

DRUNK DRIVING VALUE LINE

Question: Do you favor a one year suspension of a driver's license in the case of a first offender?

Use a rope value line or have the students stand in a line depending on their position. Give those who favor a one year suspension Fact Situation A, and those who oppose it Fact Situation B. After the students read their fact situation, let them change their position if they choose.

Possible Issues to Discuss

1. Drunk driving/penalties
2. Reason for punishments
 - Utopia: strong punishment
 - Prevention: learned lesson; punishment would not help
3. Same law with different situations
 - Opinion and perspective change depending on fact situation
4. Balancing policy issues
 - Rigid statute where punishment is the same in both situations
 - Less rigid statute giving judges discretion depending on the fact situation

FACT SITUATION A

John was a big family man. He had three children, a very loving wife, and a dog. John's family lived a very poor life in monetary terms but a rich life in terms of love and friendship. John drove a cab as his profession for over twenty years. Each day after work he would pick his kids up from school because the family could not afford to buy them bus passes. After picking up his kids, John would drive home and get his wife. He would drive her to the doctor's office every night because she was extremely sick and needed a doctor's attention on a daily basis.

One evening after work, the owner of the cab company for which John worked asked him over for a drink. John could hardly refuse his boss so he agreed. He arranged for someone else to pick up his kids from school and to drive his wife to the doctor's office. John had two drinks at his boss' house. He then got in his car and started to drive home. A police officer noticed that John's tail light was out and pulled him over. He then smelled the liquor on John's breath. John was found to have a blood alcohol level of .08%.

John was given a citation for drinking under the influence and was arrested.

FACT SITUATION B

Cindy and Jenny were both eight years old. They had just finished their parts in the school Christmas Play. Their parents had told them to meet them at the ice cream shop across the street from the school. As they waited for the light to turn red, they saw their parents in the window of the local Baskin Robbins and waved to them. As soon as the light turned red and it was safe for them to cross, they started across the street. When they were about halfway across the street, Cindy looked up in horror to see a car heading right for them. She tried to jump, but it was too late. The car hit both little girls at full speed. Cindy was immediately killed, but Jenny was still alive. The driver, believing that he had merely hit a dog, started forward running over Jenny a second time and killing her.

The driver of the car had been drinking at a bar the entire evening and was found to have a blood alcohol level of .10%.

The driver was charged with driving under the influence and was arrested.