

No Child Left Behind



Marijuana Laws



Social Security Reform



Right to Die



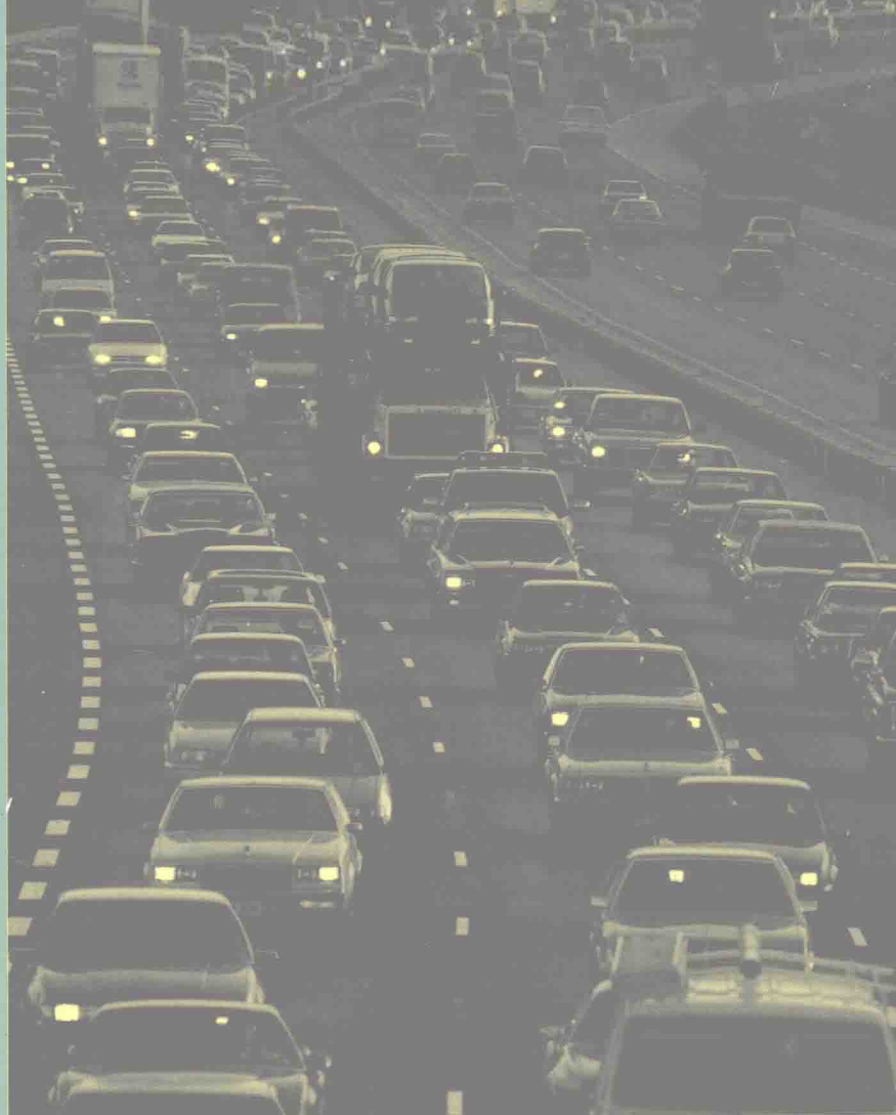
Smart Growth



Middle East Peace

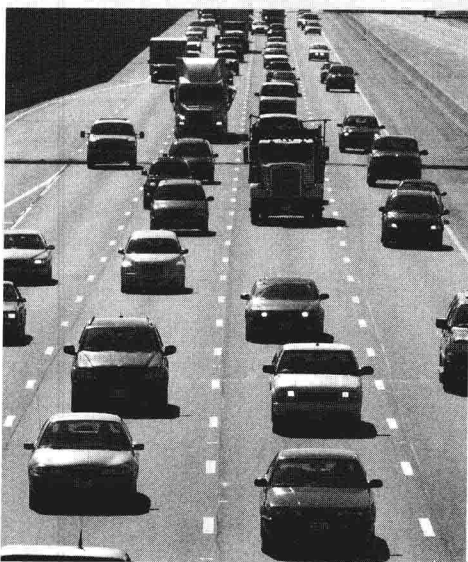


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ISSUES FOR DEBATE IN AMERICAN PUBLIC POLICY

SELECTIONS FROM THE CQ RESEARCHER



Issues for Debate in American Public Policy

S I X T H E D I T I O N



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Annotated Contents

The 16 *CQ Researcher* reports reprinted in this book have been reproduced essentially as they appeared when first published. In the few cases in which important new developments have since occurred, updates are provided in the overviews highlighting the principal issues examined.

