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**NEWS ADVISORY**

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## **Dept. of Ed. Tries to Dismiss Student Lawsuit**

### **Students, ACLU Move for Injunction on Anti-Education Drug Law**

**ABERDEEN, SD** – The Department of Education (DoE) moved on Friday to dismiss a lawsuit filed by a student group and the ACLU that seeks to overturn a penalty that has stripped college financial aid from nearly 200,000 students with drug convictions. Also on Friday, students and the ACLU filed an unrelated motion for a preliminary injunction, hoping to bar DoE from further denying aid to students with drug convictions while the lawsuit moves forward.

“As usual, the federal government wants to silence students’ voices and prevent us from challenging Drug War policies that hurt our generation,” said Kris Krane, executive director of Students for Sensible Drug Policy, the group that filed the lawsuit against DoE. “We will have our day in court, we will win, and we will make sure that no student ever again has to worry about losing his or her access to education because of a minor drug conviction.”

The SSDP and ACLU suit claims the Higher Education Act’s Aid Elimination Penalty unconstitutionally punishes people twice for the same offense, violating the Double Jeopardy Clause of the U.S Constitution’s Fifth Amendment. The penalty also irrationally designates a class of people, low- to middle-income students with drug convictions, as unworthy of educational aid, violating the equal protection guarantee of the Fifth Amendment’s Due Process Clause.

“All students deserve an education,” said Adam Wolf, an attorney with the ACLU Drug Law Reform Project. “The court should suspend enforcement of the Aid Elimination Penalty until it has carefully and thoroughly considered the constitutional issues.”

The case is *SSDP v. Spellings*, filed on March 22 in the U.S. District Court for the District of South Dakota. The complaint may be viewed online at <http://www.ssdp.org/lawsuit>

*Students for Sensible Drug Policy, a national organization with college and high school chapters, is committed to providing education on harms caused by the War on Drugs, working to involve youth in the political process, and promoting an open, honest, and rational discussion of alternative solutions to our nation's drug problems.*

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