Racial Conflict

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Immigrant Detention

Air Pollution and Climate Change

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Campus Sexual Assault

Marijuana Industry

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AND MORE...



ISSUES FOR DEBATE IN AMERICAN PUBLIC POLICY

SELECTIONS FROM CQ RESEARCHER



ISSUES FOR DEBATE IN AMERICAN PUBLIC POLICY

17TH EDITION







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ISSUES FOR DEBATE IN AMERICAN PUBLIC POLICY

CQ Press, an imprint of SAGE, is the leading publisher of books, periodicals, and electronic products on American government and international affairs. CQ Press consistently ranks among the top commercial publishers in terms of quality, as evidenced by the numerous awards its products have won over the years. CQ Press owes its existence to Nelson Poynter, former publisher of the *St. Petersburg Times*, and his wife Henrietta, with whom he founded Congressional Quarterly in 1945. Poynter established CQ with the mission of promoting democracy through education and in 1975 founded the Modern Media Institute, renamed The Poynter Institute for Media Studies after his death. The Poynter Institute (*www.poynter.org*) is a nonprofit organization dedicated to training journalists and media leaders.

In 2008, CQ Press was acquired by SAGE, a leading international publisher of journals, books, and electronic media for academic, educational, and professional markets. Since 1965, SAGE has helped inform and educate a global community of scholars, practitioners, researchers, and students spanning a wide range of subject areas, including business, humanities, social sciences, and science, technology, and medicine. A privately owned corporation, SAGE has offices in Los Angeles, London, New Delhi, Singapore, and Melbourne, in addition to the Washington DC office of CQ Press.

Annotated Contents

ENVIRONMENT

Air Pollution and Climate Change

Air pollution kills 3.3 million people a year world-wide, including 55,000 Americans, according to a recent study by an international group of scientists. Moreover, airborne pollutants, especially carbon dioxide (CO₂), are contributing to global climate change. In response, President Obama, frustrated by congressional inaction, has used his executive authority to institute a sweeping plan aimed at limiting CO₂ emissions from coal-fired power plants, curbing smog-causing ozone and encouraging the growth of renewable energy. Industry officials are challenging Obama's Clean Power Plan in court, arguing the regulations are too costly and that market forces are enough to bring about reductions in pollution. Environmental advocates dismiss those claims and say the administration should have gone further in tightening emission standards. Meanwhile, the United States and almost all the other nations on Earth began climate talks in Paris last year to seek consensus on ways to curb emissions to stave off further warming of the planet.

Pesticide Controversies

Pesticides shield crops from destructive insects, weeds and molds. They also are used in homes, factories, parks and backyards to control pests that spread infectious diseases. But some public health experts, along with environmental and health advocates, argue that pesticides also threaten human health and the environment. Pesticide residues in food have decreased over the past 20 years as the Environmental Protection Agency (EPA) has reduced permissible

levels in many foods and canceled use of some older pesticides. But consumer advocates warn that some products remain unsafe. Studies indicate that pesticides are contributing to widespread declines of bees, butterflies and other creatures that pollinate plants, including many food crops. The declines can drive up costs for farmers and reduce harvests of some crops. The EPA has proposed tighter standards to protect farmworkers from pesticide exposure. However, critics say federal agencies also need to pay more attention to health risks associated with long-term exposure to very low levels of pesticides.

BUSINESS AND ECONOMY

Marijuana Industry

Sales of medical and recreational marijuana totaled nearly \$3 billion in 2014, in what is one of the nation's fastest-growing industries. Experts say sales could reach \$35 billion by 2020 if all 50 states and the District of Colombia legalize the drug. Currently, 23 states and the District of Colombia sanction medical marijuana, and four of those states and the District allow both medical and recreational use. Voters in more states are expected to legalize cannabis in 2016. Yet the industry faces big hurdles. Possession or sale of marijuana remains illegal under federal law, and while the Obama administration has opted not to enforce the law against users in states that have legalized pot, the next president could abandon that policy. What's more, banks fearful of violating the federal law are refusing to offer financial services to marijuana entrepreneurs, making it difficult for them to expand their businesses and meet soaring public demand. And while legal marijuana is generating millions in state taxes, critics say the social costs, such as marijuanaimpaired driving, far outweigh the benefits.