EDUCATION

No Child Left Behind

More than three years have passed since President George W. Bush signed the No Child Left Behind Act, the most recent reauthorization of the Elementary and Secondary Education Act. The nearly 1,000-page bill increases funding for schools that serve poor students, mandates highly qualified teachers in every classroom and holds schools that take federal funds accountable for raising student achievement across income brackets and racial groups. As schools and districts try to meet the demands of the law, the debate about its fairness and merit is intensifying. States and school districts want more flexibility and more funding, and some are going to court to challenge the law, while supporters worry that it is in danger of being significantly diluted.

Rising College Costs

Tuition and fees at public colleges and universities soared by 10.5 percent from the last academic year to this year, continuing a quarter-century trend of higher-education costs rising faster than inflation. The average total cost of attending a private school jumped to \$27,516 annually—far beyond the means of most American families. However, the size of federal grants to students has not kept pace

with rising prices, and state appropriations to colleges have not adjusted to burgeoning enrollments. Colleges have asked for increased government spending on higher education, but Republican congressional leaders are skeptical about the need for more federal aid and whether such aid would solve the problem. To cope with the financial crunch, more and more colleges are turning to innovative uses of technology to reduce their costs.

HEALTH CARE

Marijuana Laws

A dozen states have adopted legislation in recent years allowing patients with certain illnesses to use marijuana as a medicine, even though these measures clearly conflict with federal anti-marijuana laws. In California, federal drug agents have raided the homes of patients using medical marijuana, claiming federal law superceded California's law permitting compassionate use of marijuana. Recently, two medical marijuana users challenged Washington's authority to overrule a state's law, but the U.S. Supreme Court ruled in favor of the federal government in June 2005. Meanwhile, some studies show that marijuana is less addictive than caffeine, and legalization proponents argue that it should therefore be available to adults for personal use. The U.S. government and other critics continue to insist that marijuana should remain illegal because it is not an effective medicine, and it is dangerous both in its own right and as a "gateway" drug to cocaine and other more addictive and harmful drugs.

Sexually Transmitted Diseases

The United States has the highest rate of sexually transmitted diseases (STDs) of any industrialized nation. Yet some experts contend the United States has no concerted, national campaign to prevent and cure infection. Although the number of new AIDS cases has fallen dramatically in the United States, adolescents, minorities and women suffer disproportionately high rates of all sexual infections. The Bush administration argues that abstinence is the only completely effective approach to avoiding STDs and bars any organization receiving federal funding for abstinence-only education from discussing contraceptives, except to point out their failure rates. But public health officials see condoms as an essen-

tial protective measure against STDs. They say the abstinence-only message deprives teenagers of crucial, potentially life-saving information and makes little sense in developing countries, where married women are the fastest-growing group infected with AIDS.

SOCIAL POLICY

Child Welfare Reform

The U.S. child welfare system is designed to protect the nation's children, but in recent years it has been rocked by horror stories of children who were physically and sexually abused and even murdered. However, a nationwide reform movement offers hope for the future. Welfare agencies across the country are focusing more on keeping families together and quickly moving the nation's 500,000 foster children into permanent homes. Although the foster care rolls are dropping, unadopted foster teens still must struggle with a lonely transition to adulthood after leaving the system. State programs still fall short; not one has passed a federal review, but states are hitting improvement targets in follow-up checks. Social workers continue to complain that they are underpaid and overworked. Meanwhile, Congress is divided over a Bush administration plan that would give states more flexibility in using federal funds but end the guarantee of federal support for every foster child.

Social Security Reform

Social Security has provided a guaranteed income for retirees, widows and disabled individuals for almost 70 years. But unless changes are made to the taxpayer-funded system, Social Security will begin paying more in benefits than it collects in payroll taxes in about 15 years. That's when the retirement of millions of baby boomers will overwhelm the system's pay-as-you-go funding mechanism. Moreover, by 2052, the program's trillion-dollar trust fund is expected to run dry. Experts continue to debate the seriousness of the program's problems and the best way to strengthen it. Three years ago, President George W. Bush called for bolstering Social Security funding by allowing workers to invest part of their payroll contributions in personal investment accounts. Since his reelection, Bush has put Social Security reform at the top of his legislative agenda.

