Fourth Amendment to the United States Constitution

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Explanation: The 4th Amendment protects our right to be free from illegal search and seizure, and establishes that the government can search our property or person ONLY upon probable cause (the reasonable expectation, based on evidence, that someone has perpetrated an illegal act) and with a search warrant, that specifically states the location and person to be searched, and what the government is looking for.

DEFINITIONS

Unreasonable Search and Seizure: Unwarranted search taking of ones belongings in violation of the Fourth Amendment (the remedy for this is suppression of the evidence under the exclusionary rule, meaning it cannot be used)

Probable Cause: Probable cause to search for evidence or to seize evidence requires that an officer is possessed of sufficient facts and circumstances as would lead a reasonable person to believe that evidence or contraband relating to criminal activity will be found in the location to be searched. Probable cause is also required for an arrest warrant or a search warrant.

Reasonable Suspicion Standard: Reasonable suspicion is a standard established by the Supreme Court in 1968 in *Terry v. Ohio* in which the Court ruled that police officers should be allowed stop and briefly detain a person if, based upon the officer's training and experience, there is reason to believe that the individual is engaging in criminal activity. The officer is given the opportunity to freeze the action by stepping in to investigate. Unlike probable cause that uses a reasonable person standard, reasonable suspicion is based upon the standard of a reasonable police officer.

The reasonable suspicion standard is a *lower* standard than the probable cause standard and it allows for a much more limited search, both in nature and duration.

Exclusionary Rule: The legal rule that excludes the admission of certain evidence at trial collected from an illegal search.

Expectation of Privacy: After the decision in *Katz v. United States*, the Supreme Court shifted its focus to protect a defendant's "privacy interest" when a person manifests a subjective expectation of privacy, and the expectation is "reasonable" in light of societal understandings.

Your 4th Amendment Rights

The 4th Amendment to the U.S. Constitution guarantees freedom from **unreasonable search and seizure**. This means that law enforcement agents need **probable cause**, and a **warrant** in most cases, to search your person or belongings. If there is no probable cause and you are searched illegally, any evidence collected from the search will be excluded from evidence at trial. This has come to be called the **Exclusionary Rule**.

> ***Probable Cause –*** *There must be enough evidence that a reasonable person would believe a crime was committed. This evidence is presented to a judge who must agree before authorizing the search by granting a* ***warrant****.*

The purpose of the 4th Amendment is to protect people from being abused by a powerful government. There are strict rules that government agents must follow to search you and seize evidence.

Contrary to popular belief, the right to **privacy** is not specifically mentioned in the U.S. Constitution. Over the years, the courts have interpreted the 4th Amendment, along with other Amendments such as the 9th, to protect privacy in many situations.

Do you have the same rights at school?

While you don't shed your Constitutional rights when you go to school, they must be balanced with the rights of your classmates, as well as the responsibility of the school to provide a safe environment and a quality education.

Consider these questions as you study the case histories that follow:

Am I protected from unreasonable search and seizure at school?

Does the school need probable cause to search me or my belongings? Does the school need a warrant?

What can my school search, and when?

Case Studies

Weeks v. United States, 1914

Facts | Issue | Case History

Police officers in Kansas City, Missouri went to the house of Mr. Fremont Weeks and used his hidden key to enter and search his home. While there, they took papers, letters, books, and other items. They did not have a search warrant. These items were used in court to find Mr. Weeks guilty of sending lottery tickets through the U.S. mail.

What do you think the Supreme Court Decided?

Decision | Quote | Learn more

The judgment of the district court was reversed. The evidence collected during the illegal search was in violation of the 4th Amendment and was thus inadmissible at the trial. In a criminal investigation, in order for a search to be legal, there must be probable cause. The probable cause must be used to gain a search warrant. If not, the search will be illegal and evidence collected as a result of the search can't be used in court. The *Weeks* decision was the birth of a new legal doctrine – *The Exclusionary Rule*.

New Jersey v. T.L.O., 1985

Facts | Issue | Case History

A female student was searched at school, and the evidence collected was used by the state in her delinquency trial in juvenile court. T.L.O. are the initials of the 14-year old girl who was caught smoking in the bathroom at school. Later, in the assistant vice principal's office, she denied smoking. The assistant vice principal demanded her purse, and found a pack of cigarettes, rolling papers, marijuana, a pipe, plastic bags, a large amount of money, and a list of students who owed her money. The evidence was used by the New Jersey Juvenile Court to find her guilty of delinquency.

What do you think the Supreme Court Decided?

Decision | Quote | Learn More

Students do have 4th Amendment rights at school, but they are balanced with the school's responsibility to maintain a safe and educational environment. The U.S. Supreme Court reversed the New Jersey Supreme Court, holding that school officials can search a student if they have **reasonable suspicion**. School officials do not need to have probable cause or obtain a search warrant. Reasonable suspicion is a lower standard than the probable cause required for police searches of the public at large.

Vernonia School District v. Acton, 1995

What do you think the Supreme Court Decided?

Facts | Issue | Case History

A school district adopted a policy authorizing random drug testing of student athletes. There was a known drug problem in the school district. Student athletes were among the drug users and dealers. Along with the drug problem came serious student behavior issues. By 1989, disciplinary actions had reached 'epic proportions,' motivating the district to introduce the Student Athlete Drug Policy. James Acton, a 7th grader, refused the testing, and his parents refused to consent to the testing. Because of this, he was not allowed to participate in football. He sued the school district for violating his rights.

Decision | Quote | Learn More

The drug testing policy is reasonable and does not violate the 4th Amendment rights of the students. Students do have rights at school, but those rights must be balanced with the school's responsibility to provide a safe environment.

Safford Unified School District v. Redding, 2009

Facts | Issue | Case History

Savana Redding was a 13-year-old student. A male student reported that another girl, Marissa Glines, had given him a prescription-strength ibuprofen pill. A search of Marissa's day planner and pockets revealed more of the pills and some weapons. Marissa then reported the day planner belonged to Savana, and that Savana had given her the pills. Savana was then searched – a search which included not only her backpack and pockets, but also inside her undergarments. She sued the school district for violating her rights.

What do you think the Supreme Court Decided?

Decision | Quote | Learn More

The strip search by school officials in this case was not legal. It was unreasonable considering the nature of the offense and the facts of the case.

Student Challenge

Your 4th Amendment Rights

Directions: Click START to begin the Student Challenge. Use the ARROW to move through the questions. Check your RESULTS at the end.

Start

Next Page →

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Search and seizure, due process, and public schools

The mission of public schools is to maximize the academic and social development of their students. In performing that function, occasional misdeeds by youngsters or employees cause districts to investigate violations and mete out punishment.

