and intimidation were rampant. The legal barriers employed—including literacy tests, residency requirements, grandfather clauses, and poll taxes—while race-neutral on their face, were intentional barriers to African American voting (Behrens, et al., 2003; Ewald, 2002).

Felony disenfranchisement laws were a key part of this effort. Between 1865 and 1900, 18 states adopted laws restricting the voting rights of criminal offenders. By 1900, 38 states had some type of felony voting restriction, most of which disenfranchised convicted felons until they received a pardon (Manza & Uggen, 2006). At the same time, states expanded the criminal codes to punish offenses that they believed targeted freedmen, including vagrancy, petty larceny, miscegenation, bigamy, and receiving stolen goods. Aggressive arrest and conviction efforts followed, motivated by the practice of “convict leasing,” whereby former slaves were convicted of crimes and then leased out to work the very plantations and factories from which they had ostensibly been freed (Ewald, 2002). Thus, targeted criminalization and felony disenfranchisement combined to produce both practical re-enslavement and the legal loss of voting rights, usually for life, which effectively suppressed the political power of African Americans for decades.

The disproportionate impact of felony disenfranchisement laws on people of color continues to this day. Nation
wide, a Sentencing Project reports that 13 percent of African American men have lost the right to vote, a rate that is seven times the national average. In eight states, more than 15 percent of African Americans cannot vote due to a felony conviction, and four of those states—Arizona, Iowa, Kentucky, and Nebraska—disenfranchise more than 20 percent of their African American voting-age population, according to Manza & Uggen.

These statistics mirror stark racial disparities in the criminal justice system. A 2008 study by the Pew Center on the States revealed that 1 in 100 Americans is now behind bars. That figure is startling enough, but the study also reports that 1 in 9 African American men between the ages of 20 and 34 is in prison.

But there is progress. Advocates, policy makers, and some unusual allies have made great strides to restore voting rights and create national momentum toward a more just and inclusive democracy.

Since 1997, sixteen states have reformed their laws to expand the franchise or to make it easier for people to restore their voting rights. Some recent reforms include an executive order signed by then-Governor Tom Vilsack in Iowa, which restored voting rights to 80,000 Iowa citizens on Independence Day, 2005. On Election Day 2006, Rhode Island voters were the first in the country to approve a state constitutional amendment authorizing automatic restoration of voting rights to people as soon as they are released from prison. The Rhode Island Department of Corrections became a voter registration agency, and now every individual is handed a voter registration form on the day he or she leaves prison. In April 2007, Florida Governor Charlie Crist issued new clemency rules ending that state’s policy of permanent disenfranchisement for all felony offenders. Also in April 2007, Maryland Governor Martin O’Malley signed a law streamlining the state’s complicated restoration system by automatically restoring voting rights upon completion of sentence.

Critics of voting restoration may argue that disenfranchisement is an appropriate punishment for breaking the law. However, many law enforcement officials and criminal justice professionals have come to believe that felony disenfranchisement laws do more harm than good. Motivated primarily by their commitment to protect public safety, many law enforcement officials have come to recognize that bringing people into the political process makes them stakeholders, which helps steer former offenders away from future crimes. Branding people as political outsiders by barring them from the polls disrupts reentry into the community and does nothing to keep people from re-offending. There is absolutely no credible evidence showing that continuing to disenfranchise people after release from prison serves any legitimate law-enforcement purpose. Disenfranchisement has nothing to do with being “tough on crime.”

While there has been significant bipartisan reform in the states, millions of U.S. citizens continue to be denied the right to vote. This year, Congress has decided to address the issue on a national level. Senator Russ Feingold and Representative John Conyers will introduce the Democracy Restoration Act, a bill that seeks to restore voting rights in federal elections to all Americans who have been released from prison and are living in the community.

The energy and optimism spreading across our country is palpable. There is a renewed faith among Americans that our democracy means something. Yet the promise of our democracy will never be realized if 4 million Americans who are living and working in the community remain disenfranchised. It is time to end this last blanket barrier to the ballot box.

For Further Reading


Pew Center on the States, One in 100: Behind Bars in 2008 http://stage.pewcenteronthestates.org/uploadedFiles/Onein100.pdf (February 2008)


Do Voter ID Laws Unfairly Keep Poor People from the Polls?