CIVIL LIBERTIES, CIVIL RIGHTS AND JUSTICE

Right to Die

Terri Schiavo lay in a “persistent vegetative state” for 15 years until she died on March 31, 2005, after hospice staff removed her life-sustaining feeding tube. Schiavo’s case touched off a wrenching nationwide debate that continues in political, legal and medical circles over when, if ever, to withdraw life support from incapacitated patients unable to express their own wishes. Many advocates and experts used the case to emphasize the need to write a “living will” and designate a “health-care proxy” to help make such decisions, but only a small minority of Americans have taken either step. Some members of Congress want to make it harder to remove life support, but others say that no legal changes are needed and the issue is for the states to decide, not the federal government. Meanwhile, the U.S. Supreme Court is preparing to hear the Bush administration’s attempt to thwart the Oregon law legalizing physician-assisted suicide—a law twice approved by the state’s voters but strongly opposed by right-to-life and disability-rights groups.

Supreme Court’s Future

For the past 18 years, Chief Justice William H. Rehnquist has led a Supreme Court with a tenuous conservative majority and a cohesive liberal bloc. Now battling cancer, Rehnquist is widely expected to retire soon, perhaps before the end of the court’s current term this summer. That would allow President George W. Bush to put his stamp on the court, which has had no vacancies for more than 10 years. Other justices are also nearing the end of their tenure, including the court’s most liberal member, John Paul Stevens. Bush has promised to nominate conservative jurists to the court, which could start fierce confirmation fights in the closely divided Senate. Republicans are already angry with Democrats’ tactics in blocking votes on Bush’s nominees for lower courts. Meanwhile, the court’s calendar includes controversial cases on the death penalty, church-state relations and property rights.

Gang Crisis

Once an urban problem, street gangs have now infiltrated U.S. communities large and small. Gang experts

say at least 21,500 gangs—with more than 731,000 members—are active nationwide. Long-established domestic gangs like the Bloods and the Crips remain powerful, but the problem has worsened dramatically in recent years. Heavy immigration, particularly from Latin America and Asia, has introduced highly violent gangs like Mara Salvatrucha and the Almighty Latin Kings Nation. Bound by tight ethnic and racial ties, they often stymie police investigations by assaulting or killing potential witnesses. Having already diversified from illegal drugs into auto theft, extortion, property crimes and home invasion, some East Coast gangs have started trafficking in fraudulent identification papers that could be used by terrorists. While experts agree that gangs are more pervasive than ever, few agree on a remedy. Proposed legislation would increase penalties for gang membership and gang crimes, but critics say it won’t solve the problem.

ENVIRONMENT

Alternative Energy

Recent breakthroughs in hydrogen fuel-cell technology offer new hope that the United States could one day end its dependence on fossil fuels. Proponents of renewable fuels say non-polluting hydrogen could both help end U.S. reliance on Middle Eastern oil and dramatically reduce air pollution and emissions of carbon dioxide, the main greenhouse gas linked to global warming. The Bush administration is intensifying its support for fuel cells, including a proposal to spend \$1.2 billion on hydrogen research over the next five years. But critics, even those who foresee a major role for hydrogen fuel cells, note the administration is also proposing increases in domestic production of highly polluting fossil fuels to generate electricity and power cars as well as to produce the hydrogen itself. Critics also say the administration is continuing to reject caps on carbon emissions and underfund subsidies for wind power and other renewable-energy technologies.

Smart Growth

Sprawling suburbs, increasing traffic congestion, strip malls surrounded by acres of parking lots: Are these long-standing features of the modern American landscape only

going to get worse? Without a shift in priorities, projected population increases over the next few decades are expected to accelerate the spread of development away from city and town centers. Critics contend that sprawl eats up valuable open space, worsens air and water pollution and destroys Americans' sense of community. They champion policies that encourage "smart growth"—compact neighborhoods that combine housing, offices, schools and other amenities linked by public transportation and sidewalks. Developers and land-rights advocates call such policies intrusive social engineering and say sprawl is unstoppable—a sign of American prosperity and an efficient market responding to the growing demand for a piece of the American dream.

