



# STREET LAW

UNDERSTANDING LAW AND LEGAL ISSUES

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**Education**

*Bothell, WA • Chicago, IL • Columbus, OH • New York, NY*

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# Preface

*Street Law: Understanding Law and Legal Issues* is an informative law-based text about people, government, law and community in America. Street Law students will develop a practical understanding of the U.S. legal system and prepare for active community participation in our diverse 21<sup>st</sup> century democracy by learning essential legal principles for daily living.

*Street Law* is a student text that also serves as a community guide to civic involvement by providing practical information about areas of the law that affect the daily lives of all Americans and U.S. residents. Particularly relevant are the areas of consumer, housing, family, and employment law, along with marriage, and parental rights. As students' transition from living with their parents to living on their own or even starting their own families, basic awareness of Street Law subjects will become important in their lives to promote healthy inquiry about public policy and the law.

Additionally, *Street Law* introduces students to fundamental criminal law and constitutional law principles and provides a platform for guided discussion of important public policy issues concerning crime, discrimination, health care, and immigration. These discussions help build intergroup understanding, tolerance, leadership and a commitment to social justice by exposing students to a wide range of viewpoints and experiences.

A Street Law course uses case studies, simulated legal exercises, small group exercises and analytical thought problems to develop higher level thinking skills that prepare students for rigorous college course work in other areas.

The Street Law program of the 21st century envisions a new, more active and activist form of civic learning for everyone. In recent times, political scientists and social commentators have periodically cautioned that the U.S. has become a "nation of spectators," a nation of people disengaged from their governments, communities and each other. Consequently, Street Law provides a fresh, new, and comprehensive framework for students to become more active participants in our dynamic democratic society. All generations of college students and their families will benefit from the wealth of subjects covered in the Street Law course. Street Law not only invites students to study law and legal issues that affect them in their daily lives but also challenges students to identify and propose solutions for every day problems that they, their families or communities may face.

A Street Law course promotes student knowledge of the law, community participation and individual advocacy in the community using three primary strategies:

- (1) Developing important core knowledge of practical law principles concerning real issues that may affect students, their families and communities in everyday life. This awareness increases each student's capacity to identify problem areas in government and the community that could benefit from the student's knowledge and personal contributions.
- (2) Increasing student ability to think critically, problem solve, effectively communicate using oral and written advocacy exercises; and demonstrate familiarity with dispute resolution strategies. This empowering approach develops student confidence and decision making skills required for future leadership positions in government and the community.

- (3) Encouraging direct student involvement in the local community by integrating community activities and classroom instruction to foster active experiential learning. An emphasis on individual advocacy is supplemented by visiting speakers and subject matter experts who share their expertise on a range of social issues. This approach blends legal theory with the every day application of law to help students develop positive perspectives toward public service and public policy as well as create a local voice to address community concerns.

Street Law, Inc. is a nonprofit organization that grew out of a public legal education program at Georgetown Law School. Since 1975, Street Law has been providing educational materials about practical law, democracy, and human rights for students of all ages across the United States and around the world.

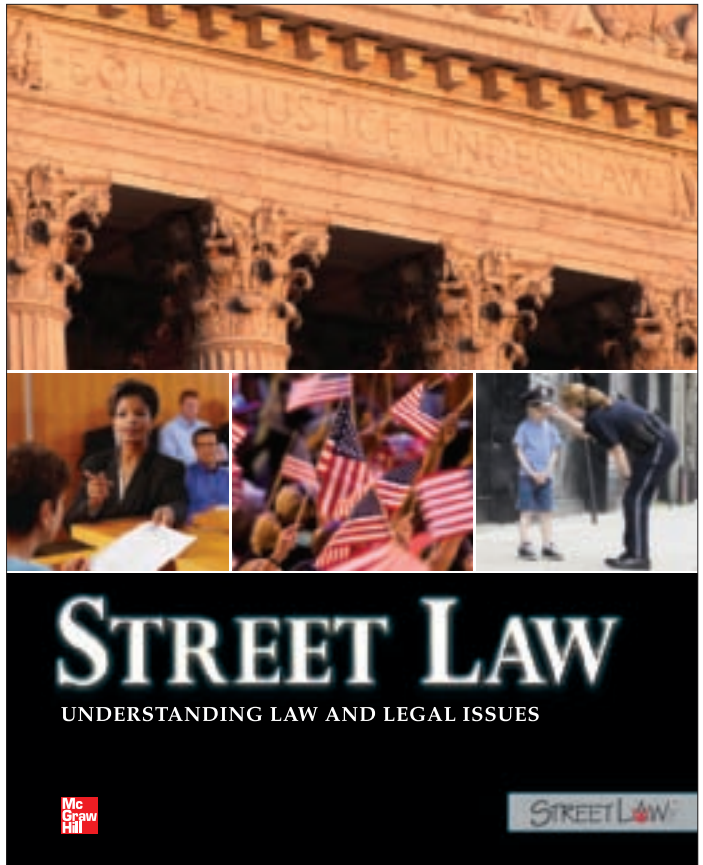
In addition to the student text, there is a comprehensive instructor's manual and a robust website with supplementary resources, vocabulary support, political cartoons, data analysis activities, and an electronic bank of test questions. McGraw Hill also publishes Street Law's *Classroom Guide to Mock Trials* and *Moot Courts*. For additional information about the Street Law organization, visit [www.streetlaw.org](http://www.streetlaw.org).

**Advice to Readers:** Law varies from state to state and is constantly changing. Therefore, someone confronted with a legal problem should not use this text as a substitute for legal advice from an attorney.

# Guided Tour

*Street Law: Understanding Law and Legal Issues* is an experiential course focused on developing in students the knowledge and skills necessary to live in our law-saturated society. This course will:

- provide a practical understanding of law and the legal system that will be useful to students in their everyday lives.
- improve understanding of the fundamental principles and values underlying the U.S. Constitution, laws and legal system.
- develop a willingness and an ability to resolve disputes through informal and, where necessary, formal mechanisms.
- engage students in a practical understanding of the law and legal system with interactive methods that focus on the legal issues relevant to student's lives.
- involve students with current topics in consumer law such as cyber crime, identity theft, intellectual property rights, terrorism, immigration and much more.
- develop analytical skills as students consider the legal aspects of social, economic, moral and political issues through activities such as mock trials and moot courts.
- explore issues with case studies, hands-on investigative research, and discussions on current legal issues.



Going beyond abstract theory, *Street Law: Understanding Law and Legal Issues* meets students “on the street” and addresses the legal and civic issues that impact their everyday lives.

## Chapter Problems

Each chapter includes problem sets after each section that are designed to increase student comprehension. Many of the questions require higher-order critical thinking skills as student analyze and explore how law and the legal system affect their daily lives and shape their judgement of the situations presented. Responses for all the questions are available in the Online Teachers Manual.

## Caption Questions

Photos and graphics are found dispersed throughout the text. Each is connected to the content and made relevant to the topic of study through discussion and review questions in the captions. These questions provide additional opportunities for students to demonstrate their comprehension of the content being discussed.

A democratic system of government cannot function effectively unless its laws are respected by the people the laws are intended to govern. In other words, society must be based on the “rule of law.” The rule of law requires that the rules by which we are governed be known in advance and created through democratic processes. Rules should not be made up for the fact by arbitrary actions or decrees. All members of society—average citizens and government officials such as senators, judges, and even the president—are required to support the legal system and obey its laws. No one is above the law.

### Problem 1.1

List 10 of your daily activities (for example, waking up, eating, and going to work). Next to each item, list any laws that affect that activity. What is the purpose of each law that you identified? Would you change any of these laws? Why or why not?

### Law and Values

Laws generally reflect and promote a society's values. Our legal system is influenced by our society's traditional ideas of right and wrong. For example, laws against murder reflect the moral belief that killing another person is wrong. However, not everything that is immoral is also illegal. For example, lying to a friend may be immoral but is usually not illegal.

We expect our legal system to achieve many goals. These include:

- protecting basic human rights,
- promoting fairness,
- helping resolve conflicts,
- promoting order and stability,
- promoting desirable social and economic behavior,
- representing the will of the majority, and
- protecting the rights of minorities.

Many of society's most difficult problems involve conflicts among these goals. For example, some laws give preference to minorities. Critics of these laws argue that they promote reverse discrimination and racial conflict. Proponents of such laws, however, argue that they make up for past discrimination and promote fairness by leveling an uneven playing field in society today.



This sign reflects society's values about right and wrong. What values are placed in conflict by laws protecting the environment?

## The Case of...

Relevant cases to *Street Law* from throughout history are introduced in this feature in each chapter. The case studies include a brief synopsis of the relevant tenets of the case, as well as engaging and thought provoking problems for students to work through.

### The Case of ...

#### The Shipwrecked Sailors

**T**hree sailors on an oceangoing freighter were cast adrift in a life raft after their ship sank during a storm in the Atlantic Ocean. The ship went

However, Dud Brooks would as well get it killed and ate. Five days later, explained to a Brooks. After

### Human Rights USA

**M**any countries have more serious human rights violations than the United States. This point may be one reason some people in the United States tend to use the term *human rights* only when referring to violations that occur in other countries. However, human rights do apply to all people in all countries around the world, including the United States. Each unit of *Street Law* contains a feature called "Human Rights USA." This feature provides opportunities to look at an aspect of human rights in the United States and will usually include some reference to the Universal Declaration of Human Rights (UDHR) found in Appendix B.



Muslim women in hijabs


6. A woman is ill and is turned away

## Human Rights USA

Each unit of *Street Law* contains this feature, which provides opportunities to look at a different aspects of human rights in the United States and often refers students to the Universal Declaration of Human Rights (UDHR).

## You Be The Judge

This feature places the students on the judges' bench and asks them to review cases and make decisions based on ethical, moral, and legal grounds. Not only do students have to make tough decisions, but they also must support their decisions as well. These scenarios expose students to legal situations across all areas of the law.



