

# *Robinson v. California*

Veran Chung

## **Introduction:**

Lawrence Robinson was found guilty under a California statute that criminalized the condition of being addicted to narcotics.<sup>1</sup> Robinson consequently sued California under the claim that convicting him for drug addiction is a cruel and unusual punishment under the Constitution. The *Robinson v. California* case posed a question regarding the Eighth Amendment: was the conviction of the status of narcotic addiction under California law considered a cruel and unusual punishment?

## **Fact Situation:**

Robinson was stopped on the streets of Los Angeles by Officer Brown. Although Robinson was not engaged in any criminal conduct, Officer Brown questioned and searched for evidence of a crime.<sup>2</sup> Brown found old needle marks, scar tissue, and discoloration on Robinson's arms—all physical conditions that circumstantially imply intravenous drug use.<sup>3</sup> There was no evidence that he was under the influence of illegal drugs, suffering withdrawal symptoms, engaged in antisocial or disorderly behavior, nor was he suspected of possession or trafficking at the time of his arrest. There was also no evidence that Robinson had engaged in any other misconduct. Robinson was convicted and imprisoned for ninety days in the county jail for the crime of being “addicted to the use of narcotics.”<sup>4</sup>

## **Legal Background:**

Robinson was convicted in a jury trial in the Municipal Court of Los Angeles for the crime of being addicted to the use of narcotics.<sup>5</sup> Officer Lindquist, based on his extensive experience in the Narcotic Division of the Los Angeles Police Department, had testified that the marks and discolorations on Robinson's arm were the result of injecting hypodermic needles into the veins.<sup>6</sup> He also testified that Robinson admitted to the occasional use of narcotics. California Health and Safety Code 11721 makes the condition of being “addicted to the use of narcotics” punishable by imprisonment, even if the offender is not associated with the use, possession, or trafficking of any narcotics within the state.<sup>7</sup> Robinson's status as a narcotic addict was decided by a jury presented with circumstantial evidence of old needle marks and scabs over the veins of his arms. California ruled that Robinson was criminally guilty of his status as a narcotic addict while in the city of Los Angeles. Upon appeal, the Appellate Department of the Los Angeles County Superior Court affirmed the judgment of Robinson's conviction.<sup>8</sup>

## **The Holding:**

---

<sup>1</sup> *Robinson v. California*, 370 U.S. 660 (1962)

<sup>2</sup> *Id.* at 661

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.* at 661-662

<sup>7</sup> Cal. Health & Saf. Code §11721

<sup>8</sup> *Robinson v. California*, 370 U.S. 660, 664 (1962)

Robinson's appeal to the Supreme Court drew into question the constitutionality of a law that made the condition of being addicted to narcotics a crime. In a 6-2 majority vote, the Court reversed the state's judgment, ruling that the California Health and Safety Code's application to criminally punish the mere status of narcotic addiction was unconstitutional on the basis of the "cruel and unusual punishment" clause of the Eighth Amendment.<sup>9</sup> Without citing much Eighth Amendment analysis, the Court ruled that "narcotics addiction is an illness... which may be contracted innocently or involuntarily" and thus "even one day in prison would be a cruel and unusual punishment for the 'crime' of having a common cold."<sup>10</sup> Justice Harlan stated in his concurrence that despite the fact that addicts by definition possess a compelling propensity to use narcotics, it was unconstitutional to authorize criminal punishment "for a bare desire" to use narcotics. Justice Douglas, in his concurring opinion, concluded that the purpose of a criminal statute which punishes sick people for being sick shall be deemed a "barbarous action."<sup>11</sup>

### **Legal Analysis:**

I conclude that the Court decided correctly in *Robinson v. California*. Drug addiction, like other illnesses, is a chronic medical condition and may be contracted involuntarily. While the state has the power to punish the purchase, sale, or possession of illegal drugs in the interest of protecting the public at large, the status of addiction should not be punishable because it is not connected to a concrete instance of crime. California Health and Safety Code 11721 was unconstitutional because it imposed a criminal sanction without requiring actus reus—referring to a physical act, which is a required element of something to be considered a crime—as a precondition. As Justice Harlan pointed out, the statute is overly broad because criminal conviction may be imposed by the mere desire or craving of narcotics.<sup>12</sup> The addict is subjected to arrest at any time for committing a continuing offense under the statute because of his condition of addiction without evidence of a physical act. Thus, the California statute punishing Robinson for his condition of narcotics addiction, regardless of whether Robinson had ever possessed or used any narcotics within the State, was justly deemed "cruel and unusual punishment" under the Constitution.

From an ethical perspective, drug addiction, like other illnesses, may be contracted involuntarily: for example, by birth due to maternal addiction, or from the innocent use of medically prescribed narcotics, etc. If addicts are criminals for their illness of addiction, then the mentally ill could be criminally punished for their mental illness, and every sick person could be punished for their disease. With this precedent, how do we draw the line to determine which illnesses are subjected to criminal sanctions? The Court addressed this by condemning criminal offenses which derive from the status of being "mentally ill, or a leper, or to be afflicted with a venereal disease."<sup>13</sup> It justly prohibited sickness to be made a crime and prohibited sick people to be criminally punished for being sick.

It is indisputable that narcotics erode the social fabric of society, and that there are instances where an addict must be confined for treatment for the protection of the well being of society. However, punitive policies targeting the disease of addiction are a cruel symptom of society's stigma against narcotics addicts—an ideology that later culminates in the discriminatory War on Drugs that began in the 1970s. There are many people suffering from the spiral of drug related problems through no fault of their own. A

---

<sup>9</sup> *Robinson v. California*, 370 U.S. 660 (1962)

<sup>10</sup> *Id.* at 667

<sup>11</sup> *Id.* at 678-679

<sup>12</sup> *Robinson v. California*, 370 U.S. 660, 679 (1962)

<sup>13</sup> *Id.* at 666

criminal law which makes the status of illicit drug addiction a criminal offense does not better substance abuse problems. In fact, it contributes to the overwhelming stigma against people with addiction. The drug addict is a sick person with a chronic disease, and should not be treated as a criminal, but as a victim who needs medical and social services.