In April 2008, just a week before the Indiana presidential primary, the U.S. Supreme Court upheld challenges to Indiana’s controversial election law that requires voters to present a government-issued photo identification in order to vote. In this article, Charles F. Williams examines the legal and political background of the case, the competing arguments, and the Court’s decision and its implications.

*Crawford v. Marion County Election Board* is the kind of case that bears rereading and rethinking. At first glance, the constitutional challenge at issue seemed decidedly suspect. Shortly after Indiana’s Republican Governor Mitchell Daniels, Jr., signed the state’s new Voter I.D. legislation into law in 2005, two separate lawsuits sought to have it overturned. In each case, the plaintiffs said that the U.S. Constitution forbade the state from requiring voters to display a photo I.D. before voting in person at their polling place on election day.

In one case, the Indiana Democratic Party and the Marion County Democratic Central Committee were the plaintiffs. In the other, it was two elected officials and several nonprofit organizations (Concerned Clergy of Indianapolis, Indianapolis Resource Center for Independent Living, Indiana Coalition on Housing and Homeless Issues, Indianapolis Branch of the National Association for the Advancement of Colored People, and United Senior Action of Indiana) that challenged the law.

In both cases, the plaintiffs contended that the new state law burdened the right to vote in violation of the Fourteenth Amendment. But how? Producing a driver’s license on demand has become second nature to most of us. Surely none of us wants to have his or her own vote diluted by someone else’s fraudulent vote. One cannot board an airplane or drive a car without an official photo I.D. You can’t even cash a check without one. How can one object to being asked to show a photo I.D. in order to prove that you are who you say you are when you go to the polls and ask the election worker to hand you a ballot?

The judge at the federal trial court where the two cases were consolidated in Indiana concluded that you couldn’t object. Among other things, U.S. District Judge Barker noted that “an estimated 99% of Indiana’s voting age population already possesses the necessary photo identification to vote” under the new Voter I.D. Law. Moreover, she noted, the relatively few voters who don’t already have a photo I.D. can always get one—at no charge—from the Indiana Bureau of Motor Vehicles. Voters without photo identification also have the option of casting a provisional ballot in person (provisional ballots will ultimately be counted if the voter files an affidavit with the circuit court clerk within 10 days after the election). Finally, she noted that the statute by its terms does not apply at all to persons who vote by absentee ballot or who live and vote in nursing homes. In upholding the law, Judge Barker found that the plaintiffs had “not introduced evidence of a single, individual Indiana resident who will be unable to vote as a result” of the law “or who will have his or her right to vote unduly burdened by its requirements.”

On appeal to the Seventh Circuit Court of Appeals, the plaintiffs argued that the law’s constitutionality should be reviewed under the same standard applied in *Harper v. Virginia Bd. of Elections*, the Supreme Court’s landmark poll-tax case. Decided in 1966, *Harper* struck down Virginia’s poll tax, which had conditioned the right to vote on the payment of $1.50. In defense of the tax, the state had argued that it had an interest in promoting civic responsibility by weeding out those voters who did not care enough about public affairs to pay a small sum for the privilege of voting. But the Supreme Court ruled that a state “violates the Equal Protection Clause of the Fourteenth Amendment whenever it makes the affluence of the voter or payment of any fee an electoral standard.”

A divided three-judge panel of the Seventh Circuit affirmed the trial court’s ruling. Writing for the majority, Judge Posner concluded that the burden the Voter I.D. Law placed on some voters was offset by the benefit of reducing the risk of fraud. First, he found the actual burden to be small: “There is not a single plaintiff who intends not to vote because of the new law. ... No
doubt there are a few such people in Indiana, but the inability of the sponsors of this litigation to find any such person to join as a plaintiff suggests that the motivation for the suit is simply that the law may require the Democratic Party and the other organizational plaintiffs to work harder to get every last one of their supporters to the polls.” Then, he found the benefit of reducing the risk of fraud to be great: “Some voter impersonation ... has been found ... in the states that have been studied, and those voters, it will have a significant impact on the rights of poor citizens, who are disproportionately African American. Noting how stunned many were to learn that thousands of citizens lacked the resources to evacuate New Orleans ahead of Hurricane Katrina, the NAACP pointed out that “The reality faced by those who possess qualifying identification may be a world apart from those who do not and will not.” As in New Orleans, people who live in areas of poverty in Indiana are less likely to own a car and more likely to find travel and government office visits genuinely difficult.

