Mandatory Drug Testing Essay, Research Paper

At What Cost?

It has become all too common for governmental institutions across the nation to pass rules saying that certain people are subject to random drug testing. The central question that is raised deals with the righteousness of being subjected to testing even when there is no overwhelming warrant. Under the protection of the unreasonable search and seizures, including bodily searches, in the fourth amendment of the constitution, certain people, such as students and welfare recipients, to name a few, feel that their rights as citizens and human beings are being violated when they have to submit to mandatory drug tests, but on the other side there are those who believe that if someone is willing to participate in a program, then they should be subjected to these tests.

Disagreements happen because of the belief that drug test are used to protect and save lives and to improve the environment that the person is present in. Even though this may be true, others believe that mandatory testing is unjust and biased towards certain people. Controversy arises when the people that have to take the tests are chosen. While the controversy may center on the validity of the act, the real problem is that the effects of implementing such programs comes at a large expense. In one case, arguments form because of the mentality that all athletes should take a test due to the fact that they are more prone to taking drugs, but then what about the student who is not involved in any extra curricular activities and does drugs? Is the athlete being discriminated against because of a generalization? Also in the case of welfare recipients, they are asked to submit to these tests, just because they are more apt to take illegal substances, does that mean the they should always be checked for drugs? If implementation does occur, the sacrifices would relate to the monetary cost, lose of privacy, and violation of the constitution.

To understand the arguments being made one must look at the people that have expressed their views on this topic. The first is the Calvert Institute for Policy Research. It is a non-partisan, educational institution dedicated to the research and propagation of solutions based upon the principles of free markets and personal responsibility. On the other side there is the American Civil Liberties Union, or ACLU, which is the nation’s foremost advocate of individual rights — litigating, legislating, and educating the public on a broad array of issues affecting individual freedom in the United States. It is a nonprofit, nonpartisan, public interest organization devoted exclusively to protecting the basic civil liberties of all Americans. Another organization that supports this side is the Cato Institute, which seeks to broaden the limitations of public policy to allow traditional American principles of limited government, individual liberty, and peace. The Institute strives to achieve greater involvement of the intelligent, concerned lay public in questions of policy and the proper role of government. Both sides examine the issues presented and provide much insight in to the task to resolving the conflict.

In a capitalistic economy the first thought on ever implementing a new government policy relates to the cost. There is always public concern on how much new governmental programs cost the taxpayer, and the issue of mandatory drug testing is no different. In order to understand arguments there is a need to understand who is arguing. According to Robert Taylor who is a professor of economics at San Diego State University, uses the principles of mathematics to justify his argument. His study, entitled ?Compensating Behavior and the Drug testing Of High School Athletes,? says that for many schools the financial barrier of drug testing, $20-30 per standard drug screen and $100 per steroid test, is far to big of a burden (5). In a time where extracurricular activities are being cut because of a lack of funds, the cost of drug testing does not seem practical. On the other hand, some of the strong supporters for the mandatory testing policy, such as Dr. Douglas P. Munro, who is the co-director and CEO of the Calvert Institute and Michael Krauss, who is a professor of law at George Mason University and a member of the institute?s board of advisor have expressed their views in many ways. One example is their editorial entitled, ?Why Maryland Should Screen Welfare Applicants for Drug Use.? They have estimated that in their home state the annual cost in Maryland would be $1.2 million. This figure ultimately amounts to about 17? per Marylander per year (2). It appears that this argument is highly effective. Over and over the issue of money is raised when dealing with governmental programs, but it is nice to see that a few cents could be allocated to help treat those who want to better their situation in life. All to often citizens complain that recipients are squandering their money, but by enabling this policy, it is possible to see that forcing them to remain clean, our money would be better spent.