Unions at a Crossroads

Labor unions have played a central role in recent national fights to raise the minimum wage, reduce income disparity and make work hours and rules more worker friendly. In addition, unions have sought to expand their message and membership ranks to nonunion groups and some white-collar sectors, such as adjunct college faculty and lawyers, and to offer union leadership positions to black women, one of their most loyal constituencies. The

recent surge in union activity has prompted some observers to speculate that organized labor may be ripe for a revival. However, some academic experts and labor activists say the odds are stacked against that. They point to continued declines in union membership and unyielding opposition from many businesses and the Republican Party, as well as structural shifts in the workplace toward foreign outsourcing and temporary employees. Even some traditionally pro-union Democratic politicians have split with unions over the Trans-Pacific Partnership, a global trade treaty backed by President Obama that labor officials argue would lead to lost jobs and lower wages.

RIGHTS AND LIBERTIES

Free Speech on Campus

Several recent incidents in which college students have spewed racist or misogynistic language on campus have renewed debate about how much freedom of speech the U.S. constitution actually permits. Among the most notorious examples: the singing of a racist chant last year by several University of Oklahoma fraternity members. College presidents at Oklahoma and other campuses have swiftly disciplined students for speech deemed inappropriate, but civil liberties advocates say college officials are violating students' First Amendment rights to free speech. Meanwhile, critics say a small but growing movement to give students "trigger warnings" about curriculum material that might traumatize them indicates that colleges are becoming overly protective. American universities also have come under fire for accepting money from China and other autocratic governments to create overseas branches and international institutes on their home campuses. Defenders of such programs say they are vital for global understanding, but critics say they may compromise academic freedom.

Housing Discrimination

Almost 50 years after enactment of the Fair Housing Act, racial segregation in housing persists in the United States, in large cities and suburbs alike. Fair-housing advocacy groups blame the federal government for lax enforcement of the law and state and local housing agencies for limited efforts to disperse affordable housing into

predominantly white neighborhoods. They also cite federal studies and court cases that show continuing discrimination against African-Americans, in particular by mortgage bankers, landlords and real estate brokers. The Supreme Court cheered fair-housing advocates with a decision last June endorsing broad application of the law against policies that have a "disparate impact" on minorities. The Department of Housing and Urban Development (HUD) followed with a rule aimed at requiring communities to do more to advance fair-housing policies, but local resistance may slow those efforts. Meanwhile, complaints of housing discrimination against individuals with disabilities now account for a majority of the cases HUD receives each year.

Religious Freedom

Religious liberty is enshrined in the First Amendment to the Constitution, but several high-profile legal cases recently have tested the limits of that freedom, deeply dividing the nation. The Supreme Court's 2015 decision granting same-sex couples the right to marry has led some Christians to refuse to serve gay couples. And the inclusion of a contraception benefit for women in the Affordable Care Act, known as Obamacare, has prompted some Christians to challenge the contraception mandate in court. They say their religious faith will not allow them to support or participate in marriages or birth control they believe violate God's will. But their critics say that by citing their religious faith as a reason to refuse to serve people or recognize their legal rights, they are imposing their religious views on others in violation of the Constitution. Meanwhile, other court battles over religious liberty have involved the right of members of minority religions in the United States, particularly Muslims, to practice their faith.

Transgender Rights

Throughout history, people with gender-identity issues were either ignored or abused. In fact, until recently, transgender individuals—those who don't identify emotionally and psychologically with the sex they were born with—were regarded as mentally ill and were widely spurned, even by gays and lesbians. The picture is beginning to change, however, with the Obama administration championing transgender rights, the Pentagon

signaling it will allow transgender soldiers and sailors to serve openly beginning next year and pop culture favorably portraying transgender celebrities. Nevertheless, transgender people continue to struggle with poor health care coverage, high rates of unemployment, violence—including murder—and suicide. Congress and most states have refused to mandate anti-discrimination protections for transgender individuals, in part because of a backlash over the issue of which public restrooms transgender people should use. While transgender individuals are experiencing growing public and political support, they have a long way to go before they can achieve full acceptance.