The situations in which school officials can conduct a search, what level of suspicion is necessary to legally justify it, when contraband can be seized, and what process must precede any consequences are all subject to the U. S. Constitution and the special protections it extends.

The *Fourth Amendment* prohibits "unreasonable" searches and seizures. The *Fifth Amendment's* Due Process Clause is triggered as the follow-up step, commanding that school officials who plan to discipline a student or employee must first provide the alleged wrongdoer with two rights:

- Specific information about the charges and the evidence behind it.
- A chance to tell his or her side of the story.

That's known in legal circles as "notice and an opportunity to be heard." Without following these due process steps any punishment that is given—no matter how legitimate—can be overturned.

The ***Fourth Amendment*** is concerned with privacy and making sure that government entities, such as public schools, do not get overzealous in investigating violations. Investigatory techniques in a school setting often mirror activities used by police officers, but school probes lack the criminal enforcement power.

The ***Fifth Amendment*** is concerned with fundamental fairness. It means that school officials cannot hold or punish a student without stating the reason and providing an opportunity to contest the charges. Courts over the years have said that a hearing does not have to be elaborate. When the offense and potential penalty are small, the due process requirement can be met with an informal conversation in the principal's office. When the offense is great and penalties such as long-term suspension, expulsion, job loss, or referral for criminal charges loom, then a formal, "full-blown" hearing with an adversarial process and potential legal representation are more in order.

The challenge for school districts and the courts is to balance students' constitutional rights with the need for safety and preventing violence or disregard for schools rules.

The hurdles erected by the U. S. Constitution's Fourth and Fifth Amendments are exclusive to the nation's public schools. Private K-12 institutions have far more leeway to conduct unfettered investigations, withhold findings if they choose, and unceremoniously ask a student or faculty member to leave. Tuition and employment contracts

rule private school relationships, while America's social compact and legal contract (the Constitution) governs how public officials must act.

Situations where the Fourth Amendment (and depending on the results, the Fifth Amendment) might apply:

- Drug testing students in extracurricular activities.
- Drug-sniffing dogs on campus.
- Locker searches and metal detectors.
- Backpacks, wallet, and personal computer searches.
- Searching a student's car in the parking lot.

Given the need for school safety, the authority to conduct searches and reprimand students frequently pre-empts a student's right to privacy or demand for greater process. But it's hardly an open invitation. Schools routinely lose court cases when searches they conduct are not reasonable at the start or become too sweeping once they begin.

Fourth Amendment

The Fourth Amendment prevents unjustified government intrusion into private places, such as clothes, lockers, and one's body. In cases outside the school setting, the overriding question is whether someone has a reasonable expectation of privacy.

The standard for the Fourth Amendment is different and considerably lower in the school context. The criminal standard requires law enforcement officials to demonstrate that they have "probable cause" that a crime has been committed. Often that means presenting evidence to a judge and obtaining a warrant before police can take the intrusive steps of conducting a search of private property.

On school grounds or when students are within school district care—like a field trip—the standard is "reasonable suspicion" and no warrant is necessary. While privacy is still a factor, that relaxed approach allows school officials to conduct a search when one might be prohibited by the police.

The reason the U. S. Supreme Court has recognized the need for a different standard for public schools is to take into account the age and vulnerability of the student population and the need of school officials to look out for their health and safety.

In 1999, when two students gunned down classmates at Columbine High School in Littleton, Colo., school officials across the country saw a need to impose more stringent disciplinary measures. In the wake of the incident, which drew nationwide horror and attention, schools became more vigilant about investigating potential violations. Most significantly, perhaps, many passed "zero-tolerance" policies that specified strict punishments for certain offenses. The circumstances behind the infraction didn't matter.

A zero tolerance policy is unflinching, faithfully mandating punishment if certain offenses have been committed. For example, when a student is found on campus with a knife, the policy might provide for immediate placement in an alternative high school. It does not matter that the student might have taken it from a student intent on committing suicide.

The zero-tolerance approach raised questions about both the investigatory techniques being employed and whether a student's due process was being sufficiently respected. Although schools are somewhat more relaxed now than in the immediate aftermath of Columbine, the ripples of that debate continue today.

Students' rights

If contraband items are in plain view, then they can be seized without probable cause, reasonable suspicion, or a warrant.

Lockers: Although there is an expectation of privacy, it is low, and courts have generally upheld locker searches.

Purses and book bags: School officials need reasonable suspicion to search personal items. The key case, decide by the U. S. Supreme Court in 1985, was *New Jersey v. T.L.O.* In that case, an assistant principal opened and searched a purse after a student was accused of violating the school's no-smoking policy. The search turned up a pack of cigarettes, rolling papers, marijuana, a pipe, money, and other items.

The court concluded that school officials acted within the Constitution and did not need a warrant because they hac reasonable grounds for suspecting that a search would turn up a violation of school rules.

Body Searches: Pat-down searches are minimally intrusive, but strip searches are seen as highly invasive. Some states prohibit no-clothes searches by law.

Canine Searches: Generally seen as non-intrusive since there is no expectation of privacy in the air around objects Drug-sniffing dogs only explore what is within "plain smell."

Student Drug Testing: An Oregon school district's drug-testing policy reached the U. S. Supreme Court in 1995. In *Vernonia School District 47J v. Acton*, justices ruled that it is fine for a district to require students participating in interscholastic athletics to submit to a urinalysis. Opponents argued that the policy violated the Fourth Amendment because it was not based on specific suspicion of the person.

The Supreme Court said the school had accurately judged that athletes were the leaders of the drug culture. Because students voluntarily participated in athletics, they placed themselves under the rule. The Court also noted that the test's purpose was not punishment, but remediation and health.

That idea was expanded upon by the Tecumseh, Okla., school district. Its Supreme Court case established that school districts have a right to impose random drug testing as a condition for students to participate in virtually any extracurricular activity.

Employees' rights

Generally, school district employees are deemed to have a reasonable expectation of privacy in their offices, lockers, personal effects, and persons.

Courts determine whether a search is reasonable by whether it is justified at the start—in other words, what evidence existed to prompt officials to conduct a search—and whether the search's scope was reasonably related to the circumstances. In short, if you are looking for a crate of contraband, there is no right to look in cabinets and crevices. The more personally intrusive the search, the more compelling the circumstances must be to justify it.

Exceptions to the rule include emergency circumstances, such as when officials are searching for a gun or when a individual gives consent to a search.

Urinalysis for employees has generally been upheld for people in safety sensitive positions: those who interact regularly with students, use hazardous substances, operate dangerous equipment, or drive a bus.