Although the state claimed that its new Voter I.D. law is needed to deter voter fraud, skeptics contended that in reality the legislation is a purely partisan electoral gimmick—a not-too-thinly-veiled attempt to discourage election-day turnout by certain folks believed to skew Democratic,” as Judge Evans wrote in dissenting from the court of appeals’ decision.

Indeed, by the time it reached the Supreme Court, the case had a decidedly partisan hue that was visible just below the surface of the legal arguments. More commentary began to note that the Indiana law was passed on a strictly party-line vote: every Republican in the Indiana state legislature had supported it; every Democratic legislator (and every African American legislator) had opposed it.

Still, to the surprise of many, it was Justice Stevens—often thought of as a reliable member of the Supreme Court’s “liberal” bloc—who ended up writing the majority opinion affirming Judge Posner’s decision and upholding the Indiana law. Justice Stevens accepted that the state’s four proffered justifications for the law—modernizing election procedures, combating voter fraud, addressing the consequences of the state’s bloated voter rolls, and protecting public confidence in the integrity of the electoral process—outweighed the burden of requiring voters to obtain a valid photo I.D.

Only three justices dissented—Justices Souter, Ginsburg, and Breyer. Justice Souter (joined by Justice Ginsburg) reasoned in his dissent that “Indiana’s law does no more than assure that any in-person voter fraud will take place with fake IDs.” He concluded that the state’s requirements:

translate into unjustified economic burdens uncomfortably close to the outright $1.50 fee we struck down 42 years ago [in Harper v. Virginia Bd. of Elections]. Like that fee, the onus of the Indiana law is illegitimate just because it correlates with no state interest so well as it does with the object of deterring poorer residents from exercising the franchise.

What Now?
The immediate effect of the Court’s ruling is almost certainly to encourage more states with Republican majorities to enact legislation similar to Indiana’s. States in which immigration is already the subject of heated debate will likely find that Crawford opens up another potential front in that battle.

More legislation and more controversy generally result in more lawsuits, and that is especially likely with such a politically charged issue as the right to vote. In addition, the Court did not even close the door entirely to revisiting the Indiana law itself. Justice Stevens’s decision sought to reject only the petitioners’ claim that the state’s Voter I.D. Law was, by its terms, unconstitutional “on its face.” Assuming they can obtain pro bono legal help, future indigent plaintiffs may yet bring additional lawsuits contending that even the Indiana law is unconstitutional “as applied” to him or her specifically.
Public Financing and Presidential Elections continued from page 13

ipation in the program and so could not withdraw. Due to vacancies, the Federal Election Commission (FEC) was without a quorum during the primary season and unable to rule on McCain's withdrawal. Now that the vacancies have been filled, the FEC may rule on this issue (for more about the FEC, go to Teaching with the News on page 22).

General Election. The presidential nominee of each major party is eligible for a flat grant of public funds. The statutory flat-grant formula—$20 million in 1974 dollars with a cost of living adjustment—will produce a 2008 grant of $84.1 million. With the limited exceptions of private contributions to pay for legal and accounting expenses and the use of $50,000 in personal funds, publicly funded general election candidates are barred from accepting private donations. As a result, the public-grant amount operates as a spending limit. The national political parties are also permitted to engage in a limited amount of spending, which is adjusted for inflation, in coordination with their candidate. In 2008, the coordinated-party-spending ceiling will be $19.2 million.

Minor and New Party Candidates. Public funds are also available for candidates of minor parties and new parties. A minor party is one that received between 5% and 25% of the vote in the preceding presidential election. (A party that received 25% of the vote or more is considered a major party and receives the full grant.) An eligible minor party candidate gets a fraction of the major-party grant based on how well that party did relative to the major parties in the prior election. In 1996, Ross Perot's Reform Party received $29 million in public funds, based on Perot's share of the vote in 1992. In 2000, the Reform Party's nominee Pat Buchanan received $12.6 million in public funds, reflecting Perot's share of the 1996 vote. The candidate of a new party—that is, one that received less than 5% of the vote in the preceding election—cannot receive any public funds before the election but can receive a grant after the election (based on his or her share of the vote), if he or she obtains at least 5% of the vote. Back in 1980, John Anderson received a new party grant of $4.2 million. Unlike major party candidates, minor and new party presidential candidates may accept private contributions, but they must abide by the spending limit.

