STUDENT DRUG TESTING IS NOT AN INVASION OF PRIVACY CLARENCE THOMAS pdf

1: Drug abuse : opposing viewpoints | Search Results | IUCAT Kokomo

By ZAK SLAYBACK Somerset In , the Court further held in a split decision that districts may randomly drug test students who are involved in any extracurricular activities.â€" in an opinion by Justice Clarence Thomas, who is renowned for his lack in the belief of rights of minors.

Facts[edit] In the mids, officials in the school district in Vernonia noticed a precipitous rise in drug use among the students in the Vernonia School District. Disciplinary problems arose in frequency and severity. At the trial, the Vernonia High School football and wrestling coaches noted they had witnessed injuries attributable to student drug use. In response, the school district offered special classes, speakers, and presentations to the students intended to deter drug use. It brought in a specially trained dog to detect drugs, but the drug problem continued unabated. The protocol of the random drug testing program the district initiated was straightforward. All student athletes would be required to submit to the program as a condition of participating in athletics. A subsequent search of her purse revealed drug paraphernalia, marijuana, and documentation of drug sales. She was charged as a juvenile for the drugs and paraphernalia found in the search. She fought the search, claiming it violated her Fourth Amendment right against unreasonable searches. Supreme Court, in a ruling, held that the search was reasonable under the Fourth Amendment. Majority Opinion[edit] The Fourth Amendment only protects against unreasonable searches and seizures. Although a search is presumptively reasonable if carried out pursuant to a warrant issued upon a showing of probable cause, the Fourth Amendment does not require a showing of probable cause in all cases. When "special needs" outside of ordinary law enforcement needs make obtaining a warrant impractical, the Fourth Amendment allows officials to dispense with the formality of obtaining a warrant. Such "special needs" adhere in the public school context, because administrators need to be able to maintain order within the school. The final vote was in favor of the school The Fourth Amendment only protects against intrusions upon legitimate expectations of privacy. Thus, public school students have a lesser expectation of privacy than members of the general public. Among public school students, athletes have even less of an expectation of privacy. They suit up in locker rooms before practice. They take communal showers afterward. They subject themselves to additional regulation and medical screenings in order to participate in school sports. First, the subject is monitored while providing the actual sample. In the case of the Vernonia policy, boys were visually monitored from behind while providing the sample, while girls were monitored aurally from outside a closed stall. The results of the test were disclosed only to a small group of school officials and not to law enforcement. And although the Vernonia policy required students to disclose prescription drugs the student was taking in advance, the Court was unwilling to assume that the school district would misuse the medical information disclosed to it by student athletes. The Court thus concluded that the invasion of privacy was "not significant. Drug use has a more deleterious effect on adolescents than on adults. The "effects of a drug-infested school are visited not just upon the users, but upon the entire student body and faculty, as the educational process is disrupted. Thus, the Vernonia policy was a reasonable search under the Fourth Amendment. Historically, the Court had disapproved of blanket searches, particularly in the criminal context, where the search was more than minimally intrusive. More recently, the Court had limited its willingness to dispense with the individualized suspicion requirement only in particularly dangerous contexts, such as prisons. Furthermore, the school district itself already had in place a discipline system based on individualized suspicion for a variety of infractions, such that adding drug testing to the mix would not be particularly onerous. All of the evidence justifying the drug testing program "consisted of first- or second-hand stories of particular, identifiable students acting in ways that plainly gave rise to reasonable suspicion of in-school drug use.

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2: Board of Ed. of Independent School Dist. No. 92 v. Earls

Drug testing creates a better workplace environment / Norm Brodsky -- Drug testing in the workplace is counterproductive / Barbara Ehrenreich -- Workplace drug testing is cost effective / Judith A. Swartley -- Workplace drug testing has not been proven cost effective / Andy Meisler -- Drug tests are unreliable / Dana Hawkins -- Student drug.

