



Judges in the Classroom

Drugs and the Law Opinion Poll

Source:

Written by Margaret Fisher, Institute for Citizen Education in the Law, Seattle, WA.. The BJA Public Trust and Confidence Committee member, Jean Kang, updated the lesson in 2019. For more information, contact the Administrative Office of the Courts (AOC), Temple of Justice, 415 12th Ave SW, PO Box 41174, Olympia, WA 98504-1174. For an electronic copy of this lesson, or to view other lesson plans, visit Judges in the Classroom on the Washington Courts Web site at: www.courts.wa.gov/education/.

Objectives:

1. Students will express their opinions about their civil rights and the drug law enforcement.
2. Students will explain and justify their opinions.

Grade Level:

Grades 6-12

Time:

One class period (approximately 50 minutes)

Materials:

One copy of Handout 1 (Drugs and the Law Opinion Poll) for each student

Procedures:

1. Begin the class by introducing yourself to the students, and telling a little bit about what you do, if this is your first class.
2. Tell students that they will now take an opinion poll to determine their views about the drug enforcement and what rights, if any, they would consider giving up to fight against illegal drug use.
3. Pass out the opinion poll, which is Handout 1.
4. Remind students they are being asked for their opinions, not what the current state of the law is. There are no "right" or "wrong" answers. Ask the students if they understand the assignment. Allow five minutes or so for students to complete the opinion poll.

Note: The judge need not express his or her personal opinion while debriefing the opinion poll.

5. While students are completing the handout, draw a grid on the board to record their responses. For example:

Agree Undecided Disagree

1.
2.
3.

6. Debrief student opinions. Develop a class composite first, by taking a show of hands for each statement, and recording the results on the chart.
7. In leading the discussion, ask students to justify, or give reasons for their opinions. Encourage exchange between students, rather than just between yourself and the students, by asking students to respond to opinions of fellow students that are opposite from their own.
8. After the discussion of opinions about each statement, tell students what the state of the law in Washington is in regard to the statement. Also, give the results of the national polls. (Only four questions are from the national polls.)

When students' opinions vary from the law, ask whether they think the law should be changed. What could they do to impact that process? (Answers might include: write their legislator, vote when eligible, sign an initiative, etc.) Allow 30-35 minutes for the debriefing of all questions.

9. Conclude the lesson by reminding students that the rights many of them (or at least adults surveyed nationally) are willing to give up are those contained in the Bill of Rights. Many Americans are not even aware they have these rights. Only 33 percent of Americans recently polled by the American Bar Association (ABA) could accurately identify the Bill of Rights, and only 10 percent knew the original purpose of the Bill of Rights—to limit the abuses of the federal government.

Results of the National Polls and Washington Law Applicable to Opinion Poll

Statements:

1. **Statement:** Police should be able to search the home of a suspected drug dealer without a warrant, even if this could result in my home being searched by mistake.

Response: This is not legal under either the Washington State Constitution or the U.S. Constitution. Sentiments have changed and in a 2016 national survey, 66 percent of the respondents agree that the police should obtain a court order before searching suspected drug dealers' homes.

2. **Statement:** People who use illegal drugs once in a while should have their cars taken away.

Response: While drug users of small amounts of marijuana cannot lose their vehicles, asset-forfeiture laws can result in seizure of property including vehicles. Washington State's Seizure and Forfeiture Law is located at RCW 69.50.505. Eighty-four percent of Americans oppose police seizing "a person's money or property that is suspected to have been involved in a drug crime before the person is convicted."

In 1999, the U.S. Supreme Court permitted police officers, while arresting an individual on unrelated charges, to seize his automobile from his employer's parking lot without a warrant, under the state's contraband forfeiture act. The basis for this decision is that the individual had previously been observed by police to deliver narcotics, and the vehicle was therefore allegedly subject to forfeiture under state law.

3. **Statement:** To reduce illegal drug activity, random mandatory drug testing of all Americans should be allowed.

Response: Again, random testing of all Americans is not legal under either the federal or Washington State constitutions. Fifty-five percent of the respondents in the Washington Post poll agreed with this statement.

4. **Statement:** In order to find drug users and drunk drivers, random roadblocks and searches of cars, including passengers and their possessions (such as purses), should be allowed.

Response: The Washington State Supreme Court, in 1988, held that the stopping of all incoming vehicles at police checkpoints without a warrant or individualized suspicion was a violation of the Washington Constitution. *Seattle v. Mesiani*, 110 Wn. 2d 454, 755 P.2d 775 (1988). However, in *Michigan Department of State Police v. Sitz*, 496 U.S. 444 (1990), the U.S. Supreme Court upheld a checkpoint program that was set up to check for evidence of drinking. The program operated at one location for just over an hour. Drivers were detained an average of 25 seconds, and two DUI arrests were made. All cars passing through the checkpoint were stopped and briefly detained. The Court determined that the initial stop of each motorist and the preliminary questioning and observation were reasonable seizures under the Fourth Amendment. The Court balanced the state's interest in preventing drunk driving, the extent to which the checkpoint program helped prevent drunk driving and the degree of intrusion upon individual motorists.

5. **Statement:** In order to help control drugs within our schools, student lockers should be searched for drugs by drug-sniffing dogs.

Response: Some school districts in Washington State have adopted such a policy, which is constitutionally valid.

6. **Statement:** A sentence of mandatory life imprisonment without possibility of parole is reasonable for a first-time offender convicted of possession of more than 650 grams of cocaine (over 1.5 pounds).

Response: This statement is based on the 1991 decision of the U.S. Supreme Court that affirmed a Michigan Court of Appeals' decision that life imprisonment without possibility of parole is not cruel and unusual punishment for a first offender's conviction for possession of cocaine. *Harmelin v. Michigan*, 111 S. Ct. 2680 (1991). This would not be permitted if the defendant committed the offense before his or her 18th birthday.

7. **Statement:** Pregnant women suspected of using illegal drugs should be confined to a state hospital or detention center until after the child is born.

Response: Again, this would not be legal under present law.

8. **Statement:** I would be willing to give up a few of the freedoms we have in this country if it meant we could greatly reduce the amount of illegal drug use.

Response: Sixty-two percent of the respondents in the Washington Post poll agreed with this statement.

Handout 1

Drugs and The Law Opinion Poll

Directions: Place the letter that most closely corresponds with your opinion in the left hand blank. If you **agree** with the statement, write (A); if you **disagree** with the statement, write (D); and if you are **undecided**, write (U). Be prepared to give reasons for your decisions.

- _____ 1. Police should be able to search the home of a suspected drug dealer without a warrant, even if this could result in my home being searched by mistake.
- _____ 2. People who use illegal drugs once in a while should have their cars taken away.
- _____ 3. To reduce illegal drug activity, random mandatory drug testing of all Americans should be allowed.
- _____ 4. In order to find drug users and drunk drivers, random roadblocks and searches of cars, including passengers and their possessions (such as purses), should be allowed.
- _____ 5. In order to help control drugs within our schools, student lockers should be searched for drugs by drug-sniffing dogs.
- _____ 6. A sentence of mandatory life imprisonment without possibility of parole is reasonable for a first-time offender convicted of possession of more than 650 grams of cocaine (over 1.5 pounds).
- _____ 7. Pregnant women suspected of using illegal drugs should be confined to a state hospital or detention center until after the child is born.
- _____ 8. I would be willing to give up a few of the freedoms we have in this country if it meant we could greatly reduce the amount of illegal drug use.