The future

Issues of privacy, search and seizure, and due process rights can be highly charged and emotional. Because it calls for balancing school safety and discipline versus student rights, many of these cases never get to court, but are settled by discussions with school officials.

The collision between the need to keep students safe and give them due process and the desire to let them learn and grow will continue to be a central question for schools for years to come. The results will say a lot about how much we value both privacy and process.

Selected resources

Encyclopedia of Everyday Law|Fifth Amendment
This online document is available from enotes.com, a web site featuring study guides, lesson plans, and other reference materials in various academic areas.

National School Boards Association, Council of School Attorneys (NSBA). First, Fourth and Fifth Amendment Rights.
The student rights and discipline page of the NSBA web site provides information about the challenges school districts face in balancing students' First, Fourth, and Fifth Amendment rights with their educational mission to maintain a safe nondisruptive learning environment.

ERIC Clearinghouse on Urban Education. School Safety and the Legal Rights of Students. ERIC/CUE Digest,

Number 121.
This web site makes it easier to find ERIC Digests that were produced prior to the end of the former ERIC system. The site is privately owned and is in no way related to any Federal agency or ERIC unit. It exists to provide the text of the public domain ERIC Documents previously produced by ERIC.

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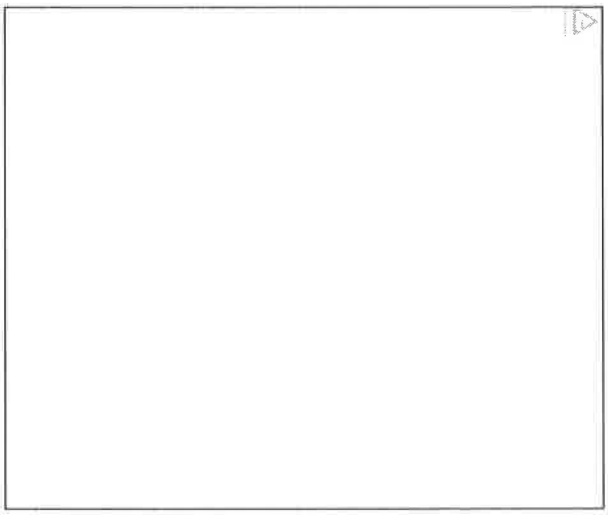
School Safety and the Legal Rights of Students. ERIC/CUE Digest, Number 121.

In ensuring school safety, the courts have sought to balance students' constitutional rights with the need for safety and freedom from violence in the schools. At present, the balance is thoroughly tilted towards efforts to effect tough safety and drug policies in the schools and against any extension of the current scant constitutional rights students enjoy. As the preoccupation with drugs and gang paraphernalia in the schoolhouse has escalated, school searches of students and seizures of their property in accord with the

Fourth Amendment comprise a cutting edge issue for the courts and school authorities.

This digest presents a brief review of recent Fourth Amendment decisions that affect the rights of students and the parameters of schools' authority to maintain a crime-free environment. It is important tc state, however, that education is almost exclusively a matter of state and local laws, regulations, and policies. It rarely involves the Federal government or Federal powers, except for the Federal courts' interpretations of constitutional protections in the school setting. Thus, although the Federal decisions illustrated below apply nationwide, and do serve to mark the boundaries of permissible state and local action, they are no substitute for an understanding of the many legal issues that are primarily a function of state and local laws. State and local school authorities must check the laws, regulations, legal precedents, and policies of their own jurisdiction to ascertain the lawful limits of their own actions, rather than rely upon the examples cited here.



GENERAL FOURTH AMENDMENT ISSUES

Over several decades, in a series of cases involving public school students, the U.S. Supreme Court and state courts have very gingerly both bestowed and limited Fourth Amendment rights. These cases suggest that the delicate balance between students, rights and school safety procedures is strongly tilting towards the rights of school authorities to proactively isolate and reduce perceived causes of school violence. Starting in 1968 and culminating in 1984, the law of the land concerning the status of students vis-a-vis school authorities shifted to a more constitutional basis. Prior to that time, student-school rights were defined by the common law doctrine of "in loco parentis, which for centuries posited that school officials had the "right, duty, and responsibility to act in the place of a parent. Their right to act included the exercise of many parental powers, such as the right to search students for illegal items, or for those items merely considered as contraband under state or local law or school district policies, without the warrant or probable cause mandated for all other citizens under the Fourth Amendment.

The doctrine of in loco parentis began crumbling in 1968, when Tinker v. Des Moines Independent School District (1969) found for the first time that constitutional rights--in this case, the First Amendment right to wear a black armband in school as symbolic speech in protest against the Vietnam War--were applicable to students. In landmark language that has been repeatedly cited, if not always upheld, the court said, "It can hardly be argued that either students or teachers shed their constitutional

rights to freedom of speech or expression at the schoolhouse gate" (pp. 506, 511).

Tinker left unanswered the question of whether Fourth Amendment protections against unreasonable searches and seizures applied to students when searched by school authorities, and if so, with what restrictions, if any. It was not resolved until 1985, in New Jersey v. T.L.O. (1985). In that case, an assistant vice principal opened and searched the purse of T.L.O. (as the student involved was identified to protect her identity), after she had been accused of violating the school's policy of smoking a cigarette on high school property. His search disclosed not only a pack of cigarettes but also rolling papers associated with marijuana use, marijuana, a pipe, plastic bags, a large sum of money, a list of students who owed T.L.O. money, and two letters that involved her in dealing marijuana. When she was arrested on drug charges, she claimed that the evidence found in her purse should be suppressed as the fruits of a unreasonable search and seizure.

The court decided in [the case of] T.L.O. that students subjected to school searches are, in fact, citizens covered by the Fourth Amendment. Also, for the first time, the court considered school officials, when acting in furtherance of publicly mandated educational and disciplinary policies, far more akin to government agents--the very subject of Fourth Amendment restrictions--than to parental surrogates who under the doctrine of in loco parentis, were free from constitutional restraints.

The final question considered by the court was whether the search was reasonable, as guaranteed by the Fourth Amendment. The Amendment requires a warrant and probable cause before a search is considered reasonable, although there are several exceptions to the imposition of that formulaic and high standard. The T.L.O. court carved out another such exception to the usual standard; it found that the Fourth Amendment's requirement of reasonableness was met if school authorities acted without a warrant, but with "reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school. Such a search will be permissible in its scope when the measures adopted are reasonably related to the objectives of the search and are not excessively intrusive in light of the age and sex of the student and the nature of the infraction" (p. 733). Thus the "reasonable suspicion" standard was definitively asserted. It permitted school authorities to lawfully search students upon meeting its two-pronged test: the search must be (1) reasonable in inception, and (2) reasonable in scope.