March 19, Decided: June 27, Justice Thomas delivered the opinion of the Court. I The city of Tecumseh, Oklahoma, is a rural community located approximately 40 miles southeast of Oklahoma City. The School District administers all Tecumseh public schools. In the fall of , the School District adopted the Student Activities Drug Testing Policy Policy , which requires all middle and high school students to consent to drug testing in order to participate in any extracurricular activity. In practice, the Policy has been applied only to competitive extracurricular activities sanctioned by the Oklahoma Secondary Schools Activities Association, such as the Academic Team, Future Farmers of America, Future Homemakers of America, band, choir, pom pon, cheerleading, and athletics. Under the Policy, students are required to take a drug test before participating in an extracurricular activity, must submit to random drug testing while participating in that activity, and must agree to be tested at any time upon reasonable suspicion. The urinalysis tests are designed to detect only the use of illegal drugs, including amphetamines, marijuana, cocaine, opiates, and barbituates, not medical conditions or the presence of authorized prescription medications. At the time of their suit, both respondents attended Tecumseh High School. Respondent Daniel James sought to participate in the Academic Team. Applying the principles articulated in Vernonia School Dist. The Court of Appeals then held that because the School District failed to demonstrate such a problem existed among Tecumseh students participating in competitive extracurricular activities, the Policy was unconstitutional. We granted certiorari, U. See Vernonia, supra, at ; cf. In the criminal context, reasonableness usually requires a showing of probable cause. Von Raab, U. Respondents instead argue that drug testing must be based at least on some level of individualized suspicion. See Brief for Respondents See Vernonia, supra, at ; T. While schoolchildren do not shed their constitutional rights when they enter the schoolhouse, see Tinker v. In particular, a finding of individualized suspicion may not be necessary when a school conducts drug testing. In Vernonia, this Court held that the suspicionless drug testing of athletes was constitutional. A We first consider the nature of the privacy interest allegedly compromised by the drug testing. As in Vernonia, the context of the public school environment serves as the backdrop for the analysis of the privacy interest at stake and the reasonableness of the drug testing policy in general. Schoolchildren are routinely required to submit to physical examinations and vaccinations against disease. Securing order in the school environment sometimes requires that students be subjected to greater controls than those appropriate for adults. Respondents argue that because children participating in nonathletic extracurricular activities are not subject to regular physicals and communal undress, they have a stronger expectation of privacy than the athletes tested in Vernonia. All of them have their own rules and requirements for participating students that do not apply to the student body as a whole. For example, each of the competitive extracurricular activities governed by the Policy must abide by the rules of the Oklahoma Secondary Schools Activities Association, and a faculty sponsor monitors the students for compliance with the various rules dictated by the clubs and activities. This regulation of extracurricular activities further diminishes the expectation of privacy among schoolchildren. We therefore conclude that the students affected by this Policy have a limited expectation of privacy. B Next, we consider the character of the intrusion imposed by the Policy. See Vernonia, supra, at The monitor then pours the sample into two bottles that are sealed and placed into a mailing pouch along with a consent form signed by the student. This procedure is virtually identical to that reviewed in Vernonia, except that it additionally protects privacy by allowing male students to produce their samples behind a closed stall. Even before the Policy was enacted the choir teacher had access to this information. In any event, there is no allegation that any other student did see such information. This one example of alleged carelessness hardly increases the character of the intrusion.

