

THE CLARION

"CALLING FOR AN END TO CANNABIS PROHIBITION"

DRUG DOGS TERRORIZE KINDERGARTEN CLASS

Is Your School District Next?

SIOUX FALLS, SD--The American Civil Liberties Union today filed a federal class-action lawsuit on behalf of 17 Native American students - some as young as six years old - who were terrorized when public school officials and law enforcement officers brought in a German Shepherd to conduct a suspicionless drug sweep of all K-12 classrooms.

"What this school administration allowed is truly shocking," said Graham Boyd, Director of the ACLU's Drug Policy Litigation Project and lead counsel in the case. "Officials at this school, along with law enforcement officers, seem to be pioneering a practice of treating even the youngest students like hardened criminals."

The case, *Shenona Banks et al. v. Wagner School Board*, is being filed on behalf of 17 Native American students who attend the Wagner Community School in rural Wagner, located near the Yankton Sioux Reservation, two-and-a-half hours west of Sioux Falls.

The ACLU lawsuit seeks a court order barring the school and law enforcement officials from any further dog searches when school begins on August 20. While drug-sniffing dogs have been used in recent years to search classrooms, Boyd said this appears to be the first reported incident of drug-sniffing dogs being used directly on elementary school children.

"As schools look for legitimate ways to address drug and alcohol abuse, we need to be vigilant against the war on drugs becoming a war on our youngest children," said Boyd. "This incident could only occur in an environment that places the war on drugs over common sense."

According to the ACLU complaint, on two separate days in May a number of local and federal law enforcement officers led a large German Shepherd police dog through the classrooms after the principal announced a "lockdown" over the loudspeaker. A school official who accompanied the police instructed the students to put their hands on their desks and avoid petting or looking at the dog or making any sudden movements. In some classrooms, a school official told students that any sudden movement could cause the dog to attack.

In at least one instance, the ACLU complaint said, the dog escaped its leash in a kindergarten class and chased students around the room. Some students had been traumatized by previous dog attacks and one young girl still has the scars of a previous attack on her face. Many began crying and trembling and at least one urinated involuntarily.

"German Shepherds are commonly used by police to attack and apprehend dangerous criminal suspects," said Jennifer Ring, Executive Director of the Dakotas chapter of the ACLU. "The very notion of there being a drug problem in the kindergarten is ludicrous."

Parents of the students named in the lawsuit said that Wagner, with a population of less than 1,700, is a hotbed of racial tensions between Native Americans and whites. Although Native Americans make up 40 percent of the school district's population, none serve on the Wagner School Board. The school board approved the suspicionless search and is listed as a defendant along with the Wagner Chief of Police and an official with the Indian Affairs Bureau of the U.S. Department of the Interior.

The ACLU complaint further charged that the containment of children within their classrooms for several hours and the subsequent police dog sniff of those students constitutes an "unreasonable search and seizure" and a violation of the Fourth Amendment to the U.S. Constitution and an identical provision of the South Dakota constitution. James Leach of Rapid City is serving as ACLU cooperating attorney in this case.

The complaint filed in this case is online at <http://www.aclu.org/court/volk.pdf>

The story is at:

<http://www.aclu.org/news/2002/n072502c.html>

Student drawings of the incident can be viewed on the ACLU website at > banks_pic < and > zephier_pic.

Not All Students Will Start School This Fall 87,000 Lost College Financial Aid Due to Drug Convictions

WASHINGTON, DC According to new Department of Education data, over 30,000 college students have been denied federal loans and grants for the 2002-2003 school year due to the 1998 Higher Education Act drug provision. Since the HEA drug provision <next page>

<from prev page> was first enforced in 2000, a total of 86,898 students have been denied aid. A drug conviction is the only crime that can result in the loss of federal financial aid.

"The latest Department of Education statistics confirm that the punitive HEA drug provision remains the number one obstacle for people seeking a higher education," says Shawn Heller, National Director of Students for Sensible Drug Policy. "Since African Americans make up half of all people convicted of drug crimes, yet only represent 13% of all drug users, it's evident that this regulation disproportionately punishes minorities. Tens of thousands more have likely not bothered to apply for college because they know they won't receive loans or grants. SSDP is working on 500 campuses to end this education disaster," says Heller.