Some recent search cases in which the two-pronged "reasonableness test" was successfully applied include these:

*A school dance monitor, who, upon seeing that some students were inebriated, in contravention of school policy, took them to a private office and asked them to blow on her face (Martinez v. School District No. 60, 1992).

*Upon hearing an unusual thud when a student threw his bag onto a metal cabinet, a security guard rubbed his hand along the bag to feel for a gun (Matter of Gregory M., 1992/1993).

*Upon a student's report to a guidance counselor that another student possessed an illicit drug, the administrator searched

the latter student's book bag, because the administrator also had knowledge that the student had been previously disciplined for possession of a controlled substance (State v. Moore, 1992).

The case law on student search and seizure has yielded a few other useful factors to consider when conducting a search to ensure that it is reasonable at the inception and in scope. They include the student's age, history, and school record; the seriousness and pervasiveness as a school problem of the suspected infraction or crime; the urgency that required the search without delay; the school official's prior experience with the student; and the evidentiary value and reliability of the information used to justify the search (Rapp, 1994).

What cannot and will not be condoned by the courts are searches that are performed with malicious intent to deprive students of their rights, those where school officials know or should have known that their actions violated students' rights, those that are capricious or discriminatory, and those that do not closely follow school search policies.

The T.L.O. [case] rule and its progeny have been applied to the rights of school authorities to engage in the following acts:

*Search students' school lockers to look for contraband or illegal materials (Student searches and the law 1995; S.C. v. State, 1991).

*Search a student's car in the school parking lot (State v. Slattery, 1990; Student searches and the law, 1995).

*Organize searches by drug-sniffing dogs (Doe v. Renfrow, 1980; Horton v. Goose Creek Independent School District, 1982; Jennings v. Joshua Independent School District, 1989; Jones v. Latexo Independent School District, 1980) or metal detector machines (People v. Dukes, 1992; National Treasury Employers Union v. Van Raab, 1989).

*Perform a visual or manual body cavity search (Student searches and the law, 1995).

DRUG TESTING LAW

As contentious as Fourth Amendment issues have been, the lessons of the T.L.O. case were not substantially reviewed until the courts assessed the issue of mandatory and voluntary drug testing. Until 1995, the short answer to the question of whether schools could mandate all or a class of students to submit to blood or urine tests for drugs could be clearly answered: "no" (Price, 1988). Such testing was seen as a violation of students' reasonable expectation of privacy (Jones v. McKenzie, 1986), and repugnant not only to the U.S. Constitution, but also to the nation's common sense of students' integrity (Anable v. Ford, 1985; Odenheim v. Carlstadt-East Rutherford Regional School District, 1985). The courts did, however, make a distinction between mandatory and voluntary drug testing, with the latter subject to no Fourth Amendment protections, as it is based upon consent.

That distinction blurs, though, when the tests are used as a precondition for school enrollment or for participation in extracurricular activities. Until June 27, 1995, the courts were split on drug testing as a precondition for participating in extracurricular activities, with some courts approving it exactly because these activities are voluntary (Student Searches and the Law, 1995). Then came Acton v. Vernonia

School District 47J (1991), which involved a high school student, James Acton, who wanted to be on his school's football team. His parents refused to sign a form consenting to a urinalysis that would test their son for a variety of drugs, if James were randomly selected by school authorities to comply with the school's newly instituted mandatory, random drug testing program. There was no claim that James was suspected of drug use, but school authorities asserted that their random urinalysis drug testing policy wa the result of their being at their "wits' end" over how to solve a perceived growing drug problem (Daniels, 1995). James Acton, as a consequence of his parents' refusal to consent to such a test, was denied a spot on the football team. In courtroom after courtroom, ending at the U.S. Supreme Court, school officials pressed their claim that they were justified in implementing their random testing prograr in order to stop the rowdy, anti-authoritarian behavior of their athletic teams that resulted from increased drug use in their rural Oregon school. The 9th Circuit Court of Appeals agreed with the Actons, found the mandatory policy an "unreasonable search," and rousingly stated that "children, students, do not hav to surrender their right to privacy in order to secure their right to participate in athletics."

The U.S. Supreme Court did not agree, and once again tipped the scale in favor of educators' efforts to maintain perceived school order and discipline and against the preservation of an individual student's rights to privacy as guaranteed by the Fourth Amendment (Vernonia School District 47J v. Action, 1995). In this final appeal of the Vernonia case, the Court, in a 6-3 ruling, reversed the lower courts and found that the district's policy conformed with the Fourth and Fourteenth Amendments. It ruled that although the urine test was a "search" it was a "reasonable" one because legitimate governmental interests outweighed any intrusion on a student's privacy rights. The Court found that athletes have an even further reduced expectation of privacy than other students, as they are more closely regulated in many areas, such as grades and medical condition, and they participate in communal undressing and showering, further obviating any claim of physical privacy. In addition, the Court found that the urine test procedure was negligibly intrusive, even though students had to divulge the prescription drugs they were taking at the time, since the process was akin to public restroom conditions and the test was being used only to determine illicit drug use rather than to identify any medical situation. In an outright reversal of any previous rationales, the Court emphasized that a random drug testing policy was better than suspicion-based testing because the latter would turn the process into a badge of shame and would also permit teachers to arbitrarily test "troublesome but not drug-likely students."

CASE LAW TRENDS

The citation of Vernonia has served as the precedent for several constitutional decisions on the Federal district court or circuit court of appeals levels during the few years since its issuance. Stigile v. Clinton (1996) found a strong governmental interest in permitting random drug testing of high school athletes, when such testing is "undertaken in furtherance of the government's responsibilities, under a public school system, as guardian and tutor of children, entrusted to its care."

Thompson v. Carthage School District (1996) permitted the generalized search of all males in the sixth through twelfth grades in an Arkansas school district that required them to empty their pockets and to submit to a "pat-down" for weapons by school authorities. The Thompson court applied T.L.O.'s two-pronged "reasonable test" and then applied the lessons of Vernonia. It found that Vernonia--which established that random drug testing in the absence of individualized suspicion, was "reasonable," and that even the significant privacy invasion of a urinalysis was justified by the important government

interest, as students' "reasonable guardian and tutor" in reducing drug abuse by student athletes--could buttress the court's rationale in permitting the invasive "pat-down" and emptying of pockets.

In Wallace by Wallace v. Batavia School District (1995), the court cited Vernonia when it permitted as a reasonable seizure a teacher's grabbing a high school student's wrists and elbow and escorting her out of the classroom, after observing the student participate in a screaming match with another student and then threaten that student with physical violence. The finding of "reasonableness" was based upon Vernonia's dictum that the nature of students' "rights is what is appropriate for children in school."