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Moreover, the test results are not turned over to any law enforcement authority. Nor do the test results here lead to the imposition of discipline or have any academic consequences. Vernonia, supra, at , and n. Indeed, a student may test positive for drugs twice and still be allowed to participate in extracurricular activities. The student may continue to participate in the activity if within five days of the meeting the student shows proof of receiving drug counseling and submits to a second drug test in two weeks. For the second positive test, the student is suspended from participation in all extracurricular activities for 14 days, must complete four hours of substance abuse counseling, and must submit to monthly drug tests. Only after a third positive test will the student be suspended from participating in any extracurricular activity for the remainder of the school year, or 88 school days, whichever is longer. See Vernonia, U. This Court has already articulated in detail the importance of the governmental concern in preventing drug use by schoolchildren. In fact, evidence suggests that it has only grown worse. Indeed, the nationwide drug epidemic makes the war against drugs a pressing concern in every school. Additionally, the School District in this case has presented specific evidence of drug use at Tecumseh schools. Teachers testified that they had seen students who appeared to be under the influence of drugs and that they had heard students speaking openly about using drugs. A drug dog found marijuana cigarettes near the school parking lot. Police officers once found drugs or drug paraphernalia in a car driven by a Future Farmers of America member. Brief for Respondents The School District has provided sufficient evidence to shore up the need for its drug testing program. Furthermore, this Court has not required a particularized or pervasive drug problem before allowing the government to conduct suspicionless drug testing. For instance, in Von Raab the Court upheld the drug testing of customs officials on a purely preventive basis, without any documented history of drug use by such officials. Likewise, the need to prevent and deter the substantial harm of childhood drug use provides the necessary immediacy for a school testing policy. Indeed, it would make little sense to require a school district to wait for a substantial portion of its students to begin using drugs before it was allowed to institute a drug testing program designed to deter drug use. Given the nationwide epidemic of drug use, and the evidence of increased drug use in Tecumseh schools, it was entirely reasonable for the School District to enact this particular drug testing policy. Among other problems, it would be difficult to administer such a test. Respondents are correct that safety factors into the special needs analysis, but the safety interest furthered by drug testing is undoubtedly substantial for all children, athletes and nonathletes alike. We know all too well that drug use carries a variety of health risks for children, including death from overdose. In this context, the Fourth Amendment does not require a finding of individualized suspicion, see supra, at 5, and we decline to impose such a requirement on schools attempting to prevent and detect drug use by students. Moreover, we question whether testing based on individualized suspicion in fact would be less intrusive. Such a regime would place an additional burden on public school teachers who are already tasked with the difficult job of maintaining order and discipline. A program of individualized suspicion might unfairly target members of unpopular groups. The fear of lawsuits resulting from such targeted searches may chill enforcement of the program, rendering it ineffective in combating drug use. III Within the limits of the Fourth Amendment , local school boards must assess the desirability of drug testing schoolchildren. In upholding the constitutionality of the Policy, we express no opinion as to its wisdom. Accordingly, we reverse the judgment of the Court of Appeals. It is so ordered. The court noted, however, that the dispute need not be resolved because Lindsay Earls had standing, and therefore the court was required to address the constitutionality of the drug testing policy. Because we are likewise satisfied that Earls has standing, we need not address whether James also has standing. The respondents did not challenge the Policy either as it applies to athletes or as it provides for drug testing upon reasonable, individualized suspicion. Justice Ginsburg argues that Vernonia School Dist. For instance, the number of 12th graders using any illicit drug increased from The number of 12th graders reporting they had used marijuana jumped from

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3: Clarence Thomas - Wikipedia

While drugs and drug searches are not a prominent issue in this county, I still feel that random drug searches and testing at school is an invasion of privacy. Schools do not hold the authority to conduct random drug tests on students.

The testing does not have to be preceded by a finding that drugs are a problem at a particular school or among a particular group of students. The decision came out of a case that challenged such a drug testing policy at an Oklahoma school. However, its provisions will apply nationwide and are expected to encourage school districts across the country to conduct similar programs. Acton that student athletes could be randomly drug tested. In Vernonia, the majority said athletes had already given up their expectation of privacy by participating in sports and changing in locker rooms. Justice Stephen Breyer deserted his fellow liberals to form the narrow majority with more conservative justices. The Fourth Amendment bans "unreasonable searches and seizures. Thomas conceded that non-athletes have a greater expectation of privacy than student athletes. But he said that fact was not essential in Vernonia, and was not the controlling factor in the Oklahoma case. The Oklahoma institution at the center of the case, Tecumseh High School, offers a broad variety of extracurricular activities -- including band, choir, color guard, Future Farmers of America and Future Homemakers of America. The random drug testing included students in those activities, as well as students in athletics, cheerleading and pompon squad. The school is in a rural area about 40 miles from Oklahoma City. In response, school officials have used "surveillance cameras, drug education, drug dogs and increased security personnel," but drug use "has not been eliminated. The program actually began in September Not everyone was happy with the plan. Three students and their parents filed suit in federal court against the random testing in Then a federal appeals court panel, relying on the same Supreme Court decision, reversed the judge The school district had a compelling interest in stopping the student use of drugs. The students had a compelling interest in maintaining their privacy. Moreover, the Fourth Amendment bans "unreasonable" searches. The school district then asked the Supreme Court for review, saying the appeals court ruling violated high court precedent, including Vernonia, and "the issue Earls, Lindsay et al Topics.

