

## **A CASE STUDY IN CITIZEN LOBBYING**

by

*Melanie Biermann and Jim Dillard*

### **Why Introduce Students to Lobbying?**

“How a bill becomes law...” I repeated those words as I distributed an oft—copied diagram showing the many steps in Virginia’s lawmaking process. I winced at the sound of my own words—how dull! How bloodless! I scanned the classroom and blinked my sixth period class into sharp focus. I thought, “They are already starting to check out! They are slumping into senioritis and it is only December!” Some heads were nodding and others were already down on their desks. I wondered, “How could they stand it until June? How could I stand it until June?” There had to be a better way.

Later that afternoon, I had a surprise visit from Jim Dillard, a veteran government teacher in Fairfax County and a Republican member of the House of Delegates. Jim worked as a social studies resource teacher and visited my classes regularly to talk about government issues. He was an exciting speaker, an activist, and well—versed in state politics. I complained to him loudly, “What can I do to get a more enthusiastic response from these students?” Jim had a ready answer, “You need to get the kids involved in a real—life government project. They could actually write a law and try to get it passed.” The thought was intriguing, but scary. Lots of potential problems crossed my mind: Would the kids even be interested? What would the principal say? Would parents be supportive?

Jim and I tossed around some possibilities for the project. We decided to choose a subject that was politically neutral. To be successful by any measure, the project would have to garner broad support from the school and local community. Therefore, the first political lesson involved gauging community sentiment.

After discussing truck covers, smoking restrictions, and bottle deposits, Jim suggested the idea of child seat restraints which had been endorsed by the Fairfax County Federation of Civic Associations. At that time, thirteen states required the use of these molded and strapped contraptions for infants riding in automobiles. The idea seemed as if it might appeal to my students and would be acceptable to the community since it loosely fit into the “motherhood and apple pie” category.

### **How I Introduced the Source**

I approached my sixth period government class, a motley crew of football players, thespians, and part—time McDonald’s flippers, with the idea. All the students would be

involved in a project that tracked legislation moving through the General Assembly, but I wanted to recruit about six diligent volunteers who would be willing to devote extra time and effort to this project. I was not disappointed. Several students jumped at the chance and we put together a team of young people with great differences in interests, friends, and grade averages. I approached the principal with the idea as well. After some prodding, he agreed to support the project. Finally, through a series of personal calls, I lined up support from parents, the PTO leadership, and several prominent citizens. The second lesson learned was that the process of coalition-building, at all levels, it is integral to the political process. This lesson also became increasingly important for the students as we became further involved in the law—making maze.

The General Assembly always convenes on the second Wednesday in January. We had roughly six weeks to plan and implement our idea, now officially titled “The Child Seat Restraint Bill Project.” Jim met with the student volunteers and outlined their mission and told them, “You need to do some research, build a base of support, and look for opportunities to build coalitions. You can expect some late nights, quick changes, and a couple of trips to Richmond.” He warned about unforeseen obstacles when he stated, “Very few bills pass through the committee and the floor voting process to become law the first time around. Your chances for success are slim. Many folks downstate resent us in Fairfax, the ‘sovereign state of Northern Virginia.’ Many Virginians also resent what they see as an unwarranted intrusion by the state into the personal conduct of their lives. Our critics will argue that with the Child Seat Restraint Bill, the state is messing around with the right of individuals to make their own decisions. Some feel that the least government is the best government.”

The students were incredulous. “How can those legislators believe that? The bill is designed to save lives of children! How can they let babies die?” The emotions were running high as we all began to feel the heat of political battle!

Jim checked with the Division of Legislative Services, which is a state office in Richmond that has the responsibility for taking ideas and turning them into bills. The staff of the Division of Legislative Services has several responsibilities: they research the *Code of Virginia* and find niches for new bills, supply background information, actually draft the bills, and craft appropriate wording for legislators’ proposals.