### Independent Courts

**A** key element of a democracy is that courts must act impartially and make fair decisions without undue influence by outside forces.

One method of trying to ensure an independent judiciary is to appoint judges for a life term. This is done in the federal system and in a few states. Federal judges are nominated by the president and confirmed by the Senate. Judges who are appointed for a life term can make decisions in cases without being concerned about how it might affect their reelection.

of qualified candidates to the governor, who then chooses judges from that list.

In addition to issues of judicial selection and retention, independent courts must have fair procedures, the power of judicial review, and the benefit of an executive branch that will enforce court orders if necessary.

In some countries, judges and courts are not independent. They are influenced or in some cases controlled by the legislature or the president.

Read each of the following situations carefully.



## Law and Democracy in Action

Law and Democracy in Action puts students right in the heart of the legal realm. Each unit offers these role-playing and discussion situations that require student involvement in drafting legislation, researching relevant topics, or debating the pros and cons of an issue.

**LAW AND DEMOCRACY**  
*in Action*

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

Work with your classmates in small groups to research one of the proposed laws listed below. Then answer the questions that follow. Each group will share its findings. The proposed laws would:

- require motorcycle riders of all ages to wear helmets

information, such as a fingerprint, to ensure that all employees are who they claim to be.

**Problem 3.1**  
 a. What arguments could be pro and con for each law?

### For Your Information . . .

**Steps in a Typical Mediation Session**

<p><b>Step 1. Introduction</b> The mediator helps the people involved in the dispute feel at ease and explains the ground rules for behavior during the mediation. Such rules can include agreeing to remain seated and agreeing that any party may request a break during the mediation.</p> <p><b>Step 2. Telling the Story</b> Each person tells what happened. The person who brings up the problem usually tells his or her side of the story first. No interruptions are allowed. Then the other person explains his or her side.</p>	<p><b>Step 4. Identifying Alternatives</b> The disputants think of possible solutions to the problem. The mediator notes each idea and then asks each disputant to explain his or her feelings about each possible solution. Sometimes in a difficult situation, the mediator might also meet with each disputant separately to discuss concerns.</p> <p><b>Step 5. Revising and Discussing</b> Based on the feelings of the disputants, the mediator may help them revise their solutions.</p>
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## For Your Information

These informational inserts provide background for helping student navigate through real life legal processes. From identifying the steps necessary to successful mediation to exposing telemarketing scams, each feature presents students with information to help them overcome basic legal obstacles.

## Steps to Take

The Street Law project promotes activism in its students, and this feature presents step-by-step instructions to engage students in becoming more civically active citizens. Students learn the proper processes for launching complaints, protecting themselves and their property, and for speaking out for the less fortunate.

**Steps to Take**

**Guidelines for Advocacy**

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

- 1. Identify the issue.** Think about your campus or community. Is there a problem that needs to be addressed? How do you know it is a problem? Is it causing harm or preventing good? Can a new policy or rule address this issue?
- 2. Set a goal.** Visualize a better tomorrow by...

- testify at a public hearing
- lobby in person
- attend a community meeting

- 6. Plan for success.** First, second, and third, what? How for what? How successful?

## The Law Where You Live

This margin feature identifies independent research topics and activities that students can do to become more legally and civically aware of the environment in which they live. Activities include internet research, conducting phone interviews, or legal fact checking.

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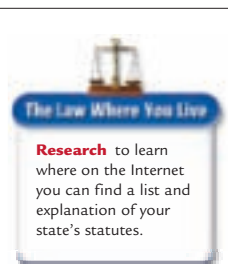
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persons may discriminate on the basis of  
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rture area.

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## Law Around the World

### The Screening Law

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

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

## Law Around the World

As the global community continues to impact our daily lives, it is important for students to learn to view law from other perspectives. Understanding of international law, knowledge of foreign views on punishing crimes, and awareness of differing arguments for or against social and political actions are crucial skills necessary for teaching tolerance and instilling a commitment towards social justice.

## Supplemental Resources and Programs

### Teachers Manual

This online resource includes chapter summaries, community-based special projects, responses to the feature activities, ideas for approaching and teaching topics, and a handbook of teaching methods. Each chapter includes detailed materials such as learning outcomes, additional background information, discussion topics, student activities, answers to each numbered problem in the text, and answers to caption questions for photos and graphics.

### Online Learning Center through McGraw-Hill's Connect Platform

The Online Learning Center enables teachers and students to use *Street Law: Understanding Law and Legal Issues* well into the twenty-first century. The site includes chapter overviews and student self-assessment quizzes. It also includes numerous links for conducting research into cases and issues—both those that are presented in the text as well as emerging and relevant topics. The site also contains the course Test Bank and additional teacher resources.



CONNECT is an innovative Web-based program designed to help students succeed in their coursework and workplace. You can access supplementary resources for *Street Law: Understanding Law and Legal Issues* at [mcgrawhillconnect.com](http://mcgrawhillconnect.com).

### Classroom Guide to Mock Trials and Moot Courts

This guide, an overview of mock trials and moot courts, was developed to incorporate them into classroom settings. The workbook contains both lesson plans and actual materials. There are nine mock trial and six moot court simulations.





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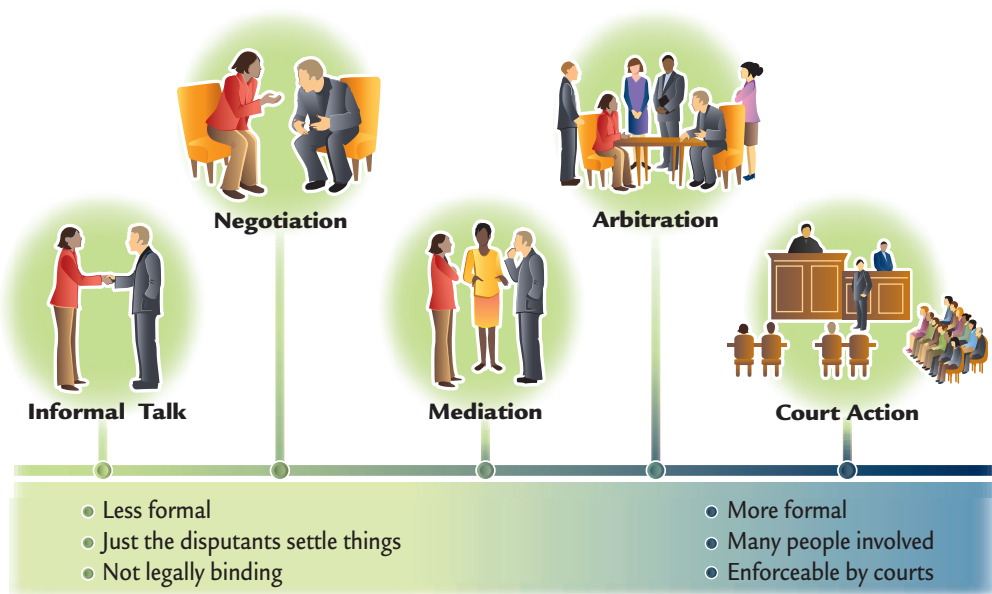
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# About Street Law, Inc.

The Street Law materials are a product of Street Law, Inc., a nonprofit organization whose roots can be traced back to a Georgetown University Law Center program launched in 1971. In this program, which continues to this day, law students teach practical law courses in District of Columbia public high schools as well as in community-based settings. More than 70 law schools now participate in the Street Law program nationwide.

Street Law, Inc. empowers people through its programs which are a unique blend of substance and instructional strategies. Students learn substantive information about law, democracy, and human rights through strategies that promote problem solving, critical thinking, cooperative learning, improved communication and conflict resolution skills, and the ability to participate effectively in society.

Street Law has also brought its educational message of law, democracy, and human rights to more than 40 countries around the world.

Street Law's many programs and materials are described in detail on the organization's Web site, [www.streetlaw.org](http://www.streetlaw.org). For information on Street Law's programs in community colleges visit [www.streetlaw.org/communitycollege](http://www.streetlaw.org/communitycollege).

Street Law staff and consultants provide training and technical assistance to school districts, law schools, bar associations, juvenile corrections, community-based organizations, law firms, corporate legal departments, and others wishing to implement its programs.

Over the years, many corporations, foundations, government agencies, associations, organizations, law firms and individuals have helped to make Street Law's work possible. We appreciate their support and acknowledge their assistance. For a current list of supporters, please visit [www.streetlaw.org/supporters](http://www.streetlaw.org/supporters).

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# Advocacy



connect™

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

## The Art of Advocacy

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

---

Community members advocate their cause by publicly expressing their opinions.



College students all over the country have become effective advocates on important questions ranging from national issues, such as violence prevention and military activity abroad, to local concerns, such as homelessness and voter registration. For example, students from several colleges in the northeast banded together to lobby their school administrations, state legislatures and the federal government to promote environmental sustainability. The students organized regional conferences and invited expert speakers to educate themselves and others about ways to protect the environment. They traveled by the thousands to Washington, D.C. to lobby elected officials for climate legislation. As a result of their efforts, many university presidents have signed climate neutrality agreements and have implemented environmentally friendly policies for their campuses, such as reducing carbon emissions, eliminating or reducing coal use in favor of natural gas, and establishing campus-wide recycling programs.

## LAW AND DEMOCRACY *in Action*

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

**W**ork with your classmates in small groups to research one of the proposed laws listed below. Then answer the questions that follow. Each group will share its findings. The proposed laws would:

- require motorcycle riders of all ages to wear an approved safety helmet while riding on public roads.
- legalize the use of marijuana for medical purposes while under the supervision of a doctor.
- legalize same sex marriages and provide these unions the same benefits given to those in “traditional” marriages.
- suspend a person’s driver’s license for failing to pay court-ordered child support.
- require every worker in the country to carry a national identification card with biometric

information, such as a fingerprint, to make sure that all employees have legal status.