SOCIAL POLICY

Campus Sexual Assault

Charges of rape and other sexual assaults on college and university campuses-and how school officials investigate and adjudicate them—are receiving unprecedented attention. Young women who believe their schools mishandled their cases have formed advocacy groups, and they and others have filed complaints with the U.S. Department of Education, which is investigating 86 colleges and universities. The White House created a special task force on campus sexual assault, and Congress passed legislation in 2013 mandating training for school personnel and ongoing education for students on the issue. But as momentum builds to hold schools more accountable, civil libertarians say the pressure is leading schools to violate the rights of accused students. Meanwhile, the standard of evidence schools use when deciding sexual assault cases is under debate, along with whether schools' adoption of so-called affirmative consent for sexual encounters is too intrusive, and whether schools should turn over all investigations to police.

Reforming Juvenile Justice

Youth advocates are seizing on bipartisan interest in criminal justice reform and historically low crime rates to lobby states to lighten sentencing standards for juveniles. They also advocate more efforts to prepare troubled teenagers—even those convicted of the most violent crimes—to be productive members of society. In 2012 the U.S. Supreme Court ruled that mandatory life terms

without parole for juveniles were unconstitutional, and this fall it will hear a case on whether to make that decision retroactive for adult prisoners who committed their crimes as juveniles. But prosecutors and victims' rights advocates say youths still must be held accountable for their crimes and judges should be able to refer repeat and violent offenders to adult court. Forming a backdrop to the debate is neuroscientific research on adolescent brain development that indicates juveniles' reasoning abilities and impulse control are limited well into their 20s. The research also suggests that they can change their behavior, raising questions about youths' culpability and likelihood of rehabilitation.

Racial Conflict

Race-centered conflicts in several U.S. cities have led to the strongest calls for policy reforms since the turbulent civil rights era of the 1960s. Propelled largely by videos of violent police confrontations with African-Americans, protesters have taken to the streets in Chicago, New York and other cities demanding changes in police tactics. Meanwhile, students-black and white-at several major universities have pressured school presidents to deal aggressively with racist incidents on campus. And activists in the emerging Black Lives Matter movement are charging that "institutional racism" persists in public institutions and laws a half century after legally sanctioned discrimination was banned. Critics of that view argue that moral failings in the black community-and not institutional racism-explain why many African-Americans lack parity with whites in such areas as wealth, employment, housing and educational attainment. But those who cite institutional racism sav enormous socioeconomic gaps and entrenched housing and school segregation patterns stem from societal decisions that far outweigh individuals' life choices.

HEALTH

Prisoners and Mental Illness

Thousands of people with schizophrenia, severe depression, delusional disorders or other mental problems are locked up, often in solitary confinement. While some committed violent crimes and remain a threat to themselves or other inmates and prison staff,

many are incarcerated for minor offenses, simply because there is no place to send them for treatment. The number of mentally ill inmates has mushroomed in recent years as states have closed their psychiatric hospitals in favor of outpatient community mental health centers that typically are underfunded and overcrowded. In an attempt to reduce the influx of mentally ill inmates, some 300 specialized mental health courts have diverted them into court-monitored treatment instead of jail. Yet, many participants re-offend, and some experts say psychiatric treatment alone won't prevent criminal behavior. Meanwhile, courts in more than a half-dozen states have declared solitary confinement unconstitutional for those with mental illness. However, some corrections officials say solitary is necessary to separate dangerous prisoners.