Nominating Conventions. Each major party is entitled to a grant—$4 million in 1974 dollars, adjusted for inflation, or $16.4 million in 2008—to finance its presidential nominating convention. A qualified minor party is also eligible, albeit for a smaller grant. The grant is supposed to be a spending limit for the convention, but the host city and local groups, such as businesses and labor unions, may provide supplemental services to the convention.

Current Challenges and Proposed Reforms. The public-funding program has been increasingly subject to difficulties, reflected in the declining participation of major candidates in the primary phase and Senator Obama's decision not to participate in the general election, and the drop in the use of the taxpayer checkoff option.

Declining candidate participation in public funding can be attributed at least in part to the low level of the spending limit and the front-loaded primary schedule. The flat-grant and spending ceiling were adopted right after the presidential election of 1972, in which Richard Nixon spent $60 million and the losing candidate, George McGovern, spent $30 million. The spending ceiling adopted by Congress was just $20 million, quite low even by the standards of the time. Although the spending ceiling is indexed for inflation, campaign costs have risen far faster than the general increase in the cost of living. The gap between general-election spending needs and the general-election grant contributed to the rise of party soft money in the elections between 1992 and 2000 and to the large spending role played by independent groups (such as “America Coming Together” and Swift Boat Vets in the 2004 election). In addition, the Bipartisan Campaign Reform Act of 2002 (otherwise known as the McCain-Feingold Act), which banned soft money, raised the ceiling on individual donations from $1,000 to $2,000 and then indexed it for inflation, so that this year the limit is $2,300. This makes it easier for candidates to finance their campaigns from large private contributions and thus makes public funding relatively less attractive.

The low spending limit has been compounded by the accelerated primary calendar, which puts many key races, such as the Iowa caucuses and the New Hampshire primary, in January. Under the current law, candidates cannot even receive payments until the start of the election year, which could very well be too late to be used in Iowa and New Hampshire. This year, because of the shortfall in the fund, those first payments could not actually be made until after the earliest primaries.

The primary calendar also means that candidates are likely to deploy more of
their funds earlier. A candidate who is able to wrap up the nomination months before his party’s convention—as Senator McCain did this year—is subject to a pre-nomination spending limit that would leave him unable to spend any money in the long “bridge period” until he is officially nominated (and eligible for the general election grant) in early September. For candidates like Senators Obama and Clinton, who contested all the primaries and caucuses, the spending limit was plainly inadequate.

A number of reforms to the public funding system have been proposed. These include making the initial primary matching payments to candidates as soon as they qualify; increasing the primary match rate for small donations; and doubling the primary spending limit to the general election level. General election reforms include increasing the public grant and the spending limit to better reflect current campaign costs, as well as increasing the amount of permitted party coordinated spending. To pay for this, reformers would increase the check-off option from $3 to $6 per taxpayer and then index that amount.

The Future of Public Funding

Critics have charged that the declining rate of taxpayer participation is evidence of the public’s rejection of public funding. Some also contend that the dramatic increase in private campaign contributions to presidential candidates this year, particularly due to the role of the Internet in enabling candidates to garner unprecedented amounts in small donations, indicates that a public-funding program is no longer necessary. Indeed, Senator Obama has described his large base of Internet supporters as a “parallel public funding system.”

Defenders of public funding argue that declining taxpayer participation reflects the public’s general distrust of politicians, rather than of public funding per se. They also point out that even at the current 9% participation level, far more people contribute to politics through public funding than private donations. In addition, in recent years, a number of states and cities—including Arizona, Connecticut, Maine, and New York City—have adopted substantial public-funding programs for state and local elections, suggesting considerable grassroots support for the concept. Although the Obama campaign has had extraordinary fund-raising success, it is far from clear that for most candidates Internet-based small donations are a viable alternative to public funding.

Whether supporters or opponents are right about the value of public funding, it is clear that—as currently structured—the program risks irrelevance. Without additional funding and a higher spending ceiling that reflects the actual costs of contemporary election campaigns, candidates are increasingly unlikely to participate in the program or will look for additional revenue sources outside the program.