#### **Problem 3.1**

---

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

# Lobbying

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

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



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

## Steps to Take

### Writing a Public Official

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

Today, special interest groups and organizations lobby on behalf of every imaginable cause and issue. Businesses and organizations hire professional lobbyists to influence federal, state, and local legislators. For example, the National Rifle Association employs lobbyists to oppose restrictions on gun ownership and use, while Handgun Control, Inc., lobbies for gun control. Literally thousands of professional lobbyists work in Washington, D.C., and in state capitals throughout the country. Those who lobby the federal government must register with Congress and file reports four times a year. In these reports, they must identify their clients and the specific bills on which they are working. They must also indicate how much money they have been paid for their lobbying work. In addition to lobbying for laws, grassroots groups can advocate for candidates. Political commentators believe grassroots groups like [moveon.org](http://moveon.org) helped Barack Obama with the 2008 presidential election.

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

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

### **Problem 3.2**

---

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



## Guidelines for Advocates

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

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

### Three Golden Rules for Advocacy

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



# Voting

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

## Initiative and Referendum

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

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

Some form of direct voting exists in 30 states. In 1897 South Dakota became the first state to adopt statewide initiative and popular referendum systems. Most of the states that now have this system adopted it during the first two decades of the twentieth century. Many laws have been proposed through the initiative process, including the right to vote for women, the eight-hour workday for government employees, term limits for elected officials, campaign finance reform, and environmental protection. This system has also been used to pass laws and establish public policy related to affirmative action.

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



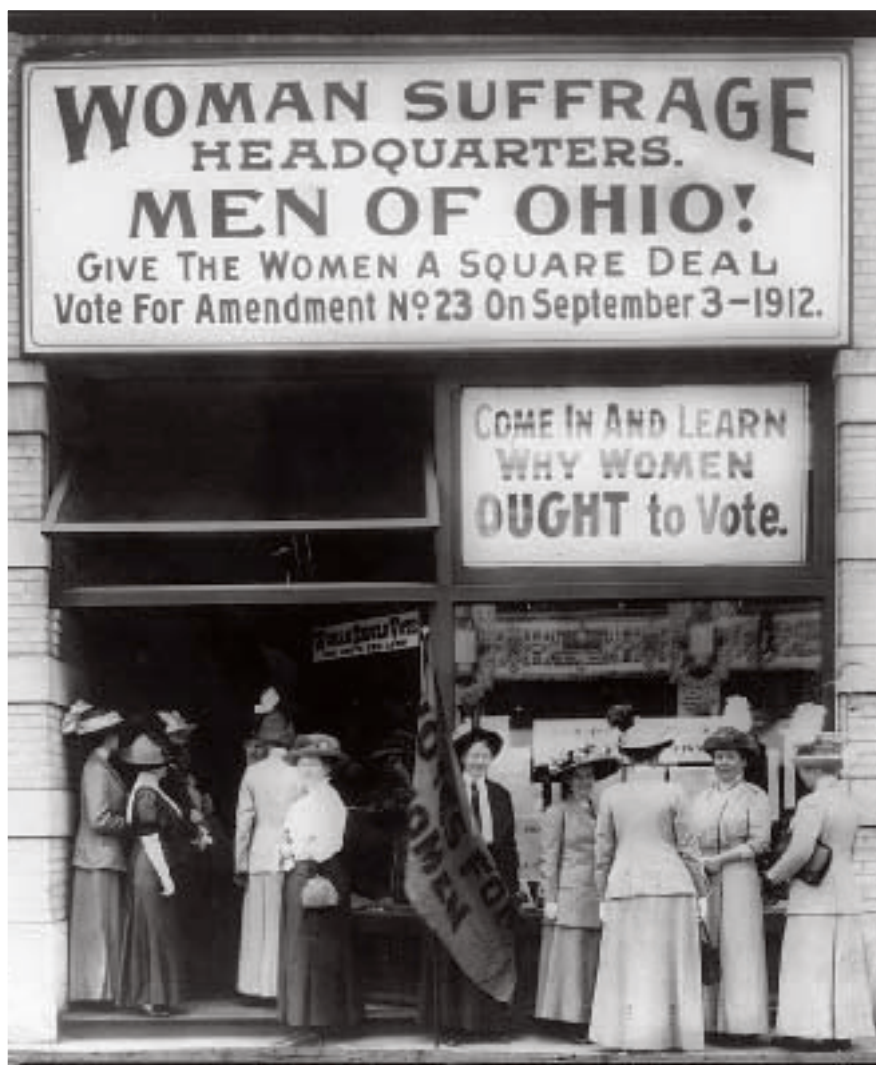
## Who Can Vote?

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

Registering to vote is handled by each state. Applicants usually register by completing an application form in person or by mail. The *National Voter Registration Act*, also known as the Motor Voter Act, requires states to make registration forms available not only at motor vehicle departments, but also at numerous state offices, welfare offices, and agencies that serve the disabled. In addition, some organizations and states make voter registration forms available on the Internet. As of 2011, ten states allowed voters to register on Election Day. Voter participation in states with same-day registration is regularly higher than in other states.

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

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



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

---

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

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

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

## Participating in Elections

According to the U.S. Census Bureau, 71 percent of the voting age population was registered to vote in 2008, and 90 percent of those registered did in fact vote in the presidential election. This means that 64 percent of the voting-age population voted in that election. Typically, turnout in national elections is higher in presidential election years (e.g., 2000, 2004, 2008) and lower in years with only Congressional elections (e.g., 2002, 2006, 2010). Data from recent elections also suggest that lower income people, members of racial minorities, and immigrants vote at rates significantly lower than the rate for middle-class whites. In the 2004 presidential election, the youth vote (voters aged 18–25) broke with the pattern of lower turnout and increased slightly, a trend that continued in 2008. Voter turnout in Mexico and Canada is approximately the same as in the United States. However, many countries—including some of the world’s newest democracies—have much higher voter turnout for national elections.



### The Law Where You Live

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

## Problem 3.3

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



# Law Around the World

## The Screening Law

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

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

### Problem 3.4

- a. Each of the following persons served in the previous government (the dictatorship) and now seeks a senior position in the new government. Apply the proposed law to determine which, if any, of these people should be allowed to serve. Explain the reasons for your answers.
- A well-trained scientist provided chemicals that the dictator used to kill thousands of people of a particular ethnic group.
  - A university professor was required to join the dictator's party in order to continue her teaching.
  - The head of the housing department had given better housing to ruling-party officials.

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

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



Former Iraqi dictator Saddam Hussein on trial

# Campaign Finance Reform

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

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

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

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

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

After years of discussion, Congress passed and President George W. Bush signed the *Bipartisan Campaign Reform Act of 2002*. Many have referred to this as the McCain-Feingold law because Senators John McCain and Russ Feingold were the primary sponsors of the bill in the U.S. Senate. This federal law was designed to ban unlimited contributions to national political parties, prohibit certain types of broadcast political ads, and outlaw the solicitation of campaign contributions on federal property. A portion of this law was found to be unconstitutional when the Supreme Court ruled in 2010 that certain types of corporate and union spending in support of political candidates was protected as free speech and could not be limited.

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Citizens show their support for Senator Barack Obama during the 2008 presidential campaign. Describe the arguments in support of campaign finance reform.





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

### Problem 3.5

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



A supporter of John McCain cheers for the candidate at a rally in Columbus, Ohio during the 2008 presidential campaign. *Describe the arguments against campaign finance reform.*

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# Becoming a Smart Consumer



connect™

**B**ecoming a smart consumer involves learning about several issues related to buying and selling. The first part of this chapter will help you think more critically about advertising and other factors that influence your purchases. Next, you will look at how laws at the federal, state, and local levels protect consumers. Finally, you will study practical steps that you can take before and after making a purchase to either avoid or remedy consumer problems. These steps include comparison shopping, gathering information about products and services, negotiating with sellers, writing effective complaint letters, working with government agencies and organizations, and using the court system (especially small claims court).

## Influences on Consumers

While smart consumers understand contracts, warranties, deceptive sales practices, credit arrangements, and collection practices, they also understand the factors that influence their shopping habits.

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Many factors influence consumers' decisions.



They think about whether they need a product, whether they can afford it, and how they can purchase it carefully. Smart consumers also know the difference between *wanting* and *needing* a product. Of course, all consumers sometimes splurge and buy things they really do not need. But smart shoppers don't spend so much on things they want that they cannot afford what they really need.

## Problem 27.1

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Select an item costing more than \$250 that you would like to buy. Use the Internet to answer the following questions:

- a. What specific information is provided about the product?
  - b. How can this information help you make smart decisions?
  - c. Which sources are trustworthy for researching products?
- 

Consumers often buy things in response to advertising. Television, radio, newspaper, magazine, and Internet advertising is geared toward specific groups of people. For example, sellers know that young adults are an extremely important market for certain goods and services, so they develop specific ads for this audience. The ads, often purchased for television shows, movies, or publications that particularly appeal to young adults, are designed to increase sales of the products advertised. Many ads provide useful information about products or announce a sale. Other ads attempt to influence you to purchase a product that you do not need or want and cannot afford.

## Ads That Appeal to Our Emotions

Advertisers try to connect with consumers on a personal level by creating ads that appeal to our emotions. There are several techniques, examples of which can be found in television, radio, newspaper, and online ads. Smart consumers learn to identify these techniques so they can separate the product from the characters and images in the ads.

Some ads *associate* products with popular ideas or symbols, such as family, motherhood, wealth, or sex appeal. These ads try to convince you that purchasing the products will associate you with the same ideas or symbols. Nearly all perfume ads in magazines, for example, include photos of beautiful women. The message to consumers is: if you use this perfume, you will be as beautiful as the woman in our ad.