### **The Process**

We had anticipated that the students would actually work up a rough outline for a Child Seat Restraint Bill, but Jim found that one had been introduced in the previous session. Senator **Frederick Gray**, the bill’s patron, was planning to reintroduce his bill in January and welcomed support from the students. This turned out to be a lucky break; both the Division of Legislative

Services and Senator Gray had files of information that gave us a head start on background research.

The students planned their work schedule and divided up assignments. Several would conduct background research; in the pre—internet days, this primarily consisted of contacting states where child seat restraints were already law. The students were looking for model bills (since states often copy other states' laws), support from special interest groups, and statistical information. Several other students began to look for sources of support within our local area and the state.

As the research processes snowballed, we found existing support from a wide cast of characters. The League of Women Voters (LWV), the Virginia Pediatric Association (VPA), the American Automobile Association (AAA), the Virginia Service Station Owners' Association, as well as several associations representing law enforcement, were on the bill's bandwagon with varying degrees of commitment and support. Through a letter writing and phone call campaign, the students also sought support from high school student governments and local civic associations in Fairfax County. With so little time between the conception of the project and the end of the legislative session, active and useful support from these groups was slow at best and non-existent at worst. The lessons of grassroots organizing became apparent here; a political organizer needs to list all sources and types of possible support, determine why it is in a groups or individual's self-interest, and organize that support early out. The same goes for those who might form the opposition. An organizer needs to know who the opposition is and what their arguments are.

January was soon upon us and the students were anxiously awaiting Jim's near daily updates from Richmond. Their background research yielded some remarkable information. Most memorable was the single statistic that 18 to 20 infants died each year in auto accidents in Virginia. Given the technology of child seat restraints, it was estimated that 90 to 95 percent of these babies could survive if properly restrained. As the students gathered this type of information, they incorporated it into their testimony for the committees that would be reviewing the bill. They were anticipating opposition arguments while they were looking for the right intellectual and emotional hooks for their case.

Jim had warned us about the seemingly disorganized nature of the law making process in Richmond. Meetings were called, cancelled, and rescheduled with only a few hours notice. Armed with signed, but open dated field trip forms, we waited. Finally, the call arrived. The Senate Committee on Education and Health would hold a public hearing on our bill the next day. We were all excited, but frightened as well!

We arrived at the cramped, smoky committee room in Mr. Jefferson's Capitol just in time for the 9 a.m. gavel call to order. Several other bill presentations preceded ours; it gave us a chance to learn a little legislative lingo. We learned, for example, that a vote to PBI (pass by indefinitely) meant immediate and merciless death for a bill. Finally, Senator Gray introduced his bill and Jim, as its patron in the House of Delegates, offered a few words of support. A pediatrician and a representative of the AAA provided more comments. Several people spoke against the proposal. Then it was the students' turn. Three of them spoke, each with two or three minutes of prepared statements. They had their statistics straight and they punched in the hard facts that 18–20 children would live each year if the bill were passed. They countered the opposition's main argument and answered some questions about individual rights. The highlight of the testimony came when one of the students, in a most dramatic fashion, told of his own survival in an auto crash because his mother had him secured in an early-model safety seat. The committee members sat up straighter in their rolling chairs and their body language changed with signs that they approved of our cause and presentations. The lesson was well learned; it is not good enough to know you are right. You also have to convince others through hard evidence that you are right.

The *Child Seat Restraint Bill* made it out of committee that day with little opposition. We were all elated, but the work had just begun. We plotted strategy with the bill's patrons and shared work assignments with lobbyists from the Virginia Pediatric Association and AAA. We made arrangements to contact key senators before the full floor debate. We tried to pinpoint possible sources of opposition.

Within the next two weeks, the bill went through its prescribed readings in the Senate and crossed over to the House of Delegates. The committee testimony process was repeated, and again the students offered thoughtful and well prepared comments in its favor. The House Committee on Health, Welfare, and Institutions approved the bill with several minor changes. We were almost there!