Cheema v. Thompson (1995) extended the previously abandoned legal theory of schools' functioning in loco parentis. The court noted that Vernonia held that for many purposes "school authorities act in loco parentis" when it decided, on other grounds, that Sikh students in California cannot be forced to utterly abandon their possession of religiously mandated ceremonial knives or cease attending public elementary school. After Cheema, it could be posited that there are still legal grounds to argue that school authorities are endowed with parental rights when assuring students' safety and drug-free status, and that students' constitutional protections are subservient to those parental rights.

CONCLUSION

With respect to students' rights in school, the current direction of Fourth Amendment law reflects society's fears of and disrespect for children and the paucity of alternatives to police-type enforcement measures that are both in use and under consideration in the schools. It also indicates that school authorities no longer have to grant students the civil rights considered inalienable by the rest of the nation's citizens. Thus, the first line of defense of school administrators is to bring in more policing measures, such as car searches, metal detectors, urinalyses, and drug-sniffing dogs. The cases reported here, as well as many others not discussed, result from the shared frustration felt by administrators trying to stop the perceived violence and drugs without restraint and alternative.

There is, however, a wealth of information and experience about alternatives to such draconian school violence prevention strategies. Law-related education (LRE) is a fresh approach to reducing the causes of school violence early and continually throughout a student's education. It is a generic, interdisciplinary direction in education that combines particular kinds of content (related to rules, laws, and legal systems with interactive instruction (McBee, 1995).

Student conflict resolution and mediation training, including student courts, represent another approach. Peer counseling has also proven effective in breaking the impasse between violent students and the school system (Sachnoff, 1988). Using trained students as helpers, friends, counselors, mediators, and educators to ease the school tensions and conflicts that result in violence is an educational and effective first line of defense against school disruptions and crime. The use of dress codes and uniforms to change a school's violent culture has also dramatically reduced crime and violence in many school districts ("Restricting Gang Clothing," 1994; Kennedy, 1995; "Long Beach Schools," 1995; "Regulating Student Appearance," 1994). Parental and other adult participation not only bolsters school anti-violence programs, but also aerates the school system and demonstrates the entire community's concern with students' education and progress. All of these initiatives provide early and ongoing education and experience in nonviolent means of violence prevention for grades K-12. In fact, the list of such innovative strategies to combat school violence is as extensive as society's creativity and commitment to

empower rather than punish children.

Reliance on prevention programs is not only an issue of efficacy and morality, but is also one of international law. Children have human rights, regardless of their behavior or the school setting. The Convention on the Rights of the Child sets the basic, minimum standards for juvenile justice procedures, children's access to education, their rights to bodily integrity and mental health, and the provision of other resources to enable children to become healthy and productive adult citizens. One of the main tenets of the Convention is that children's human rights rest on a bedrock of their right to be heard, to be listened to, and to participate in the decisions and environments that affect their lives. Certainly, violence prevention training, as opposed to criminal enforcement techniques, is the course most consistent with a recognition of children's human rights. At this date, the Convention has been ratified by over 180 nations worldwide; only the United States, Somalia, and the Cooke Islands have not ratified it.

REFERENCES

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This digest is based on an essay, "School Violence and the Legal Rights of Students: Selected Issues," by Dorianne Beyer, published in the monograph, Preventing Youth Violence in Urban Schools: An Essay Collection.

Katz v. United States

Posted By *admin* On August 31, 2009 @ 3:40 pm In Electronic Surveillance, Agents and Informers, and Entrapment | No Comments

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Citation. 389 U.S. 347, 88 S. Ct. 507, 19 L. Ed. 2d 576 (1967)

Synopsis of Rule of Law. The protection of the Fourth Amendment of the United States Constitution ("Constitution"), against unreasonable searches and seizures, follows the person and not the place.

Facts. The petitioner used a public telephone booth to transmit wagering information from Los Angeles to Boston and Miami in violation of federal law. After extensive surveillance, the FBI placed a listening device to the top of the telephone booth and recorded the petitioner's end of the telephone conversations which was then used as evidence against him at his trial. The petitioner moved to have the evidence suppressed under the Fourth Amendment of the Constitution, and that motion was denied. The Court of Appeals rejected the contention that the evidence is inadmissible. Certiorari was granted.

Issue. Whether the Fourth Amendment of the Constitution protects telephone conversations conducted in a phone booth and secretly recorded from introduction as evidence against a person?

Held. Justice Potter Stewart filed the majority opinion. The petitioner strenuously asserted that the phone booth was a constitutionally protected area. However, the Fourth Amendment protects persons and not places from unreasonable intrusion. Even in a public place, a person may have a reasonable expectation of privacy in his person. Although the petitioner did not seek to hide his self from public view when he entered the telephone booth, he did seek to keep out the uninvited ear. He did not relinquish his right to do so simply because he went to a place where he could be seen. A person who enters into a telephone booth may expect the protection of the Fourth Amendment of the Constitution as he assumes that the words he utters into the telephone will not be broadcast to the world.

Once this is acknowledged, it is clear that the Fourth Amendment of the Constitution protects persons and not areas from unreasonable searches and seizures. The Government's activities in electron
ically listening to and recording the petitioner's telephone conversations constituted a search and seizure under the Fourth Amendment and absent a search warrant predicated upon sufficient probable cause, all evidence obtained is inadmissible.

Dissent. Justice Hugo Black ("J. Black") filed a dissenting opinion. J. Black observed that eavesdropping was an ancient practice that the Framers were certainly aware of when they drafted the United States Constitution ("Constitution"). Had they wished to prohibit this activity under the Fourth Amendment of the Constitution they would have added such language that would have effectively done so. By clever wording, the Supreme Court finds it plausible to argue that language aimed specifically at searches and seizures of things that can be searched and seized may, to protect privacy, be applied to eavesdropped evidence of conversations.

Concurrence. Justice John Harlan ("J. Harlan") filed a dissenting opinion. The Fourth Amendment of the Constitution protects persons, not places. There is a twofold requirement for what protection is afforded to those people. First, that a person has exhibited an actual expectation of privacy and, second, that the expectation be one that society is prepared to recognize as reasonable. The critical fact in this case is that a person who enters a telephone booth shuts the door behind him, pays the toll, and is surely entitled to assume that his conversation is not being intercepted. On the other hand, conversations out in the open public would not be protected against being overheard as the expectation of privacy would not be reasonable.

Discussion. The Fourth Amendment of the Constitution provides constitutional protection to individuals and not to particular places. The two-part test for this protection is introduced by J. Harlan. First, the person must have exhibited an actual expectation of privacy and, second, that expectation must be reasonable.