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4: Are random drug searches and testing at school an invasion of privacy? - schurz-dailyamerican

Includes bibliographical references (pages) and index Drug testing creates a better workplace environment / Norm Brodsky -- Drug testing in the workplace is counterproductive / Barbara Ehrenreich -- Workplace drug testing is cost effective / Judith A. Swartley -- Workplace drug testing has not been proven cost effective / Andy Meisler -- Drug tests are unreliable / Dana Hawkins.

Danforth was to be instrumental in championing Thomas for the Supreme Court. In , he joined the Reagan administration. As Chairman, he promoted a doctrine of self-reliance, and halted the usual EEOC approach of filing class-action discrimination lawsuits, instead pursuing acts of individual discrimination. He developed warm relationships during his 19 months on the federal court, including with fellow federal judge Ruth Bader Ginsburg. Ultimately, after consulting with his advisors, Bush decided to hold off on nominating Thomas, and nominated Judge David Souter of the First Circuit instead. Marshall had been the only African-American justice on the court. Both liberal interest groups and Republicans in the White House and Senate approached the nomination as a political campaign. She testified that Thomas had subjected her to comments of a sexual nature, which she felt constituted sexual harassment or at least "behavior that is unbefitting an individual who will be a member of the Court. This is a circus. You will be lynched, destroyed, caricatured by a committee of the U. Senate rather than hung from a tree. However, she said she did not feel his behavior was intimidating nor did she feel sexually harassed, though she allowed that "[s]ome other women might have". Nancy Altman, who shared an office with Thomas at the Department of Education, testified that she heard virtually everything Thomas said over the course of two years, and never heard any sexist or offensive comment. Altman did not find it credible that Thomas could have engaged in the conduct alleged by Hill without any of the dozens of women he worked with noticing it. Simpson questioned why Hill met, dined with, and spoke by phone with Thomas on various occasions after they no longer worked together. Thomas was confirmed by a 52â€”48 vote on October 15, , the narrowest margin for approval in more than a century. He said in There are a number of explanations for this phenomenon. The first is grounded in race and ethnicity. The fact that Justice Thomas is black has undoubtedly played a similar role in how he has been assessed, no matter how much we may hate to admit it. Stare decisis in the U. Fantasy , U. Lopez and United States v. Morrison , the court held that Congress lacked power under the Commerce Clause to regulate non-commercial activities. In these cases, Thomas wrote a separate concurring opinion arguing for the original meaning of the Commerce Clause. Subsequently, in Gonzales v. Raich , the court interpreted the Interstate Commerce Clause combined with the Necessary and Proper Clause to empower the federal government to arrest, prosecute , and imprison patients who used marijuana grown at home for medicinal purposes, even where the activity is legal in that particular state. Thomas dissented in Raich, again arguing for the original meaning of the Commerce Clause. That doctrine bars state commercial regulation even if Congress has not yet acted on the matter. Proponents of broad national power such as Professor Michael Dorf deny that they are trying to update the constitution. Instead, they argue that they are merely addressing a set of economic facts that did not exist when the constitution was framed. Thomas granted the federal government the "strongest presumptions" and said "due process requires nothing more than a good-faith executive determination" to justify the imprisonment of Hamdi, a U. Rumsfeld , which held that the military commissions set up by the Bush administration to try detainees at Guantanamo Bay required explicit congressional authorization, and held that the commissions conflicted with both the Uniform Code of Military Justice UCMJ and "at least" Common Article Three of the Geneva Convention. Louisiana , Thomas dissented from the majority opinion that required the removal from a mental institution of a prisoner who had become sane. Thornton , he authored the dissent defending term limits on federal house and senate candidates as a valid exercise of state legislative power. Justice Thomas voted to overturn federal laws in 34 cases and Justice Scalia in 31, compared with just 15 for Justice Stephen Breyer. Holder case, Thomas was the sole dissenter, voting in favor of throwing out Section Five of the