Finally, in the waning days of the legislative session, the bill came to final floor debate in the House of Delegates. Jim's teaching and debating skills served him well. Our bill passed its last legislative hurdle and, by a strong vote, was on its way to the Governor's desk. In its final form, the bill called for the use of mandatory child seat restraints by parents and guardians for all children under four years of age riding in a private motor vehicle. Special provisions were made for children with medical problems and funding was earmarked for the purchase or use of the seats by indigents.

A few weeks later, on a perfect early spring morning, Jim Dillard, six students, and I walked up the dogwood-lined slopes of Capitol Hill and climbed the historical steps to the tiny third-floor office of the Governor. Senator Gray, several doctors, and other proponents of the bill arrived for the official signing. Governor Charles Robb spoke approvingly of our work and cheerfully signed the *Child Seat Restraint Act* into law. What had started out as a simple unit on state government had turned into a lifelong lesson on politics for all of us!

### **Final Reflection**

It is difficult to measure the effects of that experience, but I believe it was a life-changing opportunity for both my students and myself. The students learned about politics in the “real world.” They learned they had the talent and personal power to “change the way things are.” This sense of efficacy and personal empowerment, according to current educational psychology, is the foundation of positive growth in learning experiences. They learned that “government of the people and by the people” is not an abstract and antiquated concept. They learned that the ideal of participatory democracy really does work for them.

For me, the project became a means of re-committing myself to my profession and to my belief in the American political process. I again believed that individuals can change their corner of the world. And, every time I see a child strapped into a seat restraint, I am proud that we had a small part in saving the lives of our youngest Virginians.

1982 REGULAR SESSION  
ENGROSSED

SENATE BILL NO. 413

Senate Amendments in [ ] - February 18, 1982

A BILL to amend the Code of Virginia by adding in Chapter 4 of Title 46.1 an article numbered 9.1, consisting of sections numbered 46.1-314.2 through [ 46.1-314.6 46.1-314.7 ] , to require restraint devices for transporting children in certain motor vehicles; penalties; exceptions.

Patrons--Gray, F. T., Canada, Mitchell, Gartlan, Waddell, Halley, DuVal, and Buchanan;  
Delegates: Dillard, Watts, and Cohen

Referred to the Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 4 of Title 46.1 an article numbered 9.1, consisting of sections numbered 46.1-314.2 through [ 46.1-314.6 46.1-314.7 ], as follows:

Article 9.1.

Child Restraint Devices.

§ 46.1-314.2. Child restraint devices required.—The driver of any motor vehicle [ registered in Virginia and ] manufactured subsequent to January 1, 1968, shall ensure that any child under the age of four being transported therein is provided with and properly secured in a child restraint device of a type which has been approved by the Director of the Department of Transportation Safety.

§ 46.1-314.3. Exceptions for certain children.—Whenever any physician licensed to practice medicine in this Commonwealth determines, through accepted medical procedures, that use of a child restraint system by a particular child would be impractical by reason of the child's weight, physical unfitness, or other medical reason, the child shall be exempt from the provisions of this article. The driver of any vehicle transporting any child so exempted shall carry on his person or in the vehicle a signed written statement of the physician identifying the child so exempted and stating the grounds therefor.

§ 46.1-314.4. Provisions for indigents; special fund created.—A. Upon the application of any person to [ a local department of public welfare or social services the Department of Transportation Safety ] and a finding by that department that the applicant is unable to acquire a child restraint device because of his financial inability, the department shall issue a certificate declaring such finding. [ The person named in the certificate shall then take or mail a copy of the certificate to the Department of Transportation Safety with an application, or a form approved by the Department, for the loan of a child restraint device. Upon receipt of the application, the The ] Department of Transportation Safety shall [ then ] loan the applicant a device for as long as he [ or she ] has a need to transport children.

B. Child restraint devices referred to in this section shall be purchased by the Department of Transportation Safety from a special fund which is hereby created and shall be known as the Child Restraint Device Special Fund. It shall consist of all civil penalties that are collected pursuant to § 46.1-314.5 and other funds that may be

1 appropriated or allocated for the purpose.