BUSINESS AND THE ECONOMY

Big-Box Stores

America is teeming with Wal-Marts, Home Depots and other "big-box" chain stores—some larger than five football fields. Millions of consumers like the low prices, free parking and one-stop shopping convenience offered by the megastores, while policymakers say the stores create jobs, enable customers to save money for other expenditures and pump much-needed tax dollars into community coffers. Critics say big-box stores actually harm local economies and flourish only because they receive public subsidies, pay low salaries and benefits and utilize unethical and possibly illegal practices to drive smaller, locally owned competitors out of business. Critics also say the stores cause added traffic congestion and suburban sprawl, force U.S. companies to ship high-paying manufacturing jobs overseas and cost more in local services than the taxes they generate. Communities increasingly are passing special ordinances to keep the big retailers out, but the chains are fighting back, saying they are simply giving consumers what they want.

Privatizing the Military

Since the Cold War ended, a downsized U.S. military has increasingly turned to private contractors to fill positions once held by military personnel. In U.S.-occupied Iraq, most of the jobs involve logistical support, but several thousand contractors also work as armed security guards or help interrogate Iraqi prisoners. The privatiza-

tion trend went largely unnoticed until April 2004, when insurgents in Fallujah murdered four civilian security guards and burned and mutilated their bodies. Soon afterward, at least two contract interrogators were implicated in prisoner abuses at Baghdad's Abu Ghraib prison. The incidents have renewed questions about the effectiveness and legal status of private contractors operating in war zones and the wisdom of the Pentagon's increasing reliance on private contractors. Supporters of privatization say the military's use of contractors saves taxpayers money and improves efficiency by freeing up soldiers for strictly combat operations.

FOREIGN POLICY

International Law

The Bush administration has been widely condemned for skirting international law in its harsh handling of enemy combatants after the war in Afghanistan and bypassing the United Nations in the invasion of Iraq. Critics at home and abroad say the policies weakened international support for U.S. actions and could endanger any U.S. service members captured in future conflicts. Liberal advocacy groups are urging the U.S. Supreme Court to consider foreign and international law in making decisions and the lower courts to be open to suits against foreign officials or multinational corporations for human rights violations abroad. Conservatives counter that foreign law has no role in U.S. constitutional issues and are joining with business groups to urge U.S. courts to restrict litigation for overseas offenses. Meanwhile, there is growing concern that international trade laws grant dispute-settlement tribunals powers so broad they can challenge U.S. court decisions and domestic laws that protect health, safety, the environment and workers' rights.

Middle East Peace

After more than four years of violence and little negotiation, the Middle East is abuzz with new hopes for peace. In the first leadership change in decades, moderate politician Mahmoud Abbas has been chosen as Palestinian president following the death of Yasser Arafat, who was long considered the primary obstacle to peace by Israel and the United States. Prime Minister Ariel Sharon is

planning to unilaterally withdraw Israeli settlements from the Gaza Strip, and President George W. Bush has committed the United States to helping resolve the conflict. These developments may revive peace talks focusing on the eventual creation of an independent Palestinian state. However, skeptics argue the physical and psychological foundations needed for peace are being eroded by Palestinian suicide bombings and harsh Israeli reprisals, confiscations of Palestinian farmland, expansion of Israeli settlements and the erection of an immense barrier between Palestinian and Israeli lands.

Exporting Democracy

At his second inauguration in January 2005, President George W. Bush vowed “to seek and support the growth

of democratic movements and institutions in every nation.” Although critics from Russian President Vladimir Putin to political scientist Francis Fukuyama said the president was taking on too great a challenge and that similar efforts in the past have failed, the president’s backers urged him to stay the course. Successful elections in Iraq and Afghanistan and promising pro-democracy activities in Lebanon, Egypt, Ukraine, Kyrgyzstan and other nations seemed to prove Bush correct. Still, Bush’s campaign to promote global democracy faces challenges, including forming an interim government in violence-torn Iraq. Moreover, skeptics say, establishing a true government of the people requires civil liberties for women as well as men, a free press, an independent judiciary and the other institutions that make up a democracy.

Preface

Does Social Security face an immediate funding crisis? Should the Senate limit filibusters against judicial nominees? Is democracy taking root in Iraq and Afghanistan? 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 in order 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 important subjects. Get your students talking both inside and outside the classroom about *Issues for Debate in American Public Policy*.

This sixth edition includes 16 up-to-date reports by *CQ Researcher*, an award-winning weekly policy backgrounder 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 seven diverse policy areas to cover a range of issues studied in most American government and public policy courses: education, health care, social policy, civil liberties, civil rights and justice, the environment, business and the economy, and foreign policy.