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Voting Rights Act. Section Five requires states with a history of racial voter discriminationâ€”mostly states from the old Southâ€”to get Justice Department clearance when revising election procedures. Although Congress had reauthorized Section Five in for another 25 years, Thomas said the law was no longer necessary, pointing out that the rate of black voting in seven Section Five states was higher than the national average. Thomas said "the violence, intimidation and subterfuge that led Congress to pass Section 5 and this court to uphold it no longer remains. Holder , voting with the majority and concurring with the reasoning which struck down Section Five. For example, he dissented in Virginia v. Black , a case that struck down part of a Virginia statute that banned cross burning. Concurring in Morse v. Frederick , he argued that the free speech rights of students in public schools are limited. The government was enjoined from enforcing it, pending further proceedings in the lower courts. Ohio Elections Commission , U. Playboy Entertainment Group Newdow , Thomas wrote: Wilkinson , Thomas wrote: The four justices in the plurality opinion specifically rejected incorporation under the privileges or immunities clause, "declin[ing] to disturb" the holding in the Slaughter-House Cases , which, according to the plurality, had held that the clause applied only to federal matters. He would have voted to grant certiorari in Friedman v. City of Highland Park , which upheld bans on certain semi-automatic rifles, Jackson v. San Francisco , which upheld trigger lock ordnances similar to those struck down in Heller, Peruta v. San Diego County , which upheld restrictive concealed carry licensing in California, and Silvester v. Becerra , which upheld waiting periods for firearm purchasers who have already passed background checks and already own firearms. For example, his opinion for the court in Board of Education v. Earls upheld drug testing for students involved in extracurricular activities, and he wrote again for the court in Samson v. California , permitting random searches on parolees. He dissented in the case Georgia v. In cases involving schools, Thomas has advocated greater respect for the doctrine of in loco parentis , which he defines as "parents delegat[ing] to teachers their authority to discipline and maintain order. Redding illustrates his application of this postulate in the Fourth Amendment context. School officials in the Safford case had a reasonable suspicion that year-old Savana Redding was illegally distributing prescription-only drugs. All the justices concurred that it was therefore reasonable for the school officials to search Redding, and the main issue before the court was only whether the search went too far by becoming a strip search or the like. In contrast, Thomas said, "It is a mistake for judges to assume the responsibility for deciding which school rules are important enough to allow for invasive searches and which rules are not" [] and that "reasonable suspicion that Redding was in possession of drugs in violation of these policies, therefore, justified a search extending to any area where small pills could be concealed. United States , the defendant had technically been a fugitive from the time he was indicted in until his arrest in Our Constitution neither contemplates nor tolerates such a role. Virginia and Roper v. Simmons , which held that the Eighth Amendment to the United States Constitution prohibits the application of the death penalty to certain classes of persons. Marsh , his opinion for the court indicated a belief that the constitution affords states broad procedural latitude in imposing the death penalty, provided they remain within the limits of Furman v. Georgia and Gregg v. Georgia , the case in which the court had reversed its ban on death sentences if states followed procedural guidelines. McMillian , a prisoner had been beaten, garnering a cracked lip, broken dental plate, loosened teeth, cuts, and bruises. Although these were not "serious injuries", the court believed, it held that "the use of excessive physical force against a prisoner may constitute cruel and unusual punishment even though the inmate does not suffer serious injury. In concluding to the contrary, the Court today goes far beyond our precedents. Harlan II a generation earlier, but editorial criticism rained down on him". Well, one must either be illiterate or fraught with malice to reach that conclusion Under a federal statute, 18 U. Thomas noted that the case required a distinction to be made between civil forfeiture and a fine exacted with the intention of punishing the respondent. He found that the forfeiture in this case was clearly intended as a punishment at least in part, was "grossly disproportional", and was a violation of the Excessive Fines Clause. In Adarand Constructors v. Government cannot make us equal; it can only recognize, respect, and protect us as equal before the law. That [affirmative action] programs may have been motivated, in part, by good

intentions cannot provide refuge from the principle that under our Constitution, the government may not make distinctions on the basis of race.