Reforming Veterans' Health Care

The Department of Veterans Affairs is struggling to recover from revelations that some of its facilities forced military veterans to wait months for health care and that some VA officials kept bogus records to conceal the delays. VA Secretary Robert A. McDonald-a West Point graduate and former CEO of consumer-products giant Procter & Gamble-has vowed to streamline the vast department into a more effective organization better able to serve the 6.6 million patients who seek its medical services each year. But critics complain the former paratrooper has been too slow to fire those responsible for the scandals, and they worry that his lack of health care and government experience may prevent him from succeeding. Despite its recent problems, the VA has conducted Nobel Prize-level research and-especially over the last two decades—delivered high-quality care to most of its patients.

NATIONAL SECURITY

Immigrant Detention

In 2014, 425,000 undocumented immigrants—far more people than are held in federal prison—were held in the 250 detention centers run by U.S. Immigration and Customs Enforcement (ICE). Most of the detainees were awaiting deportation or a ruling on their eligibility to remain in the United States, including thousands of

Central American mothers and children seeking asylum from gang violence at home. While most detainees move through the system in days or weeks, some are held for months or even years waiting for backlogged immigration courts to settle their cases. Critics say the detention system leads to physical and mental abuse, the breakup of immigrant families and, in some cases, death by suicide or neglect. Most detainees pose no risk of flight or criminal behavior and should be free pending their hearings, immigrant supporters contend. But groups seeking tighter curbs on immigration say detention is necessary to protect public safety and to ensure that undocumented immigrants do not disappear into the general population before their cases are decided.

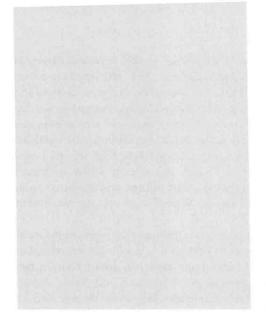
Intelligence Reform

New and evolving national security threats are raising questions about the U.S. intelligence community's effectiveness. A decade after the nation's 16 spy agencies were consolidated under the Office of the Director of National Intelligence, security experts are expressing concerns about interagency rivalries and questioning whether the intelligence community is prepared to deal with domestic and foreign threats, including cyberattacks and recruitment of young Westerners by the Islamic State (ISIS). Meanwhile, Congress has been wrangling over whether to allow the National Security Agency to continue collecting bulk cellphone data from Americans, a practice the spy agency says is necessary to safeguard the

nation from terrorism but that civil libertarians say erodes one of the very principles of democracy it is intended to protect—citizens' right to privacy. At the same time, critics say international reactions to alleged CIA torture of terrorism suspects in the wars in Iraq and Afghanistan continue to undermine the intelligence community's effectiveness on the world stage.

Police Tactics

The killing in August 2014 of an unarmed, black 18-year-old by police in Ferguson, Mo., has intensified a long-simmering debate over how police do their jobs. The shooting of Michael Brown by white officer Darren Wilson has led to angry and sometimes violent protests, initially heightened when police in militarystyle gear and armored vehicles responded to the unrest. The tactics highlighted what some criticize as the "militarization" of America's police forces, fueled by a Pentagon program that supplies local police with surplus weapons and vehicles. Others say police overuse SWAT teams to serve warrants and enforce drug laws. The Ferguson shooting and other recent highprofile police killings of unarmed African-Americans also has ignited a national outcry against what many say is disproportionate police action against black males. Police respond that low-income communities of all races have the highest crime rates and that they need military-style equipment to defend themselves in a heavily armed society.



Preface

re tougher air pollution regulations necessary to limit climate change? Can transgender people achieve equality? Is the U.S. system of detention for unauthorized immigrants too harsh? These questions—and many more—are at the heart of American public policy. How can instructors best engage students with these crucial issues? We feel that students need objective, yet provocative examinations of these issues to understand how they affect citizens today and will for years to come. This annual collection aims to promote in-depth discussion, facilitate further research and help readers formulate their own positions on crucial issues. Get your students talking both inside and outside the classroom about Issues for Debate in American Public Policy.