Terry v. Ohio

Posted By *admin* On August 31, 2009 @ 3:40 pm In The Fourth Amendment: Arrest and Search and Seizure | No Comments

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View this case and other resources at:

Bloomberg LAW [1]

Citation. 392 U.S. 1, 88 S. Ct. 1868, 20 L. Ed. 2d 889 (1968)

Brief Fact Summary. The Petitioner, John W. Terry (the "Petitioner"), was stopped and searched by an officer after the officer observed the Petitioner seemingly casing a store for a potential robbery. The officer approached the Petitioner for questioning and decided to search him first.

Synopsis of Rule of Law. An officer may perform a search for weapons without a warrant, even without probable cause, when the officer reasonably believes that the person may be armed and dangerous.

Facts. The officer noticed the Petitioner talking with another individual on a street corner while repeatedly walking up and down the same street. The men would periodically peer into a store window and then talk some more. The men also spoke to a third man whom they eventually followed up the street. The officer believed that the Petitioner and the other men were "casing" a store for a potential robbery. The officer decided to approach the men for questioning, and given the nature of the behavior the officer decided to perform a quick search of the men before questioning. A quick frisking of the Petitioner produced a concealed weapon and the Petitioner was charged with carrying a concealed weapon.

Issue. Whether a search for weapons without probable cause for arrest is an unreasonable search under the Fourth Amendment to the United States Constitution ("Constitution")?

Held. The Supreme Court of the United States ("Supreme Court") held that it is a reasonable search when an officer performs a quick seizure and a limited search for weapons on a person that the officer reasonably believes could be armed. A typical beat officer would be unduly burdened by being prohibited from searching individuals that the

officer suspects to be armed.

Dissent. Justice William Douglas ("J. Douglas") dissented, reasoning that the majority's holding would grant powers to officers to authorize a search and seizure that even a magistrate would not possess.

Concurrence.
Justice John Harlan ("J. Harlan") agreed with the majority, but he emphasized an additional necessity of the reasonableness of the stop to investigate the crime.
Justice Byron White ("J. White") agreed with the majority, but he emphasized that the particular facts of the case, that there was suspicion of a violent act, merit the forcible stop and frisk.

Discussion. The facts of the case are important to understand the Supreme Court's willingness to allow the search. The suspicious activity was a violent crime, armed robbery, and if the officer's suspicions were correct then he would be in a dangerous position to approach the men for questioning without searching them. The officer also did not detain the men for a long period of time to constitute an arrest without probable cause.

New Jersey v. TLO

Posted By *admin* On August 31, 2009 @ 3:39 pm In The Fourth Amendment: Arrest and Search and Seizure | No Comments

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Citation. 469 U.S. 325, 105 S. Ct. 733, 83 L. Ed. 2d 720 (1985)

Brief Fact Summary. The vice-principal of a school searched a students bag and found evidence that she was dealing marijuana.

Synopsis of Rule of Law. "[S]chool officials need not obtain a warrant before searching a student who is under their authority."

Facts. The principle of a high school discovered two girls smoking in a laboratory. One of the girls admitted she was smoking, which violated a school rule. The second girl claimed she was not smoking and as such did not break the rule. The assistant vice-principal took the student into his private office and demanded to search her purse. While looking for cigarettes, the vice-principal found a package of cigarette rolling papers. He continued searching the purse and found a small amount of marijuana and a pipe, a number of empty plastic bags and a substantial amount of one dollar bills and an index card with the names of various people who owed the student money.
The state brought delinquency proceedings against the student and the student argued that her Fourth Amendment Rights were violated . The juvenile court denied the motion to suppress and the student was found to be delinquent. The Appellant Division affirmed the trial court's finding there was no Fourth Amendment violation. The Supreme Court of New Jersey overruled the Appellate Division.

Issue. What is the appropriate "standard for assessing the legality of searches conducted by public school officials and the application of that standard to the facts of this case[?]"

Held. The search did not violate the Fourth Amendment. The majority observed, "we are faced initially with the question whether that Amendment's prohibition on unreasonable

searches and seizures applies to searches conducted by public school officials." The majority observed "[i]t is now beyond dispute that "the Federal Constitution, by virtue of the Fourteenth Amendment, prohibits unreasonable searches and seizures by state officers.' " Equally indisputable is the proposition that the Fourteenth Amendment protects the rights of students against encroachment by public school officials."

"Today's public school officials do not merely exercise authority voluntarily conferred on them by individual parents; rather, they act in furtherance of publicly mandated educational and disciplinary policies. In carrying out searches and other disciplinary functions pursuant to such policies, school officials act as representatives of the State, not merely as surrogates for the parents, and they cannot claim the parents' immunity from the strictures of the Fourth Amendment."

The majority then asked, "[h]ow, then, should we strike the balance between the schoolchild's legitimate expectations of privacy and the school's equally legitimate need to maintain an environment in which learning can take place? It is evident that the school setting requires some easing of the restrictions to which searches by public authorities are ordinarily subject. The warrant requirement, in particular, is unsuited to the school environment: requiring a teacher to obtain a warrant before searching a child suspected of an infraction of school rules (or of the criminal law) would unduly interfere with the maintenance of the swift and informal disciplinary procedures needed in the schools. Just as we have in other cases dispensed with the warrant requirement when 'the burden of obtaining a warrant is likely to frustrate the governmental purpose behind the search, we hold today that school officials need not obtain a warrant before searching a student who is under their authority

.' "

"We join the majority of courts that have examined this issue in concluding that the accommodation of the privacy interests of schoolchildren with the substantial need of teachers and administrators for freedom to maintain order in the schools does not require strict adherence to the requirement that searches be based on probable cause to believe that the subject of the search has violated or is violating the law. Rather, the legality of a search of a student should depend simply on the reasonableness, under all the circumstances, of the search. Determining the reasonableness of any search involves a twofold inquiry: first, one must consider 'whether the . . . action was justified at its inception,' second, one must determine whether the search as actually conducted 'was reasonably related in scope to the circumstances which justified the interference in the first place.' Under ordinary circumstances, a search of a student by a teacher or other school official will be 'justified at

its inception' when there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the

school. Such a search will be permissible in its scope when the measures adopted are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction."
"This standard will, we trust, neither unduly burden the efforts of school authorities to maintain order in their schools nor authorize unrestrained intrusions upon the privacy of schoolchildren. By focusing attention on the question of reasonableness, the standard will spare teachers and school administrators the necessity of schooling themselves in the niceties of probable cause and permit them to regulate their conduct according to the dictates of reason and common sense. At the same time, the reasonableness standard should ensure that the interests of students will be invaded no more than is necessary to achieve the legitimate end of preserving order in the schools."
"Because the search resulting in the discovery of the evidence of marihuana dealing by [the second student] was reasonable, the New Jersey Supreme Court's decision to exclude that evidence from [the student's] juvenile delinquency proceedings on Fourth Amendment grounds was erroneous. Accordingly, the judgment of the Supreme Court of New Jersey is erroneous."