The *bandwagon approach* is a technique that promotes the idea that everyone is using the product. Automotive manufacturers sometimes claim, for example, that their car, truck, or minivan is “best selling in its class in America . . . three years running.” The message to consumers is: because others have bought our product, you should too.

Related to the bandwagon approach is *celebrity appeal*. This technique uses athletes or movie stars to advertise the product. One example of a celebrity ad shows a professional athlete promoting sports equipment. Some products even bear the name and endorsement of a celebrity spokesperson. These people bring glamour and style to ads, but these endorsements did not necessarily mean the products are worth a higher price or are of high quality.

Still other ads try to convince consumers by resorting to the *claims of authorities*, such as doctors, or by citing test results or studies that appear to be scientific. Ads for certain medicines include the phrase “recommended by doctors.” Of course, smart consumers would want to know which doctors had recommended it and for what symptoms.



Smart consumers learn to separate the product from the characters and images in its ads. *Why do some companies use celebrities to advertise their products?*

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## Problem 27.2

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Identify an advertisement for a product you would consider buying. If the ad appeared in a newspaper or magazine, cut it out and bring it to class. If it appeared online, print it out. If it was aired on the radio or television, either record the ad or write a description of it and bring it to class. Answer the following questions about your ad:

- a. What product or service does the ad promote?
  - b. Who is the intended target audience for this product or service?
  - c. If the ad appeared on radio or television, at what time and during what program did it appear? If it appeared in print or online, in what publication or website did it appear? Why do you think the advertiser chose to run the ad at this time, place, and context?
  - d. What information do you need in order to make a wise choice about this product or service? How much of this information does the ad provide? What information does the ad not provide? Where could you get this information?
  - e. How does the ad try to persuade you to buy the item? What makes the ad effective?
  - f. Create an ad that would encourage your friends to buy one of the following products: jeans, a portable DVD player, perfume, new basketball shoes, a meal at a fast-food restaurant, or a flat screen television. What ideas did you use to appeal to your audience as you designed your ad? Do professional advertising people use these ideas?
-



# Consumer Protection

The federal, state, and local governments all pass and enforce laws to protect the consumer. As you read the following pages, and whenever you think about consumer protection problems, ask yourself: What are my rights under federal law? What are my rights under state law? What are my rights under local law?

## Federal Consumer Protection

The U.S. Congress has passed many laws that protect consumers in several ways. First, these laws prohibit unfair or misleading trade practices, such as false advertising, unfair pricing, and mislabeling.

Second, federal laws set standards for the quality, safety, and reliability of many goods and services. Failure to meet these standards can result in legal action against the seller. For example, the *Consumer Product Safety Act* allows the government to ban, seize, or prevent the sale of harmful products. This law also allows the federal government to create standards requiring that dangerous products be made safer for the consumer.

Third, the federal government has established many agencies that enforce consumer laws and regulate what products reach consumers. For example, the Federal Trade Commission (FTC) has the power to prohibit unfair or deceptive trade practices—such as false advertising—and can take legal action to stop such practices. The Consumer Product Safety

Commission (CPSC) helps protect the public from unreasonable risk of injury associated with consumer products. The CPSC also provides safety information about products that consumers might want to buy.

Fourth, Congress passes laws and agencies issue rules to improve the operation of the marketplace. In many instances, these laws and rules are designed to give consumers better information about products. For example, in 1992, Congress passed the *Nutrition Labeling and Education Act*. In 2006, the federal government began requiring most food manufacturers to list the amount of trans fats on nutrition labels. These laws require that all food product labels list ingredients and nutritional information in a form that most people will be able to understand. This allows consumers to make smarter dietary choices.

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Federal law requires that all food labels contain the list of ingredients and nutritional information. How does this help consumers?





# Law Around the World

## The Toxic Toys

**O**ver 80 percent of the toys sold in the United States are manufactured in China. Some of these toys are made in factories owned by U.S. toy companies, while most are made in factories owned by others who contract with U.S. toy companies.

In 2007, it was discovered that paint with excess lead content had been used in a large number of toys imported from China. When too much lead is taken into the body, it creates a health hazard, sometimes causing vomiting, anemia, mental retardation, and behavioral problems. In the United States, the use of paint with excess lead (beyond 600 parts per million) in toys has been banned since 1978.

The U.S. Consumer Product Safety Commission (CPSC) has the power to order product recalls and did so in this case. The tainted products were removed from stores and homes, resulting in refunds to the consumers who purchased the products. In 2007, over eight million such toys were recalled through an agreement between the CPSC and U.S. toy companies.

There are several theories for why the large number of toys tested positive for lead. Some criticize the Chinese factory owners for not conducting good inspections and for sometimes falsifying inspection reports. Others say that those running the Chinese factories were pressured by the U.S. importers to keep their costs low. Lead paint is less expensive than other paints. The pressure for low prices may also have come from U.S. retail stores that wished to sell the toys at a discount.

As a result of this situation, the U.S. and Chinese governments signed an agreement prohibiting the use of lead paint in the manufacture of toys. China agreed to increase inspections and take steps to meet U.S. standards. Congress also passed a new law that gave the CPSC additional power to monitor the marketplace for lead-based toys.

### Problem 27.3

- What occurred in the United States in 2007 regarding lead paint and toys? What caused this problem?
- If you were a U.S. toy manufacturer, what steps might you take to address the problem? Would contracting with factories in a country other than China be a good option? Explain.
- If more of the factories making the toys were in the United States, would it be easier to make sure toys meet certain standards? Why are so many of these factories located overseas?



A toy manufacturing operation in China



### The Law Where You Live

**Find** the state, county, or city consumer action agency closest to where you live. Also check the website of your state's attorney general to learn what this agency does.

## State and Local Consumer Protection

States also have their own consumer protection laws and agencies. Many of these laws prohibit unfair and deceptive trade practices. State laws allow consumers to file complaints in state court and with state agencies. They also enable agencies, such as the state attorney general's office or the state office of consumer affairs, to sue on behalf of consumers in order to halt illegal practices. In some cases, consumers can join together to bring **class action** lawsuits, which allow one or more persons to seek redress on behalf of an entire group.

Like federal consumer protection laws, state laws give the government power not only to stop unfair and deceptive practices, but also to provide consumers with a variety of remedies. A **remedy** makes up for harm that has been done. Remedies include **cease and desist orders**, by which an agency can require a business to stop a forbidden practice; **consent decrees**, which are voluntary agreements to end a practice that is claimed to be illegal; and **restitution**, in which a business refunds or repays any money illegally obtained.

Cities and counties may also have consumer protection laws. These laws are usually passed to deal with specific consumer issues that arise at a local level. For example, some cities have "truth-in-menus" laws. Under these laws, if the menu reads "fresh salmon," the restaurant cannot serve salmon that has been frozen. Some cities have also banned the use of trans fats in restaurant cooking oil.

## Protecting Your Rights as a Consumer

Consumers can encounter a wide variety of problems. This section will help you avoid some of these problems and will explain how to deal with any difficulties that may arise.

### Problem 27.4

You and a friend are planning a summer bicycle trip across your state. You own a very old bicycle and have decided to shop for a new road bike to use on this trip. List at least five ways you would gather information before making this purchase.

### What to Do Before Buying

Generally, making large purchases on impulse is not wise. When shopping for products or services, learn as much as possible about them before buying. Careful consumers always compare prices and products before purchasing "big-ticket" items. This activity is called **comparison shopping**. They purchase the product only after considering other products that could also meet their needs.

For major purchases, careful shoppers use the library or the Internet to research consumer reports about competing brands. You could also ask your friends for product recommendations.

After you have determined what product you need, you may discover that it is available from more than one seller in your community. It makes good sense to buy from a seller with a good reputation, especially for important purchases. Contact your local Better Business Bureau (BBB) and conduct online research to determine whether there have been complaints about a particular seller.

Policies regarding products and services may differ among sellers. For some products, there may be additional charges for delivery, installation, and service. A price that seems lower from one seller may really be higher when extra charges are added in. Also check the seller's return policy. A very low price where all sales are final may not turn out to be such a good deal if you decide that you are unhappy with the product after you have purchased it. Sometimes a shopper may even spend a little more money to purchase an item from a seller with an outstanding reputation for service or the ability to deliver the item quickly and install it free of charge.

Before making a purchase, consumers should read the warranty carefully. Different manufacturers and sellers may provide different warranty coverage on very similar products. When studying the warranty, be sure to find out what you must do and what the seller or manufacturer must do if you have a problem with the product. A warranty that requires you to ship a broken product to a far-away place for repair at your expense may not be of much value to you.

If you are required to sign a contract as part of the purchase, be sure that you read and understand the entire contract and that all blanks have been filled in before you sign. If you have trouble understanding the contract, ask the store for permission to take the contract to someone who can help you understand it before you sign it. You may not want to deal with a store that will not let you do this.

Finally, do not believe everything you hear from the seller. In Chapter 26, you learned about puffing, or seller's talk. Just because a seller says, "This is a real bargain!" does not make it true. You have to determine for yourself through careful shopping whether it is a bargain.

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*What should a smart consumer do before buying a camera?*





## *For Your Information . . .*

### **Things to Consider Before Making a Purchase**

- Determine exactly what product or service fits your needs.
- Compare brands. Read about various brands in consumer magazines and on the Internet. Ask friends for recommendations.
- Compare sellers. Check out a seller's reputation. Find out if there are extra charges. Learn about the seller's policy regarding exchanges or refunds.
- Read and compare all warranties.
- Read and understand the contract (or get someone else to help you do this).
- Determine the total purchase price (including interest).

### **What to Do After Buying**

Sometimes even careful shoppers have problems. When this happens, it is important to remain calm and be persistent. Often, smart consumers can solve their own problems. When they cannot, it is very likely that an agency or organization in their community will be able to provide the needed help.

The first thing to do after buying a product is to inspect it. If you do not receive the exact product you purchased or if it has a defect, take it back to the seller and ask for a replacement or refund.