2 § 46.1-314.5. Penalties; violations not negligence per se.—A. Any person, including those  
3 subject to jurisdiction of a juvenile and domestic relations district court, found guilty of  
4 violating the provisions of this article shall be subject to a civil penalty in the amount of  
5 twenty-five dollars for a violation of § 46.1-314.2, [ ~~and~~ or, if applicable, a civil penalty ]  
6 in the amount of ten dollars for failure to carry a statement as required by § 46.1-314.3.  
7 The court may waive or suspend the imposition of the penalty for a violation of §  
8 46.1-314.2 if it finds that the failure of the defendant to comply with the section was due  
9 to his financial inability to acquire a child restraint system. All civil penalties collected  
10 pursuant to this section shall be paid into the Child Restraint Device Special Fund as  
11 provided for in § 46.1-314.4 B.

12 B. Violations of the provisions of this article shall not constitute negligence per se.

13 § 46.1-314.6. Further exemptions.—The provisions of this article shall not apply to:

14 1. The transporting of any child in a vehicle having an interior design which makes  
15 the use of such device impractical [ ~~with~~ or situations where ] the number of persons  
16 occupying the vehicle at the time [ makes the use of such device impractical ] ;

17 2. Any person who, in the course of another activity, may occasionally transport a  
18 child if such person is not the parent or legal guardian of the child being transported; and

19 3. The transporting of children by [ ~~motorcycle~~ public transportation ] , bus, [ ~~or~~ ]  
20 school bus [ , or farm vehicle ] .

21 [ § 46.1-314.7. Use of standard seat belts permitted.—The use of a seat belt of the type  
22 which is standard equipment in new automobiles sold in this Commonwealth shall not  
23 violate this article if (i) the affected child is at least 3 but less than 4 years of age and (ii)  
24 the weight and size of the child is such as to make the use of such seat belt practical  
25 and the use of an approved child restraint impractical. ]

26 [2. That the provisions of this act shall become effective January 1, 1983.]

27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44

| Official Use By Clerks                     |  |
|--|--|
| <b>Passed By The Senate</b>                | <b>Passed By The House of Delegates</b>    |
| without amendment <input type="checkbox"/> | without amendment <input type="checkbox"/> |
| with amendment <input type="checkbox"/>    | with amendment <input type="checkbox"/>    |
| substitute <input type="checkbox"/>        | substitute <input type="checkbox"/>        |
| substitute w/amdt <input type="checkbox"/> | substitute w/amdt <input type="checkbox"/> |
| Date: _____                                | Date: _____                                |
| _____<br>Clerk of the Senate               | _____<br>Clerk of the House of Delegates   |

A bill to amend the code of Virginia by adding in Chapter 4 of Title 46.1 and article numbered 9.1, consisting of section numbered 46.1-314.2 through 46.1-314.7, to require restraining devices for transporting children in certain motor vehicles; penalties; exceptions. (Title Amended)

LD1033121 M

A summary of this bill as introduced is as follows:

Child restraint devices. Requires use in vehicles of restraint devices for all children under 4 years old.

Committee Amendments Agreed to by Senate

Page 1, Line 18, AFTER vehicle

INSERT registered in Virginia and

Page 1, Line 31, AFTER to

STRIKE a local department of public welfare or social services

And INSERT the department of transportation safety

Page 1, Line 33, AFTER finding.

STRIKE the person named in the certificate shall then take or mail a copy of the certificate to the department of transportation safety with an application, or a form approved by the department, for the loan of a child restraint device. Upon receipt of the application, the  
And INSERT the

Page 1, Line 37, AFTER shall

INSERT then

Page 1, Line 37, AFTER he

INSERT or she

Page 2, Line 3, AFTER | 46.1-314.2,

STRIKE and

And INSERT or, if applicable, a civil penalty

Page 2, Line 12, AFTER impractical

STRIKE with

And INSERT or situations where

Page 2, Line 13, AFTER time

INSERT makes the use of such device impractical

Page 2, Line 16, AFTER by

STRIKE motorcycle

And INSERT public transportation

Page 2, Line 15, AFTER bus

STRIKE or

Page 2, Line 16, AFTER school bus

INSERT , or farm vehicle

Page 2, AFTER Line 16

INSERT 2. That the provisions of this act shall become effective January 1, 1983.