Dissent. Justice Brennan and Justice Marshall concurred in part and dissented in part. The justices observed we "fully agree with Part II of the Court's opinion. Teachers, like all other government officials, must conform their conduct to the Fourth Amendment's protections of personal privacy and personal security. As Justice Stevens points out, this principle is of particular importance when applied to schoolteachers, for children learn as much by example as by exposition. It would be incongruous and futile to charge teachers with the task of embuing their students with an understanding of our system of constitutional democracy, while at the same time immunizing those same teachers from the need to respect constitutional protections" "[The dissenting judges] do not, however, otherwise join the Court's opinion. Today's decision sanctions school officials to conduct fullscale searches on a 'reasonableness' standard whose only definite content is that it is not the same test as the 'p
robable cause' standard found in the text of the Fourth Amendment. In adopting this unclear, unprecedented, and unnecessary departure from generally applicable Fourth Amendment standards, the Court carves out a broad exception to standards that this Court has developed over years of considering Fourth Amendment problems. Its decision is supported neither by precedent nor even by a fair application of the 'balancing test' it proclaims in this very opinion. "

Discussion. This case illustrates another instance where the warrant requirement does not apply due to the uniqueness of the situation involved.

Oyez | IIT Chicago-Kent College of Law

Vernonia School District 47J v. Acton

PETITIONER
Vernonia School District 47J

RESPONDENT
Acton

LOCATION
Vernonia High School

DOCKET NO.
94-590

DECIDED BY
Rehnquist Court (1994-2005)

LOWER COURT
United States Court of Appeals for the Ninth Circuit

CITATION
515 US 646 (1995)

ARGUED
Mar 28, 1995

DECIDED
Jun 26, 1995

ADVOCATES
Thomas M. Christ
Argued the cause for the respondent

Timothy R. Volpert
Argued the cause for the petitioner

Richard H. Seamon
On behalf of the United States, as amicus curiae, supporting the petitioner

Facts of the case

An official investigation led to the discovery that high school athletes in the Vernonia School District participated in illicit drug use. School officials were concerned that drug use increases the risk of sports-related injury. Consequently, the Vernonia School District of Oregon adopted the Student Athlete Drug Policy which authorizes random urinalysis drug testing of its student athletes. James Acton, a student, was denied participation in his school's football program when he and his parents refused to consent to the testing.

Question

Does random drug testing of high school athletes violate the reasonable search and seizure clause of the Fourth Amendment?

Conclusion

Sort: by seniority by ideology

6-3 DECISION FOR VERNONIA SCHOOL DISTRICT 47J

MAJORITY OPINION BY ANTONIN SCALIA

No. The reasonableness of a search is judged by "balancing the intrusion on the individual's Fourth Amendment interests against the promotion of legitimate governmental interests." In the case of high school athletes who are under State supervision during school hours, they are subject to greater control than over free adults. The privacy interests compromised by

urine samples are negligible since the conditions of collection are similar to public restrooms, and the results are viewed only by limited authorities. Furthermore, the governmental concern over the safety of minors under their supervision overrides the minimal, if any, intrusion in student-athletes' privacy.

Cite this page

Oyez | IIT Chicago-Kent College of Law

Safford Unified School District v. Redding

PETITIONER

Safford Unified School District #1, et al.

RESPONDENT

April Redding

LOCATION

Safford Middle School

DOCKET NO.

08-479

DECIDED BY

Roberts Court (2006-2009)

LOWER COURT

United States Court of Appeals for the Ninth Circuit

CITATION

557 US __ (2009)

GRANTED

Jan 16, 2009

ARGUED

Apr 21, 2009

DECIDED

Jun 25, 2009

ADVOCATES

Matthew W. Wright

argued the cause for the petitioners

David O'Neil

Assistant to the Solicitor General, Department of Justice, argued the cause for the United States as amicus curiae

Adam B. Wolf

argued the cause for the respondent

Facts of the case

Savana Redding, an eighth grader at Safford Middle School, was strip-searched by school officials on the basis of a tip by another student that Ms. Redding might have ibuprofen on her person in violation of school policy. Ms. Redding subsequently filed suit against the school district and the school officials responsible for the search in the District Court for the District of Arizona. She alleged her Fourth Amendment right to be free of unreasonable search and seizure was violated. The district court granted the defendants' motion for summary judgment and dismissed the case. On the initial appeal, the U.S. Court of Appeals for the Ninth Circuit affirmed. However, on rehearing before the entire court, the court of appeals held that Ms. Redding's Fourth Amendment right to be free of unreasonable search and seizure was violated. It reasoned that the strip search was not justified nor was the scope of intrusion reasonably related to the circumstances.

Question

1) Does the Fourth Amendment prohibit school officials from strip searching students suspected of possessing drugs in violation of school policy?
2) Are school officials individually liable for damages in a lawsuit filed under 42 U.S.C Section 1983?

Conclusion

Sort: by seniority by ideology

8-1 DECISION FOR SAFFORD UNIFIED SCHOOL DISTRICT #1, ET AL.

MAJORITY OPINION BY DAVID H. SOUTER

John Paul Stevens Anthony M. Kennedy Clarence Thomas Stephen G. Breyer

G. Roberts, Jr Antonin Scalia David H. Souter Ruth Bader Ginsburg Samuel A. Al

Sometimes, fact dependent. No. The Supreme Court held that Savanna's Fourth Amendment rights were violated when school officials searched her underwear for non-prescription painkillers. With David H. Souter writing for the majority and joined by Chief Justice John G. Roberts, and Justices Antonin G. Scalia, Anthony M. Kennedy, Stephen G. Breyer, and Samuel A. Alito, and in part by Justices John Paul Stevens and Ruth Bader Ginsburg, the Court reiterated that, based on a reasonable suspicion, search measures used by school officials to root out contraband must be "reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction." Here, school officials did not have sufficient suspicion to warrant extending the search of Savanna to her underwear. The Court also held that the implicated school administrators were not personally liable because "clearly established law [did] not show that the search violated the Fourth

Amendment." It reasoned that lower court decisions were disparate enough to have warranted doubt about the scope of a student's Fourth Amendment right. Justice Stevens wrote separately, concurring in part and dissenting in part, and was joined by Justice Ginsburg. He agreed that the strip search was unconstitutional, but disagreed that the school administrators retained immunity. He stated that "[i]t does not require a constitutional scholar to conclude that a nude search of a 13-year old child is an invasion of constitutional rights of some magnitude." Justice Ginsburg also wrote a separate concurring opinion, largely agreeing with Justice Stevens point of dissent. Justice Clarence Thomas concurred in the judgment in part and dissented in part. He agreed with the majority that the school administrators were qualifiedly immune to prosecution. However, he argued that the judiciary should not meddle with decisions school administrators make that are in the interest of keeping their schools safe.