You should always read and follow the instructions provided and use the product only as recommended by the manufacturer. If the instructions are unclear or seem incomplete, contact the seller. Misuse of a product may be dangerous and may also cause you to forfeit your legal rights! Be sure to report any problem with a product as soon as possible. Trying to fix the product yourself could make the warranty void. If you believe the product is dangerous, or if you have been injured by the product, consider reporting the information to a government agency such as the Consumer Product Safety Commission.

If you experience a problem with a product, you should always try to contact the seller first. Reputable businesspeople are interested in a customer's future business, and most problems and misunderstandings can be cleared up with a face-to-face discussion or a telephone call. If you are not successful, then all future contacts should be in writing or documented in a log or journal.



When contacting the seller, provide them with all the necessary information—identify the item (including model and serial number), give the date and location of purchase, describe when and how the problem arose, and explain how you would like the problem resolved. Be sure to bring along your sales receipt, warranty, or other pertinent information. Be polite but firm. If the seller refuses to help or gives you “the runaround,” send a written complaint to the store owner or store manager. Mention that you will take other measures if you do not receive satisfaction within a reasonable amount of time. Be sure to date the letter and include your name, address, phone number, and e-mail address where you can be reached. Keep a copy of the letter, along with any response, for your records. To complete your records, make notes about any conversations you had with the seller. Include promises made, if any, and the date of the conversation.

If the seller still refuses to help you, consider contacting the product’s manufacturer. If you do not know the name of the manufacturer, ask your librarian or look online for the *Thomas Registry of American Manufacturers*, which lists thousands of products and their manufacturers. If the seller is part of a chain store, consider writing to the corporate headquarters of the store. If you do not know the address of the manufacturer or the corporate headquarters, go to your local library and look it up in *Standard and Poor’s Register of Corporations*, or look it up on the Internet.

## The Case of . . .

### The Cheap Vacation Home

**D**avid and Michele Cole were reading the newspaper after dinner one night when the phone rang. A pleasant-sounding person on the line told them that people in their community had a chance to purchase brand-new vacation homes for only \$40,000. The homes were located in a beautiful, wooded setting just two hours by car from where the Cole family lived. In order to take advantage of this low price, the seller said that the Coles had to make a 20 percent down payment immediately. The rest of the money could be paid over the next 10 years with no interest.

The Coles had been thinking about buying a little place away from the city for weekend escapes, and this deal seemed too good to be

true. They gave the seller their credit card number for the down payment of \$8,000. The seller promised to send literature about the dream home. Unfortunately, the literature never arrived. When the Coles complained to their state’s office of consumer affairs, they found that others in their community had also been tricked. Fortunately, a thorough investigation enabled authorities to locate the persons responsible for this fraudulent sales scheme.

#### Problem 27.5

- a. What steps could the Cole family have taken initially to avoid this problem?
- b. What remedies could the office of consumer affairs ask for?
- c. Draft a law that would reduce the chances that this situation would happen again.



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Although they have been careful, some shoppers still experience problems. *What information should a consumer present when returning an item?*



Many companies have consumer affairs departments, but you may get faster action by writing directly to the company president. Review the following list of suggestions for writing a consumer letter of complaint:

- Include your name, address, phone number(s), e-mail address, and account number, if appropriate.
- Be brief and to the point. Do not be sarcastic or angry.
- Include all important facts, such as date and place of purchase, and information identifying the product, such as model and serial number.
- Explain the problem, what you have done about it, and what you want to have done.
- Include copies of documents relating to your problem. Do not send originals.
- Type the letter if possible. If this is not possible, print it neatly.
- Keep a copy of whatever you send.
- Before you mail the letter from your post office, ask for a return receipt, which will cost extra. This receipt will be signed by the company when it receives your letter and then returned to you. If you wind up in court with your problem, the receipt is your proof that the company was notified of the problem.

Consider sending copies of your letter to local and state consumer protection organizations and to your local Better Business Bureau. If you still are not satisfied, it may be time to seek outside help. Many agencies and organizations exist for this purpose and may be able to help you. For example, you could take your complaint to a consumer protection agency, a media “action line,” or a small claims court. You may also wish to contact an attorney at this point.

## Problem 27.6

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Jeff and Kristin Burt saw a newspaper ad for a brand-name flat screen TV set on sale at Tally's Electronics Shop. They rushed down to Tally's, where they bought a new 42-inch model for \$1,000. Several weeks later, the TV completely lost its picture. A TV service mechanic who came to their home told them that the power supply had malfunctioned and that repairs would cost \$600. The next morning, Jeff and Kristin returned to the store and asked to speak to Mr. Foxx, the salesperson who had sold them the TV.

- a. Role-play the meeting between the Burts and Mr. Foxx. What should the Burts say, and what should Mr. Foxx say?
  - b. If Mr. Foxx refuses to help, what should the Burts do? If they decide to write a letter of complaint, to whom should they send it? What information should be included in the letter? Write a letter of complaint for the Burts.
  - c. What should the Burts do if they do not get a response to their letter within a reasonable amount of time?
- 

## Consumer Protection Agencies and Organizations

Use the Internet to search for consumer protection agencies and organizations. In many instances, complaints can be made online. Also check the beginning of the white pages of your telephone directory for information about local community resources. Many directories also have a section that provides a comprehensive listing of government agencies. Look in that section under "Consumer and Regulatory Agencies" to find the phone numbers of organizations that can help you with a consumer problem.

Some communities have arbitration programs to help with consumer complaints. These programs arbitrate disputes between buyers and sellers who have not been able to settle a problem. If you choose to use such a service, be sure to ask for and read a copy of the rules before you file your case. In some instances, the decision of the arbitrators is binding on both the business and the consumer; in others, only on the business; and in still others, on neither party. The party bound by the decision usually agrees not to pursue any other remedy, such as going to court.

**Consumer Groups** Many private organizations help consumers. National organizations such as the Consumer Federation of America, the Consumers Union, and Safe Kids Worldwide educate consumers and lobby for passage of consumer protection legislation.

The Consumer Federation of America ([www.consumerfed.org](http://www.consumerfed.org)) is primarily an advocacy organization that works to promote policies that help protect consumers on the federal and the state level. It also works to educate the public about consumer issues and developments in consumer law.



Many consumers rely on the product reports available in *Consumer Reports*. Have you ever used product reports to help you make a decision about a purchase?

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The Consumers Union ([www.consumersunion.org](http://www.consumersunion.org)) is a nonprofit, independent testing organization that provides unbiased reports to consumers about products and services, personal finance, health and nutrition, and other consumer concerns. CU publishes the well-known *Consumer Reports*, which many people refer to when making decisions to purchase goods and services in the marketplace.

Safe Kids Worldwide ([www.safekids.org](http://www.safekids.org)) is the only international nonprofit organization that is dedicated solely to the prevention of unintentional injury to children. This advocacy group works for the production of safer products and lobbies for laws and regulations aimed at protecting the safety of children. Safe Kids also educates the public about harmful goods and services.

Private state and local consumer groups may give advice, investigate complaints, contact sellers, try to arrange settlements, and make legal referrals. To find similar organizations in your community, contact a local university, your state attorney general's office, or a member of your city council. You should also check the phone book under both "Consumer" and "Public Interest Organizations."

**Business and Trade Associations** One of the best-known consumer help organizations is the Better Business Bureau (BBB). Better Business Bureaus are supported by private businesses; they are not government agencies. While BBBs have no law-enforcement power, they do monitor business activity and try to promote high standards of business ethics. In many places, the BBB investigates consumer complaints, contacts the company involved, and tries to mediate a settlement. Reasonable complaints can often be settled with the BBB's help, but BBBs usually act only as mediators and cannot force a business to settle. In communities that do not have a BBB, you can contact the local chamber of commerce.



**Media** Many local newspapers as well as radio and television stations have special “action line” or “consumer affairs” services that help consumers. Publicity is a powerful weapon, and many consumers find that they can settle problems simply by contacting, or even threatening to contact, the media. To use these services, contact your local newspaper or radio and television stations using their websites.

**Professional Associations** Many business and professional people belong to associations that act on behalf of the entire profession or occupation. While such an association may have no legal enforcement powers over its members, a consumer complaint may result in pressure on, or dismissal of, the offending member. For example, if you have a complaint against an attorney, you can contact the bar association for your state.

**State and Local Government** All states, as well as many local governments, have consumer protection groups. These groups deal with everything from regulating public utilities to making sure you get a fair deal when you have your car repaired. Consumer protection groups are often located within the state attorney general’s office, consumer affairs bureau, consumer protection agency, public advocate’s office, or public utilities commission. To learn more about what the attorneys general in all of the states are doing to address local and national consumer protection issues, visit the National Association of Attorneys General at [www.naag.org](http://www.naag.org).

There are also more than 1,500 state boards that license or register members of more than 550 professions and service industries. Commonly regulated under these boards are accountants, architects, attorneys, barbers, bill collectors, doctors, electricians, engineers, funeral directors, teachers, nurses, plumbers, and real estate agents. Professional and occupational licensing was started by state legislatures to protect the public. These state boards set rules and standards for the occupation, prepare and give exams, issue or deny licenses, and handle consumer complaints. State boards have the power to **revoke** (take away) or suspend licenses for violations of established standards.

Finally, many places have mediation centers to help consumers solve problems without going to court. Some of these centers are operated by local governments, while others are sponsored by Better Business Bureaus or other private organizations.

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State licensing boards, such as those for nurses and doctors, help protect consumers. *What kind of issues do state boards address?*





## Problem 27.7

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Choose a service that you have used, such as medical care, legal aid, auto repair, public transportation, or a hair salon.