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5: Court broadens student drug testing - www.enganchecubano.com

A study looked at 14 years of data on student drug use and found that school drug testing was associated with "moderately lower marijuana use," but increased use of other, more dangerous.

Discipline problems rose in frequency and severity. At the trial, the Vernonia High School football and wrestling coaches noted they had witnessed injuries attributable to student drug use. In response, the school district offered special classes, speakers, and presentations to the students intended to deter drug use. It brought in a specially trained dog to detect drugs, but the drug problem continued unabated. The protocol of the random drug testing program the district initiated was straightforward. All student athletes would be required to submit to the program as a condition of participating in athletics. Majority opinion The Fourth Amendment only protects against unreasonable searches and seizures. Although a search is presumptively reasonable if carried out pursuant to a warrant issued upon a showing of probable cause, the Fourth Amendment does not require a showing of probable cause in all cases. When "special needs" outside of ordinary law enforcement needs make obtaining a warrant impractical, the Fourth Amendment allows officials to dispense with the formality of obtaining a warrant. Such "special needs" adhere in the public school context, because administrators need to be able to maintain order within the school. The Fourth Amendment only protects against intrusions upon legitimate expectations of privacy. Thus, public school students have a lesser expectation of privacy than members of the general public. Among public school students, athletes have even less of an expectation of privacy. They suit up in locker rooms before practice. They take communal showers afterward. They subject themselves to additional regulation and medical screenings in order to participate in school sports. First, the subject is monitored while providing the actual sample. In the case of the Vernonia policy, boys were visually monitored from behind while providing the sample, while girls were monitored aurally from outside a closed stall. The results of the test were disclosed only to a small group of school officials and not to law enforcement. And although the Vernonia policy required students to disclose prescription drugs the student was taking in advance, the Court was unwilling to assume that the school district would misuse the medical information disclosed to it by student athletes. The Court thus concluded that the invasion of privacy was "not significant. Drug use has a more deleterious effect on adolescents than on adults. The "effects of a drug-infested school are visited not just upon the users, but upon the entire student body and faculty, as the educational process is disrupted. Thus, the Vernonia policy was a reasonable search under the Fourth Amendment. Historically, the Court had disapproved of blanket searches, particularly in the criminal context, where the search was more than minimally intrusive. More recently, the Court had limited its willingness to dispense with the individualized suspicion requirement only in particularly dangerous contexts, such as prisons. Furthermore, the school district itself already had in place a discipline system based on individualized suspicion for a variety of infractions, such that adding drug testing to the mix would not be particularly onerous. All of the evidence justifying the drug testing program "consisted of first- or second-hand stories of particular, identifiable students acting in ways that plainly gave rise to reasonable suspicion of in-school drug use. Aftermath In the case Board of Education v. Earls , the majority opinion by Justice Clarence Thomas used Vernonia as a precedent and expanded it to allow drug test to all students who are engaged in extracurricular activities.

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6: Court on Student Drug Testing - latimes

In his opinion, Justice Thomas held that schools have an interest in detecting and preventing drug use among its students, and that the urine analysis program did so without violating the students' privacy rights.

When does drug testing violate the Fourth Amendment? This role the government plays is enshrined right in the preamble of the Constitution: Congress has the power to do this, for example, by passing laws that require clean air or that provide for safe highways and bridges. Governments provide a safety net for citizens in their time of need with welfare programs such as food stamps. Critics of welfare programs say they promote laziness, do not encourage citizens to find work and, in extreme situations, support bad habits. Rick Scott hoped to prevent the latter. Over the summer, he approved legislation requiring adults who apply for state welfare assistance to pass a drug screening. When Scott signed the law, he called it the right thing for those in need, as well as taxpayers. And also, we want to give people an incentive not to use drugs. If they pass, the state reimburses them. Since testing started on July 1, more than 21, people have been approved for welfare through the program, according to a report in the Orlando Sentinel. But opponents, including the ACLU, quickly rallied against the law, saying not only is it an insult to those applying for aid, but it also violates the Fourth Amendment to the U. Constitution, which protects against unreasonable search and seizure. In October, a federal judge in Orlando temporarily blocked the state of Florida from conducting drug tests on welfare applicants. District Judge Mary S. Spokeswoman Jackie Schultz said Gov. Scott was considering an appeal of the ruling. What do you think? Does the government have the right to ensure welfare applicants are not spending that money on drugs? Do these drug tests constitute unreasonable search and seizure?