Students for Sensible Drug Policy has 148 officially recognized chapters on college campuses across the country, but the network is expected to grow this fall. "SSDP has experienced phenomenal growth due to a student backlash to the HEA Drug Provision and we know of students on 350 other campuses who are working to establish new SSDP chapters this fall," says Darrell Rogers, SSDP National Outreach Coordinator.

SSDP organizers are gearing up for protests and civil disobedience this fall to increase public pressure on law makers to repeal the HEA drug provision. Amanda Brazel, a senior at Wayne State University in Detroit, Michigan, says, "I believe in equality, freedom, and truth, values that are lost in the war on drugs, values worth working to restore." Brazel knows numerous people who have been impacted by the legislation. "I'm one of those people who thinks I need to stand up and do something about America's un-American war on its own citizens."

In the past couple years, members of Congress have taken notice of the terrible impact the HEA drug provision has had on middle and lower income students. Even the author of the HEA Drug Provision, Rep. Mark Souder (R-IN), asked the Department of Education to find ways to reduce the number of students affected, but the agency has concluded that only congressional action can reduce the huge number of students that are denied a chance to improve their lives.

In a letter sent by the Coalition for Higher Education Act Reform to Congress in May, 41 national education, civil rights and drug policy organizations including SSDP, the National Education Association, the NAACP, the ACLU, the United States Student Association, the Leadership Conference on Civil Rights, Drug Policy Alliance, the Association for Addiction Professionals, and the National Black Police Association, urged full repeal of the Higher Education Act Drug Provision (visit www.RaiseYourVoice.com/Letter/ to see the letter). A bill to repeal the drug provision, H.R. 786, has 68 sponsors, but is unlikely to be passed before the 107th Congress dissolves at the end of this year.

CONTACT: Shawn Heller 202-293-4414 -or- Adam Eiding 202-232-8997 at Students for Sensible Drug Policy 2000 P Street, Northwest Suite 210, Washington D.C., 20037 Phone (202) 293-4414, Fax (202) 293-8344

Education Journal Gives DARE, Other Student Anti-Drug Programs Failing Grade

"Popular" Programs Either Don't Work Or Go Untested

Chapel Hill, NC: The nation's three leading student drug prevention programs are either ineffective or sorely unevaluated, according to a study published this month in the journal Health Education Research. Programs highlighted in the study include McGruff's Drug Prevention and Child Protection, Here's Looking at You 2000, and DARE.

These programs are "not a very good use of taxpayer money," lead researcher Denise Hallfors of the Pacific Institute for Research and Evaluation told the Associated Press. A previous evaluation conducted by Hallfors in 2000 reported similar results, noting specifically that the DARE program fails to have a long-term behavioral impact on teens.

To date, more than 30 studies, including those by the National Academy of Sciences, the University of Illinois, and a 10-year evaluation by the University of Kentucky, have criticized DARE's effectiveness. The largest of these, conducted jointly by the U.S. Justice Department and the Research Triangle Institute in North Carolina concluded that DARE has a "limited to essentially nonexistent effect" on adolescent drug use.

In response to this research, as well as criticism from the Department of Education that the program lacks scientific merit, DARE announced last year that it would be changing its curriculum. The organization is currently conducting a 5-year study to evaluate the new curriculum, during which time the program continues to receive several million dollars in annual federal funding from the Department of Education, Department of Justice and the Department of Defense.

The DARE program currently pays and trains some 30,000 police officers to teach anti-drug lessons in an estimated 75 percent of school districts nationwide and in more than 50 countries. Recently, however, several school districts have begun pulling the plug on the drug prevention program, including Salt Lake City, Fort Worth (TX), and Jacksonville (FL). This week, Cincinnati city council officials also voted 6-3 in favor of scrapping the program, arguing that police officers' time would be better served on foot patrol.

For more information, please contact either Allen St. Pierre or Paul Armentano of The NORML Foundation at (202) 483-8751. Abstracts of the Health Education Research report are available online at:

<http://her.oupjournals.org/cgi/content/abstract/17/4/461>