- a. Is there a professional association, licensing board, or other agency that could assist you if you had a problem with this service? Conduct research using your local phone book and/or the Internet to identify sources of help for consumers.
  - b. What steps must a consumer take to register a complaint with this agency or association?
  - c. What power does this agency have?
- 

**Federal Government** It is usually best to try to solve your consumer problem on a local level. For certain problems, though, the federal government may provide you with the only remedy. Even if a federal agency cannot help, it may suggest a way to solve your problem. Some of the major federal consumer protection agencies and their contact information are described below:

- **Federal Trade Commission (FTC)**—As the federal government's main consumer protection agency, the FTC seeks to prevent unfair or deceptive trade practices as well as problems with bills, credit, and warranties. Consumers can file a complaint at [www.ftc.gov](http://www.ftc.gov) or by calling 1-877-FTC-HELP.
- **Food and Drug Administration (FDA)**—The FDA regulates the safety of food, drugs, cosmetics, and medical devices through a testing program, and can order unsafe products off the market. Consumers can file complaints regarding FDA-regulated products either directly with the FDA or with regional consumer complaint coordinators in each state. Contact information can be found at [www.fda.gov](http://www.fda.gov) or by calling 1-888-INFO-FDA.
- **Consumer Product Safety Commission (CPSC)**—The CPSC makes and enforces safety standards for many consumer products. It can ban, seize, or require warnings for unsafe products. You can file a complaint regarding an unsafe product at [www.cpsc.gov](http://www.cpsc.gov) or by calling 1-800-638-2772.
- **U.S. Postal Service (USPS)**—The USPS investigates mail fraud and other mail problems. Consumers can contact the USPS regarding services or problems with their mail at [www.usps.com](http://www.usps.com) or by calling 1-800-ASK-USPS.
- **Federal Communications Commission (FCC)**—The FCC regulates consumer practices and interactions that take place over communications devices such as the radio, television, and telephone. The FCC receives consumer complaints at [www.fcc.gov/cgb/complaints.html](http://www.fcc.gov/cgb/complaints.html) or by phone at 1-888-CALL-FCC.



- **Department of Transportation (DOT)**—Various consumer protection offices within the department set standards for safe air, rail, bus, and automobile travel as well as handling complaints from passengers. Passenger and consumer complaints must be filed with the agency governing the type of travel in which you are engaged:
  - For defects related to automobile performance and products, contact the National Highway Traffic Safety Administration at [www.nhtsa.dot.gov/hotline](http://www.nhtsa.dot.gov/hotline) or by calling 1-888-327-4236.
  - For mass transit-related issues (buses and subways), visit the Federal Transit Administration Safety and Security online at [www.transit-safety.volpe.dot.gov](http://www.transit-safety.volpe.dot.gov).
  - For issues related to travel on the nation's railroad system, contact the Federal Railroad Administration's Office of Safety Analysis online at <http://safetydata.fra.dot.gov/officeofsafety>.
  - To report air travel safety issues, visit the Federal Aviation Administration at [www.faa.gov](http://www.faa.gov) or call 1-866-TELL-FAA.

## Problem 27.8

What federal agency discussed on pages 336–337 could help with each of the problems described below? Explain. Could a local or state agency also be helpful with any of the problems? If so, which agency?

- a. You purchase a coffee-maker for your dorm room. The glass pot cracks after the very first use, and you injure your hand.
- b. You buy an airline ticket for a job interview in another city. When you arrive at the airport, you find that the plane is already full. You cannot board the flight and therefore will miss your scheduled interview.
- c. A friend has lost an arm in a serious accident. Her doctor is planning surgery that will result in the use of a new type of artificial limb. You want to learn more about the safety of this product before your friend's surgery.
- d. A vocational school in your community runs an advertisement that promises job placement for every graduate. You are suspicious about this claim.

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The United States Postal Service is just one of the many federal consumer protection agencies. How does the USPS help consumers?





Sweatshops are often the target of direct action by consumers. *Why might consumers be concerned about this issue?*

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## Direct Action by Consumers

Sometimes consumers who have concerns with an organization's business practices take **direct action** to make their voices heard. Direct action refers to actions that consumers take to make an impact on a business's or other organization's operations or profits. These steps can include letter-writing campaigns, boycotts of certain goods, press conferences, and picketing or other types of demonstrations. In recent years, for example, some college students have organized direct-action campaigns to protest the treatment of the workers in developing countries who make clothing sold on their campuses.

## Taking Your Case to Court

Suppose you cannot settle your complaint and a consumer agency has been unable to help. Sometimes your complaint may form the basis for a criminal action against the seller. Whether or not a crime is involved, you can take your case to civil court. Anyone can go to court.

### Criminal Court

In some cases, a seller's action may be a crime. Such acts can be prosecuted as criminal **fraud**. Criminal fraud occurs when a salesperson knowingly misstates or misrepresents some important fact with the intent to defraud you, resulting in harm.

For example, suppose you sign a contract with a builder to construct a deck on your home. You pay the builder several thousand dollars to purchase the necessary materials. However, the builder does not intend to build the deck. He simply uses the scheme to take your money. In such a case, you are the victim of a crime. You should contact the police or your local prosecutor. Cases like this one can be prosecuted by the government in criminal court. State laws not only provide a fine or jail term (or both) for a convicted defendant, but also may require that the defendant pay back the defrauded consumer.

## Civil Court

If a civil dispute involves a large amount of money, the case will be brought in the local civil trial court. Taking a case to court can be costly and time consuming. In some places, free or low-cost legal services may be available to consumers who cannot afford to hire an attorney.

## Small Claims Court

In the early twentieth century, court reformers recognized that the typical civil court was too slow, expensive, and complicated for many minor cases. These reformers proposed a “people’s court” designed to give citizens their day in court for small claims. Today, every state has a small claims court system. There is often a small claims court in each region of every state, where you can sue for small amounts of money. Each state or local jurisdiction has a different monetary upper limit on the cases that qualify for small claims actions, ranging from a few hundred to several thousand dollars.

The small claims court system offers citizens many advantages over the traditional court system. Filing a suit in small claims court is very inexpensive, as attorneys are not required (in some states they are not allowed), and there are few time-consuming delays. There are no juries in small claims court; a judge decides all cases. The judge will typically make a decision about your case immediately. To find out how small claims courts operate in your state, contact the clerk of the court before filing a claim.

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Criminal activities such as real estate fraud often result in houses standing empty. People involved may face charges in a criminal court. *What is criminal fraud?*





## No Sweats From Sweatshops

**M**uch of the apparel sold on Aragon State University's (ASU) campus comes from factories in developing countries, or countries in the process of becoming industrialized. Factory owners in these developing countries sign contract arrangements with U.S. companies to produce clothing.

A local newspaper has reported that workers in factories that make ASU's clothing are paid very low wages, beaten by factory guards, and forced to work many hours of overtime. A group of students feels that these conditions violate the Universal Declaration of Human Rights, particularly Article 25, which guarantees every person "the right to a standard of living adequate for the health and well-being of himself and his family." These students form an organization called No Sweats From Sweatshops (NSFS) whose goal is to stop the university from selling clothing made in exploitative factories. NSFS organizes a boycott of ASU clothing until the university president agrees to a meeting to listen to the group's concerns.

At the meeting with President William Arnoz, NSFS president Katie LeFevre states the students' position: "NSFS does not want our university to make money on the backs of factory workers who are paid wages below even what their own country's government calls a 'living wage.' We demand that the university join the Universities for Fair Wages Association. All the schools in the association have pledged to sell only clothing from U.S. companies that guarantee that the factories they use meet the association's code of humane conduct."

President Arnoz states the university's position: "The university has no control over working conditions in these factories. In fact, many of these workers are paid better wages than most other people in their countries.

If the U.S. companies pulled out of these countries, thousands of workers would become unemployed. Joining the Universities for Fair Wages Association costs a lot of money, which we would have to pass on to students through higher tuition. We would also have to pay a higher cost for clothing made by companies that guarantee certain working conditions. That means customers would have to pay much more for the clothing in our campus store. The state has entrusted me with the job of making decisions for all students and faculty. Tactics such as boycotts are an attempt to intimidate me into changing those decisions. A university is not a democracy, and I will not be bullied into changing my mind."

### Problem 27.9

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- a. Why do the ASU students call themselves No Sweats From Sweatshops? What does the group's name mean?
  - b. What are the pros and cons of sweatshops to the American consumer?
  - c. What are the pros and cons of sweatshops to the sweatshop worker? What are the pros and cons of sweatshops to the American worker?
  - d. Role-play a meeting between Aragon State University President Arnoz and NSFS president Katie LeFevre. What demands did Katie make on President Arnoz? Did he agree to any of the demands? Should he? Explain the reasons for your answer.
  - e. Should there be codes of conduct for the way workers are treated? Is it a university's responsibility to ensure that workers in other countries are treated decently? Explain the reasons for your answers.
-

# Steps to Take

## Taking Your Complaint to Small Claims Court

Filing a suit in small claims court involves three general steps:

### 1. File the Claim.

- a. Eligibility.** Discuss your case with the court clerk by calling or visiting the local courthouse. The clerk will be able to determine whether the court can handle your claim. You may also be able to get this information by visiting the Web site for your local court system.
- b. Paperwork.** If you have a claim that is appropriate for small claims court, you will be required to fill out some forms and pay a filing fee. This fee varies among jurisdictions, but it is usually no more than \$30. To fill out the forms, known as a “Complaint” or “Statement of Claim,” you will be asked for the name and address of the party you are suing, the reason for your complaint, and the amount you are asking for. The amount of the claim should be based on the loss you have incurred.

### 2. Prepare for Your Day in Court.

- a. Notification.** In most states, the court will notify the defendant of the date and place of the hearing. You should confirm that your jurisdiction takes responsibility for notifying the defendant, because your case cannot proceed unless the other party receives notice of the lawsuit.
- b. Evidence.** You should gather all the evidence necessary to present your case. This includes receipts, letters, canceled checks, sales slips, and estimates of repair. If a defective product is involved, be sure to bring it along, if possible. Contact all witnesses to be sure they come to court. Uncooperative witnesses can be subpoenaed. This means they can be ordered to appear in court.