This seventeenth edition includes sixteen up-to-date reports by *CQ Researcher*, an award-winning weekly policy brief that brings complicated issues down to earth. Each report chronicles and analyzes executive, legislative, and judicial activities at all levels of government. This collection is divided into six diverse policy areas: environment; business and economy; rights and liberties; social policy; health; and national security—to cover a range of issues found in most American government and public policy courses.

CQ RESEARCHER

CQ Researcher was founded in 1923 as Editorial Research Reports and was sold primarily to newspapers as a research tool. The magazine was renamed and redesigned in 1991 as CQ Researcher. Today, students are its primary audience. While still used by hundreds of

journalists and newspapers, many of which reprint portions of the reports, the *Researcher's* main subscribers are now high school, college and public libraries. In 2002, *Researcher* won the American Bar Association's coveted Silver Gavel award for magazine excellence for a series of nine reports on civil liberties and other legal issues.

Researcher writers—all highly experienced journalists—sometimes compare the experience of writing a Researcher report to drafting a college term paper. Indeed, there are many similarities. Each report is as long as many term papers—about 11,000 words—and is written by one person without any significant outside help. One of the key differences is that writers interview leading experts, scholars and government officials for each issue.

Like students, writers begin the creative process by choosing a topic. Working with the *Researcher's* editors, the writer identifies a controversial subject that has important public policy implications. After a topic is selected, the writer embarks on one to two weeks of intense research. Newspaper and magazine articles are clipped or downloaded, books are ordered and information is gathered from a wide variety of sources, including interest groups, universities and the government. Once the writers are well informed, they develop a detailed outline, and begin the interview process. Each report requires a minimum of ten to fifteen interviews with academics, officials, lobbyists and people working in the field. Only after all interviews are completed does the writing begin.

CHAPTER FORMAT

Each issue of *CQ Researcher*, and therefore each selection in this book, is structured in the same way. Each begins with an overview, which briefly summarizes the areas that will be explored in greater detail in the rest of the chapter. The next section chronicles important and current debates on the topic under discussion and is structured around a number of key questions, such as "Is legalized marijuana good for the U.S. economy?" and "Should university conduct codes ban offensive speech?" These questions are usually the subject of much debate among practitioners and scholars in the field. Hence, the answers presented are never conclusive but detail the range of opinion on the topic.

Next, the "Background" section provides a history of the issue being examined. This retrospective covers important legislative measures, executive actions and court decisions that illustrate how current policy has evolved. Then the "Current Situation" section examines contemporary policy issues, legislation under consideration and legal action being taken. Each selection concludes with an "Outlook" section, which addresses possible regulation, court rulings, and initiatives from Capitol Hill and the White House over the next five to ten years.

Each report contains features that augment the main text: two to three sidebars that examine issues related to the topic at hand, a pro versus con debate between two experts, a chronology of key dates and events and an annotated bibliography detailing major sources used by the writer.

ACKNOWLEDGMENTS

We wish to thank many people for helping to make this collection a reality. Thomas J. Billitteri, managing editor of *CQ Researcher*, gave us his enthusiastic support and cooperation as we developed this seventeenth edition. He and his talented editors and writers have amassed a first-class library of *Researcher* reports, and we are fortunate to have access to that rich cache. We also thankfully acknowledge the advice and feedback from current readers and are gratified by their satisfaction with the book.

Some readers may be learning about *CQ Researcher* for the first time. We expect that many readers will want regular access to this excellent weekly research tool. For subscription information or a no-obligation free trial of *Researcher*, please contact CQ Press at www.cqpress.com or toll-free at 1-866-4CQ-PRESS (1-866-427-7737).

We hope that you will be pleased by the seventeenth edition of *Issues for Debate in American Public Policy.* We welcome your feedback and suggestions for future editions. Please direct comments to Michael Kerns, Acquisitions Editor for Public Administration and Public Policy, CQ Press, an imprint of SAGE, 2600 Virginia Avenue, NW, Suite 600, Washington, DC 20037; or send e-mail to Michael.Kerns@sagepub.com.



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