SB 413 (contd)

Mitchell Floor Title Amendment Agreed to by Senate

Page 1, Line 4, AFTER through

STRIKE 46.1-314.6

And INSERT 46.1-314.7

Mitchell Floor Title Amendment Agreed to by Senate

Page 1, Line 15, AFTER through

STRIKE 46.1-314.6

And INSERT 46.1-314.7

Page 2, Line 17, AT the beginning of the line

INSERT 46.1-314.7 use of standard seat belt permitted – the use of a seat belt of the type which is standard equipment in new automobiles sold in this commonwealth shall not violate this article if (I) the affected child is at least 3 but less than 4 years of age and (II) the weight and size of the child is such as to make the use of such seat belt practical and the use of an approved child restraint impractical.

House Amendment Agreed to by House and Senate

Page 1, Engrossed Bill, Line 19, AFTER required. –

STRIKE the drive of

And INSERT any parent or legal guardian who drives

Page 1, Engrossed Bill, Line 21, AT the beginning of the line

STRIKE any

And INSERT his or her

Page 1, Engrossed Bill, Line 21, AFTER child

INSERT or ward

Page 1, Engrossed Bill, Line 22, AFTER the

STRIKE director or the department of transportation safety

And INSERT Superintendent of state police, except that a child under four years of age, but over forty pounds in weight, may be secured in a seat by the standard automobile seat belt

Page 2, Engrossed Bill, Line 12, AFTER per se.

INSERT nor shall violation of this article constitute a defense to any claim for personal injuries to a child or recovery of medical expenses for injuries sustained in any motor vehicle accident.

Page 2, Engrossed Bill, Line 16, AFTER impractical;

STRIKE all of lines 17 and 18 and through 3. on line 19

And INSERT and

2.

Patron: Gray Ft  
Canada, Mitchell, Gartlan, Waddell, Hailey, Duval,  
Buchanan; Delegates: Dillard, Watts, Cohen

SB 413 (contd)

Feb 1 S Presented and Ordered Printed  
Feb 1 S Referred to Committee on Transportation  
Feb 11 S Reported with Amendments 12-Y O-N  
Feb 12 S Constitutional reading dispensed 40-Y 0-N  
Feb 15 S Passed by for the day  
Feb 16 S Passed by for the day  
Feb 17 S Passed by for the day  
Feb 18 S Read second time  
Feb 18 S Reading of Amendments waived  
Feb 18 S Committee Amendments agreed to  
Feb 18 S Floor Amendments agreed to  
Feb 18 S Title amended  
Feb 18 S Engrossed  
Feb 18 S Constitutional reading dispensed 38-Y O-N  
Feb 18 S Passed Senate 33-Y 4-N  
Feb 18 S Communicated to House  
Feb 19 H Placed on Calendar  
Feb 20 H Read first time  
Feb 20 H Referred to Committee on Roads and Internal  
Navigation  
Mar 2 H Reported with Amendments 10-Y 6-N  
Mar 3 H Read second time  
Mar 4 H Read third time  
Mar 4 H Committee Amendments agreed to  
Mar 4 H Engrossed  
Mar 4 H Passed House with Amendments 61-Y 27-N  
Mar 5 S Placed on Calendar  
Mar 8 S Reading of Amendments waived  
Mar 8 S House Amendments agreed to by Senate  
38-Y O-N  
Mar 19 S Enrolled  
Mar 20 S Signed by President  
Mar 22 H Signed by Speaker  
Apr 12 G Approved by Governor – Chapter No. 634