Small claims court

If you have time, visit the court before your hearing so you will know what to expect. Also, practice presenting your case to a friend beforehand.

### 3. Go to Court on Time with Confidence.

- a. Punctuality.** Be on time for court on the date scheduled for the hearing. If for any reason you cannot make it, call the court clerk to ask for a postponement, called a **continuance**.
- b. Confidence.** When your hearing begins, the judge will ask you to tell your story. Do this by presenting your facts, witnesses, and any evidence you may have. Do not get emotional. Be prepared for questions from the judge. After both sides have presented their stories, the judge will make a decision.



# LAW AND DEMOCRACY *in Action*

## Mock Trial: *James Phillips v. The Radio Shop*

### FACTS

James Phillips purchased an MP3 player from The Radio Shop and later tried to exchange it because it did not work. The date of the sale was November 14, and the return was 10 days later. The sales slip says: "Fully guaranteed for five days from the date of purchase. If defective, return it in the original box for store credit." The store refused to make the exchange, and James brought this action in small claims court.

### EVIDENCE

James has (1) the sales slip for \$124.95 plus tax and (2) the broken MP3 player. He claims to have thrown away the original packaging.

### WITNESSES

For the plaintiff:

1. James Phillips
2. Pam Phillips, James's sister

For the defendant:

1. Al Jackson, the salesperson
2. Hattie Babcock, the store manager

### COURT

The judge should allow James to make his case and should give the store representatives a chance to tell the court why the money should not be returned. At the end, the judge should make a ruling and provide reasons for the decision.

### WITNESS STATEMENT: James Phillips

"I went into The Radio Shop to buy a portable MP3 player. I paid the \$124.95 price, and he gave me the player in its original box. When I got home, it didn't work. I went back to the store to get my money back, but the salesperson wouldn't return it. He said I should have brought it back right away. I explained to him that my mother had been sick and that I had been busy taking care of her. Here are the broken MP3 player and the receipt as proof."

### WITNESS STATEMENT: Pam Phillips

"When James got home that day, he was excited and wanted to show me something. He called me into his room to show me his new MP3 player. He had downloaded 20 of his favorite tunes and I saw all of them on the song list. He pushed PLAY, but nothing happened."

### WITNESS STATEMENT: Al Jackson

"I sold him the MP3, but as far as I know, it worked. All the display models worked well enough, so why shouldn't the boxed one straight from the factory? He probably dropped it on his way home. Or maybe he broke it because he didn't know how to use it correctly."

### WITNESS STATEMENT: Hattie Babcock

"As Mr. Jackson said, all the other MP3s have worked fine. We've never had a single complaint. Our store policy is not to make refunds unless the merchandise is returned within five days in the original box. The guarantee even says this. That's why Mr. Jackson didn't give him his money back. Otherwise, we'd have been more than happy to give him credit toward a new purchase. Personally, I agree with Mr. Jackson. James probably didn't bring back the box because it was all messed up after he dropped it."

## Problem 27.10

- a. Role-play a small claims court hearing. Participants should be divided into groups of five, each with a judge and four witnesses. Witnesses should testify and answer questions from the judge. When all testimony is complete, each judge should announce his or her ruling. Was the decision the same for each hearing?
- b. Is this an effective way to resolve this type of problem? Explain.

# Immigration Law



connect™

**T**he Statue of Liberty, given to the United States by the people of France in 1886, stands in New York harbor. On the base of the statue is a passage written by American poet Emma Lazarus: “Give me your tired, your poor, your huddled masses yearning to breathe free....” Between 1892 and 1924, Lady Liberty watched over 22 million immigrants as they passed through Ellis Island and the Port of New York.

The Statue of Liberty is a symbol of freedom and democracy and an inspiration to immigrants. The United States continues to be a “nation of immigrants.” Some came voluntarily; others came involuntarily. Attitudes, laws, and policies toward immigrants, however, have changed many times since the country’s founding. Tensions between expanding and restricting immigration from different areas of the world have long been a part of this country’s history.

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The Statue of Liberty is often seen as a symbol of freedom.



At times, immigrants in the United States have been met with resentment, anger, and even violence. At other times, immigrants have been welcomed. Over the years, a variety of immigration laws and policies have set quotas, established requirements for immigration, or limited immigration to guest workers from specific areas of the world. The federal *Immigration and Nationality Act of 1952*, with some major and many minor changes, continues to be the basic immigration law of the United States.

In 2009, approximately 38.5 million foreign-born people were living in the United States. Approximately two-thirds were legal immigrants, while the remaining one-third had entered the country illegally or remained longer than permitted. Between 2007 and 2009, the United States annually admitted over one million people legally and removed or deported approximately 350,000 people.

## Citizenship

Every country has rules prescribing how to gain **citizenship**. In the United States, citizenship issues and other immigration matters are governed by federal law. The most common way to acquire citizenship is by birth. Persons born in the United States (other than to diplomats) are citizens regardless of the citizenship status of their parents. Minor children (under age 18) born in the United States to parents who are not in the country legally are citizens and cannot be deported. However, parents facing removal may take U.S. citizen children out of the country to preserve family unity. A child born outside the country to a parent who is a U.S. citizen is automatically a citizen.

---

People from around the world, such as this couple from Trinidad and Tobago, gain U.S. citizenship through the naturalization process. *How does a person acquire citizenship by birth?*



Citizenship may also be acquired through the **naturalization** process. Naturalization is a legal process by which persons born in other countries can apply for U.S. citizenship. The requirements to apply to be a U.S. citizen include:

- legal permanent residence in the United States for at least five years (with some exceptions);
- physical presence in the United States during at least half of the past five years;
- being at least 18 years of age;
- good moral character;
- the ability to speak, read, and write English;
- passing a citizenship test on U.S. history and government; and
- swearing allegiance to the U.S. Constitution and loyalty to the United States.

The spouse of a citizen may apply for citizenship after having permanent residence in the United States for only three years and satisfying other naturalization requirements. Under current law, a child who is a permanent resident may acquire U.S. citizenship automatically if a parent naturalizes before the child turns 18.

Being a citizen carries with it certain rights and responsibilities, including the right to vote and the responsibility to serve on a jury. Importantly, adult citizens cannot be forced to leave the country or refused entry to this country. A naturalized citizen can lose citizenship if it was obtained illegally or by fraud.

Dual citizenship is generally allowed. Citizens of another country can also apply to be U.S. citizens as long as the other country allows it. However, the U.S. government does not look favorably on U.S. citizens voluntarily applying for citizenship in another country. In such a case, their U.S. citizenship may be taken away.

## **Problem 45.1**

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- Wilfred was born in Germany. His father is in the military and is a United States citizen. Is Wilfred a U.S. citizen?
  - Jose attends middle school in Austin, Texas. He was born in the United States, but his parents are not citizens. If his parents are ordered by an immigration judge to leave the country, will he have to leave? Explain your answer.
  - Margot is from Ireland. She has lived in the United States as a lawful permanent resident for five years, is 21 years of age, and has never been in trouble with the law. She passes the citizenship test and swears allegiance to the U.S. Constitution and loyalty to the United States. Can she successfully apply to be a naturalized citizen?
  - Ying becomes naturalized. His son Wuhan is here in the United States with him. Does Wuhan become a citizen?
-





Nonimmigrant visas allow foreign students to attend school in the United States for a set period of time. *What other groups of people may need a non-immigrant visa?*

---

## Coming to America

The United States welcomes many noncitizens as visitors each year. Visitors from most countries must have a **visa**. Visitors obtain a visa from the U.S. consulate in their home country. There are two main categories of visas: nonimmigrant and immigrant. Non-immigrant visas allow people with a specific purpose for visiting the United States to stay in the country for a set period of time.

Several types of nonimmigrant visas are available. Tourist visas allow people to visit the country for pleasure or on a business trip. Student visas allow people to study at American schools. Temporary work visas allow people in specific occupations or with specialized knowledge to work in the United States for a period of time. These occupations include architects, engineers, lawyers, nurses, doctors, and agricultural workers. Temporary visas are also available for athletes, musicians, government employees, ship or airline crew members, foreign media representatives, and participants in cultural or student exchanges.

People who wish to stay in the United States permanently need an immigrant visa. In general, foreigners who want immigrant visas must be sponsored by either a family member or a potential employer. Otherwise they must be granted the right to remain in the country on humanitarian grounds. The family member or employer must file a visa petition with the U.S. Citizenship and Immigration Service (USCIS) on behalf of the immigrant.

In 2009, approximately 750,000 family-sponsored immigrants were admitted to the United States. Preference is given to spouses and children of immigrants who are already lawfully in the United States. An unlimited number of **green cards** are available for these immediate relatives of U.S. citizens. A person receiving a green card becomes a **lawful permanent resident** (LPR). Other family members who are not immediate relatives of U.S. citizens may also be able to come to the United States, but for them the wait is usually quite long—often from three to twenty years.

In 2009, the limit on employment-based green cards was 140,000. Employers who petition on behalf of immigrants must show that they have recruited for the job in this country but have not found a suitable U.S. citizen employee. In distributing this limited number of employment-based green cards, the government has established a strong preference for highly skilled workers. The number of applicants far exceeds the number of available visas.

If a family member's or employer's petition is approved, the immigrant is placed on a waiting list at the Department of State. At some future time, and depending on the type of petition, the immigrant is then invited to apply for a green card. The process of applying for a green card can be complicated and time consuming.

If a green card is issued, the person becomes a lawful permanent resident. LPRs are noncitizens who are generally allowed to work without limitations. They can remain in the United States indefinitely and can travel abroad and freely return. However, they do not enjoy the full range of benefits associated with citizenship. For example, LPRs cannot vote and can lose LPR status if they stay out of the United States too long or engage in criminal activities.