For Further Reading


Students in Action  

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Saturday Night Live. All of this culminates with voting in the YLI Mock Election."

Other schools hold political conventions where students use the supporting materials provided by the Youth Leadership Initiative to research and campaign as the candidates. The resources provided by YLI seek to inspire creativity in educators and students in order to make the experience relevant and exciting for their individual communities. Flexibility in the Mock Election program means that there is no wrong way to have a mock election. A unique feature of the YLI mock election is the capability for teachers to customize their ballots. Registered teachers can log onto the website and add and delete races, referendum questions, or schoolwide elections. The Mock Election can be whatever a school decides it wants it to be and is appropriate for K-12 classrooms. We also hope that the Mock Election can be a way to involve parents and communities in school activities and encourage voter participation among adults.

This fall, YLI will launch a new resource to help reintroduce the concept of civil discourse to communities across the United States. The downloadable materials entitled, "Talking Turkey: Taking the 'Dis' Out of Civil Discourse," will help parents and students feel more comfortable in debating and talking about issues important to our democracy. It is hoped that Parent Teacher Organizations will use these materials to sponsor programs to promote political discussion at the dinner table or wherever families meet.

Students are extremely excited about this fall's presidential election, and the YLI Mock Election hopes to be a part of inspiring the next generation to a lifetime of civic action. The YLI Mock Election expects at least two million students to get involved and vote in the program. That means that two million students will understand the slogan—Democracy: It's Up to Me. ■

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Learning Gateways  

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Then, assign students to write a 1–2 page paper analyzing the prospects for effective dialogue between candidates and voters in the future.

3. Candidates sometimes say one thing (e.g., on their Web sites) and then say something different about the same topic in another setting—in a television debate, at a campaign rally, or in a speech before a particular interest group. Also, candidates may speak differently about a topic at different points in time. Ask students to think of themselves as “truth squads” by investigating, through television and the Internet, whether a candidate is consistent on one particular policy issue. Then, assign the students to write about the results of their research in a 2–3 page paper. ■

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VOTE Take Action  

...Take Responsibility!

ABA Voting Rights Information Online
- What do I do if my vote is challenged?
- Explore historic voting methods.
- Take a side in current voting rights debates.
- Download a Voting Rights and Responsibilities card.
- Learn about voting in your state with an interactive map.

- Take an elections quiz.
- Engage students with classroom activities for elementary, middle, and high school grades.

www.abavoteinfo.org
Stimulate interest in the law and encourage civic engagement among your students with resources, materials, and programs from the ABA's Division for Public Education. Let us help you enhance your curriculum this school year.

Mark Your Calendars

CONSTITUTION DAY
The Vote—Debate it. Discuss it. Understand it.

Celebrate Constitution Day on September 17 and visit www.abaconstitution.org for online features, lesson plans, and conversation starters.

The Vote explores the history of voting rights and election law under the Constitution. Also, the new interactive feature, Uncle Sam's Attic, will test students' knowledge of when and how the Constitution has been amended to expand voting rights and change election law.

2009 NATIONAL ONLINE YOUTH SUMMIT (NOYS)
Up in Arms: Understanding the Second Amendment Debate

Using Web conference software, NOYS engages high school students and teachers around the country in a virtual community to discuss important issues for youth. This year's theme reflects on the contentious nature of the Second Amendment and will allow your students to delve deeper into the debate.

Register for this FREE program at www.abanet.org/publiced/noys/09.
Application deadline is October 20, 2008.

LAW DAY 2009
A Legacy of Liberty: Celebrating Lincoln's Bicentennial

Next year marks the bicentennial of the birth of Abraham Lincoln, regarded by many as our nation's greatest and most eloquent president. For Law Day 2009 on May 1, we encourage efforts nationwide to commemorate Lincoln by exploring this rich and resonant theme—A Legacy of Liberty.

Visit www.lawday.org for more information and to sign-up for a FREE Law Day Planning Guide.

Learn more about the Division of Public Education's resources, programs, and publications online at www.abanet.org/publiced.

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Printed on recycled paper.

ISSN 1531-2461
Coming in the next issue of Insights — Winter 2009

Lincoln, the Law, and the Creation of Modern America

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