CQ RESEARCHER

CQ Researcher was founded in 1923 as *Editorial Research Reports* and was sold primarily to newspapers as a research tool. The publication was renamed and redesigned in 1991 as *The CQ Researcher*. Although the *Researcher* is still used by hundreds of journalists and newspapers,

many of which reprint portions of the reports, its main subscribers are now high school, college and public libraries, and its primary audience is students. In 2002, the *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 staff 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 the writers interview leading experts, scholars and government officials for each issue.

Like students, staff 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 or two weeks of intense research. Articles are clipped, books are ordered and information is gathered from a wide variety of sources, including interest groups, universities and the government. Once the writer feels well informed, he or she begins the interview process. Each report requires a minimum of 10 to 15 interviews with academics, officials, lobbyists and people working in the field. After all interviews are completed, the writer develops a detailed outline. Only then 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, "Issues," is the core of each chapter. It chronicles important and current debates on the topic under discussion and is structured around a number of key issue questions, such as "Has the U.S. allied itself too closely with Israel?" and "Does the child welfare system prepare foster adolescents for adulthood?" 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 10 years.

Each report contains features that augment the main text: two or three sidebars that examine issues related to the topic at hand, a debate between two experts with opposing views on the topic, a chronology of key dates and events and an annotated bibliography that details the major sources used in writing the article.

ACKNOWLEDGMENTS

We wish to thank many people for helping to make this collection a reality. Tom Colin, managing editor of *CQ Researcher*, gave us his enthusiastic support and cooperation as we developed this sixth edition. He and his talented staff of 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 the *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 sixth edition of *Issues for Debate in American Public Policy*. We welcome your feedback and suggestions for future editions. Please direct comments to Charisse Kiino, CQ Press, 1255 22nd Street, NW, Suite 400, Washington, DC 20037, or ckiino@cqpress.com.

—The Editors of *CQ Press*

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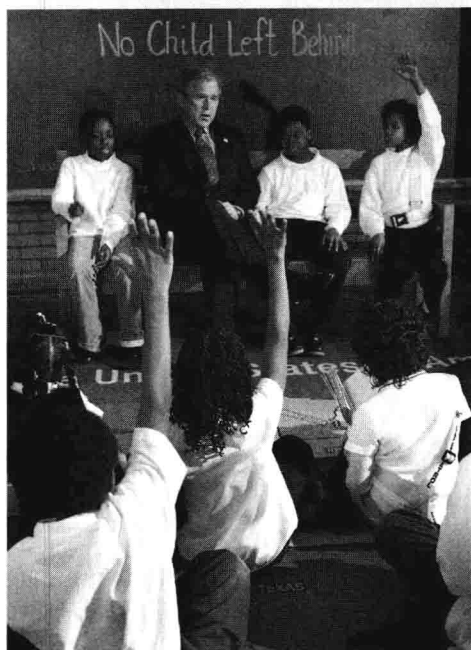
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No Child Left Behind

Barbara Mantel



President Bush visits with students in St. Louis, Mo., on Jan. 5, 2004, the second anniversary of the No Child Left Behind Act. Bush has called the sweeping overhaul of federal education policy the start of “a new era, a new time in public education.” But today the bipartisan legislation is under heavy criticism from Republicans and Democrats alike. Besides seeking exemptions from parts of the law, legislators are pressing Congress for more money to implement the act.

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Politics indeed makes for strange bedfellows: There was President Bush standing on a Boston stage flanked by four jubilant legislators, two Republicans and two Democrats, including liberal lion Sen. Edward M. Kennedy of Massachusetts. The occasion was the signing on Jan. 8, 2002, of the No Child Left Behind Act — a sweeping, bipartisan overhaul of federal education policy.

Cheering crowds greeted Bush and the four lawmakers that day as they touted the new law on a whirlwind, 12-hour tour of three states, with the president calling the legislation the start of “a new era, a new time in public education.”

Kennedy, who played a key role in negotiating the bill’s passage, told Bush: “What a difference it has made this year with your leadership.”¹

The law is actually the most recent reauthorization of the Elementary and Secondary Education Act (ESEA), which since 1965 has tried to raise the academic performance of all students.

“This legislation holds out great promise for education,” said education researcher G. Gage Kingsbury, director of research at the Northwest Evaluation Association, in Lake Oswego, Ore. “But it also has strong requirements and includes a host of provisions that have never been tried on this scale before.”²

No Child Left Behind (NCLB) increases the reach of the federal government into the management of local schools and raises the stakes for schools, districts and states. It increases funding for schools serving poor students, mandates “highly qualified” teachers in every classroom and holds schools that accept federal funds accountable for raising the achievement of all students. Schools that