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7: Vernonia School District 47J v. Acton - Wikipedia

for the majority, Justice Clarence Thomas wrote, "Testing students who participate in extracurricular activities is a reasonably effective means of addressing the School District's legitimate concerns in preventing, deterring and detecting drug.

The Constitution guarantees all Americans the right "to be secure in their persons. Apparently Chief Justice William H. Kennedy, Ruth Bader Ginsburg and many other Americans do not understand the meaning of this phrase. Our fore-parents fought for freedom from English law that permitted unwarranted searches and seizures. They fought for freedom from the British Admiralty Courts and their "guilty-until-proven-innocent" doctrine. The Supreme Court has made all students second-class citizens; they are no longer protected by our Constitution. I do not use drugs, and I would submit to a drug test. However, the fact that the Supreme Court has ruled the Constitution inapplicable to minors angers me. It is as if anything we minors do in this country has no significance. Even more distressing is what might come next. Does the First Amendment also not apply to us? So now school prayer could be legalized since we have no freedom of expression. Or what about the Eighth Amendment regarding cruel and unusual punishment? The Supreme Court ruling on mandatory drug tests for student athletes is another heavy blow. It was a totally wrong ruling against the Fourth Amendment. What dismays me almost as much as such rulings is the tendency of people to obediently accept them and give up their rights with no resistance at all. I hope this time it will be different. A strike on the part of student athletes would be an appropriate action. The strike should be nationwide, but even a local one would make the point that American youth are determined to regain their constitutional protection and be free. The strike must continue until the rules change, regardless. It is a matter of principle. Our precious freedoms are under attack on many fronts. It is time to take the bull by the horns.

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8: Annenberg Classroom - Speak Outs - When does drug testing violate the Fourth Amendment?

Justice Thomas delivered the opinion of the Court. The Student Activities Drug Testing Policy implemented by the Board of Education of Independent School District No. 92 of Pottawatomie County (School District) requires all students who participate in competitive extracurricular activities to submit.

Students are allowed to keep their personal belongings and school supplies in their lockers. When drug searches are commissioned they are on school property, which is a drug, tobacco, alcohol and weapon free zone. Also, searches of vehicles in school parking lots are not an encroachment of personal space because the vehicles are on school property and therefore under school jurisdiction. If students are tested for drugs it is not an intrusion of privacy because the use and possession of illegal drugs is against the law, whether you are a minor or a legal adult. At the beginning of the school year permission slips are sent home asking parents for their consent to drug test their children. If their parents do not consent to drug testing then the students would know that they will not be called for random drug testing. However, if their parents do give permission for drug testing then the students would have a heads up that they might be called for random drug testing. Locker searches are not an invasion of privacy. Nevertheless, other schools do not ask parents for consent and actually give random drug tests. In my opinion when parents are not given the choice for consent I feel that it is an invasion of privacy. If a school is going to do random drug testing then the parents should be aware of it, and be able to have a say as to whether their children will be participating. My reasoning behind this is that if one has nothing to hide, then why does it matter? For example, if someone was trying to hide illegal substances when being tested or searched, they will want to have an excuse to get out of the random test or search. This could be a good excuse for someone that is trying to hide something because it can be a very controversial issue. When this random screening is raised, the questions are brought up about invasion of privacy. In my opinion, I believe that these precautions are extra steps in keeping our students safe, instead of an invasion of privacy. Before the school season begins, parents are sent letters in the mail for signing their child up for random drug testing, so everyone is given the option of keeping it private. When searching for drugs, police used trained dogs that do not see anything in your possession. Plus if a student shows up for school while on drugs, it could affect his or her performance in the classroom, and could mess up their grades. And I would feel more at ease knowing that it was safe for me and everyone else in that building. I feel that when students are at school it is the right of the school district to search or test someone only if they have probable cause. Random drug searches or testing may not necessarily be an invasion of privacy, but it is completely unnecessary. If one is not suspected of any illicit activity, then he or she should not be randomly searched or tested. School officials are allowed to search lockers because they are property of the school district, but when it comes to actually searching and testing students, no one should be randomly searched or tested if there is no evidence of misconduct. However, there is a system that can be put in place to implement a random drug testing program that is not obtrusive nor invasive. A school district could obtain permission from parents at the beginning of the school year to include their son or daughter in the drug testing poll that will be administered throughout the school year. The parents can then decide if they would like their child to be included in the random drug testing or not. This measure would eliminate the issue of privacy invasion, because there is a choice involved. Parents would ultimately decide if their child is in the pool of students to be tested. However, parents would be notified only at the beginning of the year about the testing system, therefore the student would not have any way of being alerted of any upcoming drug testing that would happen during the year. If a system such as this was implemented, drug testing could be administered in a random format, yet still with parent knowledge and approval. I believe that drug testing in schools is not an invasion of privacy. Drug testing is a way of being informed if a student in the district is facing problems involving drugs and the possibility of addiction. Drug testing can lead to help through intervention or counseling if the student requires it. Random searches for drugs are not an invasion of privacy either. As a student I would want to know if

