

Congress Considering Strip Searching Students

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Imagine an America in which school officials could strip search every student in their school based on the unsubstantiated tip that one of them might have a joint. Congress is voting on a bill Tuesday or Wednesday that could make these police state tactics more common.

We can stop Congress in its tracks, though. Call your representative RIGHT NOW and tell them to vote against this dangerous bill.

If you don't know who your House representative is, simply call the Capitol Switchboard at (202) 224-3121 and give them your address. They'll connect you directly with your representative's office. When you get a staffer on the phone, politely say something like:

"My name is [your name] and I live in [your city]. I'm calling to urge [the congressman/the congresswoman] to vote against the Student and Teacher Safety Act (HR 5295) when it comes to the floor this week. This bill would allow schools and police to invasively search large groups of innocent students based on the mere suspicion that just one of them has drugs. It strips Americans of their 4th Amendment rights. Please let me know how [the congressman/the congresswoman] votes."

MORE INFORMATION

The Student Teacher Safety Act of 2006 (HR 5295) is a sloppily written bill that would require any school receiving federal funding (essentially every public school) to adopt policies allowing teachers and school officials to conduct random, warrantless searches of every student, at any time, for essentially any reason they want. All they would have to do is say they suspect one of their students might be carrying drugs, and then they could conduct a wide scale search of every student in the building. These searches could be pat-downs, bag searches, or strip searches depending on how far school administrators wanted to go. Although courts would have the power to overturn policies that went "too far", it could take years - possibly decades - to safeguard the rights of students in every school.

Disconnecting searches from individualized suspicion is what led to the Goose Creek scandal in 2003. That South Carolina city sent a machine-gun toting SWAT team into a high school because the principal suspected one of the students might be selling marijuana. 150 terrified students were handcuffed and forced to the floor at gunpoint as drug dogs tore through their book bags. No drugs or guns were ever found.

Searching students without individualized suspicion that they have done something wrong fosters mistrust between adolescents and the adults they should feel comfortable turning to when they do have substance abuse problems. Treating groups of students as if they're guilty until proven innocent sends them the wrong message about what it means to be American citizens, and makes them less likely to seek help and guidance when they need it.

The legislation is supported by senior House Republicans and the National Education Association (NEA). It's opposed by the Drug Policy Alliance, Students for Sensible Drug Policy, the ACLU, the American Association of School Administrators, and the National School Boards Association.

The bill wasn't voted on in committee and is being fast-tracked to the floor under a procedure that requires a 2/3 vote to pass. This means there's a chance we can defeat it on the House floor.

The offending text of the legislation (which is not officially public yet) is as follows:

(a) In General- Each local educational agency shall have in effect throughout the jurisdiction of the agency policies that ensure that a search described in subsection (b) is deemed reasonable and permissible.

(b) Searches Covered- A search referred to in subsection (a) is a search by a full-time teacher or school official, acting on any reasonable suspicion based on professional experience and judgment, of any minor student on the grounds of any public school, if the search is conducted to ensure that classrooms, school buildings, school property and students remain free from the threat of all weapons, dangerous materials, or illegal narcotics. The measures used to conduct any search must be reasonably related to the search's objectives, without being excessively intrusive in light of the student's age, sex, and the nature of the offense.