Persons who are in the country without permission are known as undocumented or unauthorized immigrants. Immigrants may be unauthorized for various reasons. Some come legally under tourist, student, or temporary work visas but overstay their visas. Others enter the country without legal permission or with false documents. The goal of many unauthorized immigrants is to obtain better-paying work than is available in their home countries. Others come to escape civil war, natural disasters, or other serious problems. Many of these people send money back to family members in their home countries. Undocumented workers often work in low-wage jobs, including farming, construction, factory work, restaurants, or cleaning. They are often paid less than minimum wage and may receive no benefits.

It is illegal for U.S. employers to hire undocumented workers. Noncitizens must have a green card or employment authorization from the federal government to work in the United States legally. In 1986, Congress passed the *Immigration Reform and Control Act*, which toughened criminal penalties on employers who hire unauthorized workers. This law allows employers to be fined for violations. A continuing pattern of deliberate violations can result in jail time for an offending employer.

## Problem 45.2

- a. Berta, a farm worker, and Miles, a bank manager, want to come to work in the United States and have letters from employers who want them to come and work for them. Will they be granted work visas? Explain the reasons for your answer.
- b. Why do many illegal immigrants enter or remain in the United States without permission? Should the U.S. government institute tighter controls at the border? What are other possible solutions? Explain.



### The Law Where You Live

**Find out** if there are any free or reduced-fee legal services available to immigrants in your community. If so, what services are provided? Where is the immigration court nearest to where you live?

## The Process for Removal of Noncitizens

The federal Department of Homeland Security is responsible for prosecuting immigration law violations. A person who is in the country illegally may be arrested by Customs and Border Protection, by Immigration and Customs Enforcement, or by local police officer that who can turn immigrants over to the Department of Homeland Security. There is no right to bond in some immigration cases, and many undocumented immigrants are detained during the time before their hearings.

Special immigration courts across the country handle removal cases before an immigration judge. Unlike defendants at criminal trials, immigrants do not have a right to a free (government-appointed) lawyer at their removal hearings. They are represented by counsel only if they can find a lawyer. Sometimes legal aid programs, volunteer lawyers, or law students provide free or reduced-cost legal assistance. Those who have lawyers are much more successful at this hearing than those who do not have lawyers and must represent themselves. If the immigrant needs an interpreter at the hearing, the court will provide one.

**Figure 45.1** Departures Following Removal Proceedings, 1970–2009

Year	Formal Removals	Voluntary Departures
1970	17,469	303,348
1975	24,432	655,814
1980	18,013	719,211
1985	23,105	1,041,296
1990	30,039	1,022,533
1995	50,924	1,313,764
2000	186,391	1,675,827
2005	208,521	965,538
2009	393,289	580,107

**Source:** 2009 Yearbook of Immigration Statistics, Office of Immigration Statistics, U.S. Department of Homeland Security.

Some illegal immigrants leave the United States voluntarily, while others are removed during special immigration court proceedings.

**ANALYZE THE DATA** How did the number of formal removals change between 2000 and 2009? How does this compare with the number of voluntary departures during the same period?

An immigrant in removal proceedings will appear before an immigration judge. While immigration judges are under an obligation to be impartial, they are different from state or federal court judges because they are not part of the judicial branch. Instead, they are part of the executive branch and act under the authority of the U.S. Department of Justice. Immigration judges vary greatly in leniency or toughness, but in most cases a person who has been convicted of committing a serious crime will be deported. Immigrants who lose their removal cases have a right to appeal to the Board of Immigration Appeals (BIA) and then to a federal circuit court of appeals. They will be allowed to stay in the country at least until the BIA appeal is decided.

If the immigrant is unsuccessful at this hearing, an order of removal is entered against him or her. For those who meet certain conditions, a cancellation of removal can allow them to stay. At least 10 years of continuous physical presence, no criminal convictions, good moral character, and evidence that removal would result in hardship for family members often constitute grounds for a cancellation. Having an order of removal cancelled is the equivalent of receiving a green card from the immigration judge.



In some cases, an order of removal against a noncitizen is cancelled if the removal would result in hardship for family members. *Under what other conditions may an order of removal be cancelled?*

### Problem 45.3

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Assume that you are an immigration judge and the following cases come before you. Would the person be allowed to stay in the country or would you issue a removal order? Give the reasons for your answers.

- a. Sergei is single, has no children, and has been in the United States for 12 years. He has held steady employment as a construction worker. He does not have a green card. He sends his family in Russia money on a regular basis.
  - b. Maria crossed the border a year ago to be with her husband, who is an LPR with regular employment.
  - c. Malcolm came to the United States on a temporary work permit and worked for an engineering company. After being here for two years, his work permit ran out. His employer, for whom he still works, has written a letter asking that his term be extended because they need his services. Following a raid at the job site, Malcolm was detained.
  - d. Emmanuel, 18, came to the United States illegally when he was 12. He has no Social Security number or driver's license. He is a good student in a public high school and has applied to go to college. Immigration and Customs Enforcement (ICE) agents come to his home to arrest his uncle, who had been ordered deported. Emmanuel was also arrested when he answered the door.
-



## Persons Seeking Humanitarian Protection in the United States

Every year thousands of people come to the United States seeking **asylum**. Applicants must claim to have been persecuted—or have a well-founded fear of persecution—in their home country on account of their race, religion, nationality, political opinion, or membership in a particular social or ethnic group. If they can prove a well-founded fear based on one or more of these five grounds and they cannot find protection in their own country, applicants may be granted asylum. Under most circumstances, asylum seekers must apply within a one-year period after entering the country or they lose the ability to do so. A person fleeing poverty, general civil unrest, or random violence does not qualify for asylum.

Asylum seekers already present in the U.S. may apply for asylum to the U.S. Citizenship and Immigration Services (USCIS). An asylum officer from USCIS interviews the applicant. These interviews are very important. The asylum seeker may bring an attorney and any family members they are asking be admitted as part of their application, such as a spouse and children. The applicant must bring an interpreter if he or she is not fluent in English. If the officer rejects the request for asylum, the applicant will be placed in removal proceedings before an immigration judge.

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Some recent immigrants from the African countries of Ethiopia, Sudan, and Somalia come to the United States seeking asylum. *What must this woman prove in order to receive asylum?*



Persons requesting asylum at an airport, or port of entry, as well as those in removal proceedings based on an immigration law violation, must apply before an immigration judge.

An asylum claim that is heard in court is similar to the interview described on the preceding page, but the court case is more formal. An interpreter, if needed, will be provided. Since September 11, 2001, the U.S. government has increased its efforts to block applications for asylum from persons who might be members of a terrorist organization or who previously aided such organizations. At the hearing, an immigration judge will decide whether the person seeking asylum has a well-founded fear of persecution based on race, religion, nationality, political opinion, or membership in a particular social group and cannot find protection in his or her own country.



This family fled El Salvador to escape criminal violence and is seeking refuge in the United States. *What happens if a person is denied asylum in the United States?*

### Problem 45.4

Each person below has asked an immigration judge for asylum. Make a ruling as if you were a judge hearing this person's asylum claim. Be sure to give your reasons.

- a. Grace is from an African country where female circumcision is practiced. She says that she fears returning to her country because she may be forced to undergo this painful procedure.
- b. Wong is a member of a religious sect in China that the government has declared to be illegal. Some of its members have been arrested and imprisoned in China. Wong has never been arrested.
- c. Mohammed has fled his homeland, where he was a member of the political opposition to the dictator who ruled his country. A government official in that country once told him that if he takes action in organizing resistance against the government, he will be arrested.
- d. Eva has been the victim of physical abuse by her husband in the country from which she comes. She is applying for asylum because she fears that returning to her home country will result in more abuse.
- e. Rashid is an Iraqi who once fought with terrorists against the United States. However, Rashid later changed sides and has been working for the United States in Iraq.

*To establish  
an uniform Rule  
of Naturalization...  
throughout the United  
States.*

— Article I, Section 8,  
Part 4, of the  
U.S. Constitution

# Immigration Law and Policy

United States policy toward immigrants is controversial, with various groups of citizens holding a wide range of competing views, particularly regarding those who are in the country illegally. With so many undocumented people in the country, immigration law and policy present a difficult challenge for lawmakers.

Some people believe that those already in the country, regardless of status, play an important role in American society and should be welcomed. Advocates often support policies providing illegal immigrants a path to citizenship, employment, education, and permission to have their spouses and children join them here. In part, this view is based on the belief that the U.S. economy needs these workers. In addition, there are enormous practical problems involved in removing the more than 10 million persons who are here illegally.

Others voice concern that the United States is unable to control its borders and that too many people are in the country illegally. Providing a path to citizenship for those who have broken the law, it is argued, is contrary to public policy and will encourage others to come here illegally in the future. People with this view believe that undocumented immigrants are using social services but are not paying the taxes to support them. They also believe that undocumented workers are taking jobs that should go to Americans. Finally, people are concerned that poor control of the country's borders could make terrorist attacks more likely.

Traditionally, immigration law has been considered a federal responsibility. The Constitution authorizes Congress to pass laws in this area, and federal agencies and courts apply these laws. Recently, as some people have become frustrated with federal enforcement of immigration law, states and local governments have started to pass their own laws regulating immigration. The federal courts will hear any cases challenging such laws and determine whether they are Constitutional and can be enforced.

## Problem 45.5

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Consider the following proposed federal law. Develop arguments for and against this law. If you were a member of Congress, would you vote for or against this law? Research to find out how Congress did vote on this law (called *The Dream Act*).

This bill allows certain undocumented immigrant students to attend college or enlist in the military and have a pathway to citizenship. The law requires the following:

- must have entered the U.S. before age 16,
  - must have been present for at least five consecutive years before the passage of the bill,
  - must be a graduate of a U.S. high school (or have a GED), and
  - must have good moral character (no serious criminal convictions).
-







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