

I. of II. California v. Robinson

Read the case, *California v Robinson*, the write your answers to the following questions and be prepared to discuss them in class.

1. Section 11721 of the California Health and Safety Code had expressly provided that "no person shall [a] use, or [b] be under the influence of, or [c] be addicted to the use of narcotics.."

For which of these offenses had Robinson been tried in the Los Angeles municipal court?

2. The original trial took place in the municipal court. Of which piece of Section 11721 (a, b, or c) did the jurors find Robinson guilty?
3. The case was appealed to the U.S. Supreme Court. What is/are the Constitutional issue(s) before the Court?
4. What was the majority decision of the Supreme Court as written by Justice Stewart?
5. What was the principal objection to the majority view as expressed in the dissenting opinion by Justice Clark?

II: Powell v. Texas

The following questions pertain to the case *Powell v. Texas*. Write your answers and be prepared to discuss this case in class.

1. What is the expert witness's definition of "chronic alcoholism"?
2. Why is it important to the state that the appellant knew the difference between "right" and "wrong"?
3. The Court is unwilling to accept a "disease theory" of alcoholism. Why?
4. The Court cites an authority who said that "a *disease* is what the medical profession recognizes as such. What does such a statement mean to you?
5. The Court contrasts "penal incarceration" with "therapeutic civil commitment". Why might the former be preferable from the perspective of the person to be committed?
6. What does it mean to say that *mens rea* must accompany a prosecutable act?
7. How does the conclusion that the Court reaches in this case differ from that of *Robinson*?