someone in the school is carrying drug paraphernalia. Schools do not hold the authority to conduct random drug tests on students. Although searches of certain sorts are acceptable, they are not in all cases. The most obvious problem with random drug testing in high schools is that students are minors. To achieve this consent most parents would, hopefully, require the school to provide just cause in its want to conduct the test. Random tests suggest that the school has selected a certain number of students with no real cause. Searches conducted on school property can be considered acceptable because the school is searching its own property and belongings. Most cases of random drug searches and tests are an invasion of privacy in a high school setting. Schools do not hold the authority to conduct most of these searches and tests due to the age of students and through the use of the word random, they do not bring forth the just cause for parental consent. The usage of drugs will decrease as more drug searches are administered. The well being of the community surrounding it will also be a little safer to live. It is better to catch the distribution and usage of drugs at school instead of finding the drugs and not knowing who or where it came from. Action that school districts may randomly drug test students who are involved in athletics. In , the Court further held in a split decision in Board of Education v. Earls â€" in an opinion by Justice Clarence Thomas, who is renowned for his lack in the belief of rights of minors â€" that districts may randomly drug test students who are involved in any extracurricular activities. Like many programs of the state, when given an inch, a mile is taken. School districts now regularly test students involved in sports, music activities, career clubs and parking in the school parking lot. This drug testing may seem harmless, but this is far from the truth. First, these tests add another unneeded cost to hurting school districts. These personnel, human capital of either the district or a local health firm, would be better spent creating actual value instead of collecting the urine of a few students. Furthermore, more time and opportunity is wasted in the classrooms. Students lose valuable class time during a volatile time when each second of class time is necessary to cram as much information for state-administered exams into their skulls. While the Supreme Court of the United States has declared that students have very few to no Fourth Amendment rights when entering the school building and participating in extracurricular activities, this is clearly a morally depraved stance the court has also held in the past that African Americans have no rights. Students should not have their rights stripped for participating in the schools that they are legally mandated to attend. Simply because a student decides to be a more active citizen of their school-community, they should not face a more intense eye of scrutiny from their ever-tyrannical administration. Drug tests are clearly another failed attempt by the state at enforcing its drug war on the American people, and the war is in its last death throes. Testing extracurricular activity students will not solve the war on drugs; it will not stop the importation of cocaine from Colombia; it will not starve the poppy fields of Afghanistan; it will not stop the flow of blood from the bodies of those who fight this failed skirmish. School officials should be required to show reasonable suspicion to require the test and obtain a warrant to execute the test; only then would students be once again elevated to the rank of citizen from their current sub-par status.

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In a opinion delivered by Justice Clarence Thomas, the Court held that, because the policy reasonably serves the School District's important interest in detecting and preventing drug use among its students, it is constitutional.

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