Cite this page

Oyez | IIT Chicago-Kent College of Law

Riley *v.* California

PETITIONER
David Leon Riley

RESPONDENT
State of California

LOCATION
California Fourth District Court of Appeal

DOCKET NO.
13-132

DECIDED BY
Roberts Court (2010-2016)

CITATION
573 US __ (2014)

GRANTED
Jan 17, 2014

ARGUED
Apr 29, 2014

DECIDED
Jun 25, 2014

Facts of the case

David Leon Riley belonged to the Lincoln Park gang of San Diego, California. On August 2, 2009, he and others opened fire on a rival gang member driving past them.

The shooters then got into Riley's Oldsmobile and drove away. On August 22, 2009, the police pulled Riley over driving a different car; he was driving on expired license registration tags. Because Riley's driver's license was suspended, police policy required that the car be impounded. Before a car is impounded, police are required to perform an inventory search to confirm that the vehicle has all its components at the time of seizure, to protect against liability claims in the future, and to discover hidden contraband. During the search, police located two guns and subsequently arrested Riley for possession of the firearms. Riley had his cell phone in his pocket when he was arrested, so a gang unit detective analyzed videos and photographs of Riley making gang signs and other gang indicia that were stored on the phone to determine whether Riley was gang affiliated. Riley was subsequently tied to the shooting on August 2 via ballistics tests, and separate charges were brought to include shooting at an occupied vehicle, attempted murder, and assault with a semi-automatic firearm. Before trial, Riley moved to suppress the evidence regarding his gang affiliation that had been acquired through his cell phone. His motion was denied. At trial, a gang expert testified to Riley's membership in the Lincoln Park gang, the rivalry between the gangs involved, and why the shooting could have been gang-related. The jury convicted Riley on all three counts and sentenced to fifteen years to life in prison. The California Court of Appeal, Fourth District, Division 1, affirmed.

Question

Was the evidence admitted at trial from Riley's cell phone discovered through a search that violated his Fourth Amendment right to be free from unreasonable searches?

Conclusion

Sort: by seniority by ideology

UNANIMOUS DECISION FOR RILEY

MAJORITY OPINION BY JOHN G. ROBERTS, JR.

A warrantless cell phone search violates the Fourth Amendment right to privacy.

Antonin Scalia Clarence Thomas Stephen G. Breyer Sonia Sotomayor

G. Roberts, Jr. Anthony M. Kennedy Ruth Bader Ginsburg Samuel A. Alito, Jr. Elena Kagan

Yes. Chief Justice John G. Roberts, Jr. wrote the opinion for the unanimous Court. The Court held that the warrantless search exception following an arrest exists for the purposes of protecting officer safety and preserving evidence, neither of which is at issue in the search of digital data. The digital data cannot be used as a weapon to harm an arresting officer, and police officers have the ability to preserve evidence while awaiting a warrant by disconnecting the phone from the network and placing the phone in a "Faraday bag." The Court characterized cell phones as minicomputers filled with massive amounts of private information, which distinguished them from the traditional items that can be seized from an arrestee's person, such as a wallet. The Court also held that information accessible via the phone but stored using "cloud computing" is not even "on the arrestee's person." Nonetheless, the Court held that some warrantless searches of cell phones might be permitted in an emergency: when the government's interests are so compelling that a search would be reasonable.

Justice Samuel A. Alito, Jr. wrote an opinion concurring in part and concurring in the judgment in which he expressed doubt that the warrantless search exception following an arrest exists for the sole or primary

purposes of protecting officer safety and preserving evidence. In light of the privacy interests at stake, however, he agreed that the majority's conclusion was the best solution. Justice Alito also suggested that the legislature enact laws that draw reasonable distinctions regarding when and what information within a phone can be reasonably searched following an arrest.

Learn more about the Roberts Court and the Fourth Amendment in Shifting Scales, a nonpartisan Oyez resource.

Cite this page

APA Bluebook Chicago MLA

"Riley v. California." *Oyez.* Chicago-Kent College of Law at Illinois Tech, n.d. Aug 25, 2016. <https://www.oyez.org/cases/2013/13-132>

QUOTES FROM CITED CASES:

Weeks v. United States (Supreme Court 1914)

Justice William R. Day (Opinion Of the Court): "If letters and private documents can thus be seized and held and used in evidence against a citizen accused of an offense, the protection of the Fourth Amendment, declaring his right to be secure against such searches and seizures, is of no value, and....might as well be stricken from the Constitution. The efforts of the courts and their officials to bring the guilty to punishment, praiseworthy as they are, are not to be aided by the sacrifice of those great principles established be years of endeavor and suffering which have resulted in... the fundamental law of the land."

New Jersey v. T.L.O. (Supreme Court 1985)

Justice Byron White (Opinion of the Court): "Schoolchildren have legitimate expectations of privacy.... But striking the balance between schoolchildren's legitimate expectations of privacy and the school's equally legitimate need to maintain an environment in which learning can take place requires some easing of the restrictions to which searches by public authorities are ordinarily subject."

Vernonia School District v. Acton (Supreme Court 1995)

Justice Antonin Scalia (Opinion of the Court): "In the present case, ...this evil is being visited not just upon individuals at large, but upon children for whom it has undertaken a special responsibility of care and direction. ...It must not be lost sight of that this program is directed more narrowly to drug use by school athletes, where the risk of immediate physical harm to the drug user or those with whom he is playing his sport is particularly high. Apart from psychological effects, which include impairment of judgment, slow reaction time, and a lessening of the perception of pain, the particular drugs screened by the District's Policy have been demonstrated to pose substantial physical risks to athletes."

Safford Unified School District v. Reading (Supreme Court 2009)

Justice David Souter (Opinion of the Court): "Because there were no reasons to suspect the drugs presented a danger or were concealed in her underwear, we hold that the search did violate the Constitution. In sum, what was missing from the suspected facts that pointed to Savana was any indication of danger to the students from the power of the drugs or their quantity, and any reason to suppose that Savana was carrying pills in her underwear. We think that the combination of these deficiencies was fatal to finding the search reasonable."