Another major concern that is brought up in this debate relates to the issue of privacy. Many industries have begun to eliminate the tests for fear of driving away desirable employees. Employees feel that their right to privacy is being taken away. In extremely competitive fields, such as computer programming, employers are increasingly afraid of losing prize job candidates and are concerned that requiring a urine sample could cost them a coveted employee. In an article by the ACLU called, ?Report Calls Employee Drug Testing a Bad Investment,? even employers who conduct the tests generally have no idea whether they are benefiting from them. ??Most employers never measure whether a drug testing program is working,?? says Eric Greenberg, director of research for the American Management Association (ACLU 15). He noted that a drug test does not necessarily predict whether the employee will use drugs on the job. ?What you’re really testing,? he said, ?is whether someone is smart enough and strong enough to stay clean while they are conducting a job searching.? In opposition to this, Munro and Krauss, say that employees are one issue and welfare recipients are another, testing them is perfectly acceptable. In their argument they rebut the comments of Greenberg and Charles Webster, with the Urban League of Bergen County, New Jersey. Webster says that, ?it is unreasonable to invade the privacy of the welfare recipients by screening them for drug use?? unlike the testing of employees because getting a job is a voluntary undertaking. (Munro and Krauss). But, the editorialists are quick to point out that the American public is not forced to accept welfare. The unfortunate usage of the word “entitlements” over the past 30 years to describe various federal income-transfer programs, Americans have largely forgotten that participation in them is an entirely optional affair. I question the validity of the argument the ACLU makes. Yes, there are people who can go about their jobs cheating the system, but there also those that are so heavily influenced that they would not be in the right mind to figure out how to get clean. It could be that Munro and Krauss?s point seems to hold up better. For instance, if one of the conditions of regular employment is that employees not take drugs, then an employer had the right to test for compliance to endure that they are getting what they pay for. This is needed so that the job gets done. Likewise, if the government is paying for ones living expenses, it can be interpreted that that person ought to comply with the government?s stipulations to their policy.

In this debate, the foremost issue raised relates to the constitutionality. The claim usually made by opponents of mandatory drug testing is that such screening represents unreasonable search and seizure of the person, prohibited under the fourth amendment to the U.S. Constitution. Eric Bukovinsky, a high school student says, “I do not want to be attending a school district where I’m guilty until proven innocent; that’s not the way this country works? (Taylor 6). He illustrates the point that to have a false assumption placed on you causes a lack of trust for the authorities and the system that governs everyone. Without probable cause no one can be searched without consent, and the claim the high school athletes make is that if they are asked to get tested, then why shouldn?t a member of band or the French Club have to also? In Taylor?s study, research found that drug use by varsity athletes compared with the drug use by the general population of students was virtually the same. (Taylor 2) This is similar in the case of welfare recipients as well. In the release by the ACLU, a judge in Michigan had ruled in her state that, ?there was no ?special need? for drug testing especially after the state admitted that?drug test results were positive in only 8% of the case, a percentage that is consistent with the drug use of the general population? (ACLU- Judge Blocks). The opposition claims that these arguments would stand up of they were coercive, or forced. Compulsory drug testing of welfare recipients is not coercive. To avoid the drug testing, the would-be welfare recipient need merely decline the welfare payment. There is no constitutional right to a welfare payment. Conditioning a payment to which one has no constitutional right on an agreement to testing makes the submission a voluntary matter (Munro and Krauss). It seems that there might be problems with this last argument because I question reasoning behind it. Munro and Krauss are justified to that welfare is a voluntary program, but it troubling to know that for some who are dependent are drug users, such as children, have no other place to turn to besides the government. At one point or another every person had utilized a program of the U.S. government, and because if this, should each and every people be testes as well? It just doesn?t seem practical.

With the need to control drug trafficking solutions have been proposed to discourage the abuse of these drugs, amongst them is subjecting certain individuals to drug testing. On the one side there is the ACLU, which promotes the importance of individual rights as laid out by the constitution. On the other there are organizations like Calvert Institute who emphasize that, such things like welfare are voluntary and if a person want to gain benefits from it, then they must comply the rules set forth. Whatever the case may be, issues like this never get settled quickly. The issue of mandatory drug testing is one that can definitely demonstrate goods of implementing it?lower crime rates, better grades for students, etc. And can show that if it weren?t enacted, then a person?s rights as human beings and as citizens would be upheld. It takes intelligent debate to understand that the underlying factors are far too complex to be rationalized.

Bibliography

?Judge Blocks First- Ever Mandatory Drug Testing of Michigan Welfare Recipients.? 12 Nov 1999. 27 Mar 2000. .

Munro, Douglas, and Michael Krauss. ?Why Maryland Should Screen Welfare Applicants for Drug Use.? Calvert Comment 23 Dec 1996. 29 Mar 2000. .

Siegel, Loren and Rozella Floranz Kennedy. ?Drug Testing- A Bad Investment.? 1999. 27 Mar 2000. .

Taylor, Robert. ?Compensating Behavior and the Drug Testing of High School Athletes.? Cato Journal 3 (Winter 1997). 28 Mar 2000. .