

More than a silly strip search

by Debra_J_Saunders

When she was a 13-year-old student at Safford Middle School in Arizona, Savana Redding was strip-searched by school officials in search of "this is no joke" ibuprofen. Now she is suing the district and the officials for violating her Fourth Amendment protection against unreasonable searches and seizures.

It is not good for Redding that while the U.S. Supreme Court heard arguments on her case last week, Justice David Souter commented, "My thought process is I would rather have the kid embarrassed by a strip search, if we can't find anything short of that, than to have some other kids dead because the stuff is distributed at lunchtime and things go awry."

The good news, I guess, is that Souter is not the surgeon general, because he seems unable to distinguish between Advil and methamphetamine.

But that's it for the good news. Redding was an honor student with no disciplinary marks against her when another student was caught in class with prescription ibuprofen, small knives and a cigarette. That girl falsely told Assistant Principal Kerry Wilson that she got the pills from Redding.

Redding denied the charge. Wilson searched her backpack and found nothing. So he asked a female assistant and school nurse to strip-search Redding. The two women took Redding down the hall and instructed her to remove her socks, shoes and jacket, then shirt and pants, and finally, when she was down to her underwear, they asked her to pull and twist her underwear "exposing herself" to see if any pills fell out. Redding later described the episode as "the most humiliating experience" of her life.

The experience should have been among the most humiliating for Wilson, the assistant and the nurse: They didn't find any pills.

Matthew Wright, the attorney for the school district, told the Associated Press that media coverage is negative due to "a superficial understanding of the facts." He did issue a statement that school officials are "in the untenable position of either facing the threat of lawsuits for their attempts to enforce a drug-free policy or for their laxity in failing to interdict potentially harmful drugs."

So instead, they got a lawsuit for strip-searching an innocent kid because they were fool enough to think she might hide a legal drug in her bra. Yes, those would be the adults in this story.

I should note that the other student was found with 400 mg prescription ibuprofen pills, not a 200 mg over-the-counter Advil. But that is a distinction without a difference. I have to agree with U.S. Judge Kim McLane Wardlaw, who, in a Ninth U.S. Circuit Court of Appeals ruling in Redding's favor, wrote, "We reject Safford's effort to lump together these run-of-the-mill anti-inflammatory pills with the evocative term 'prescription drugs' in a knowing effort to shield an imprudent strip search of a young girl behind a larger war on drugs."

Wardlaw also was appalled that Safford conducted a less intrusive search of the girl who falsely accused Redding, while never asking a boy suspected of the same infraction to strip. If the school was compelled to strip-search Redding to prevent a lawsuit or harmful episode, why not the others?

Slate Magazine's Dahlia Lithwick noted that when Justice John Paul Stevens asked what discipline the district meted out to the girl who falsely fingered Redding, Wright answered, "Oh, there was no discipline that I know of."

Interesting. Common sense could have prevented this irritating case. School districts ought to have better things to do — like educating — than banning student use of over-the-counter drugs. If parents don't want their children taking medication for headaches or cramps, let parents say no. It's not the schools' job.

Common sense also should tell school officials not to strip-search students for any reason without a parent's permission. Asked what she thinks the school should have done, Redding's answer was simple: "Call my mom first."

The Supreme Court does not have a strong track record when it comes to recognizing student or parental rights. In 1995, the Big Bench ruled that an Oregon school could require school athletes to submit to random drug testing, in part because of the "increased risk of sports-related injury." In 2002, the court supported an Oklahoma school district's mandatory drug policy for students participating in any extracurricular activities, sporting or not — even if parents objected to the test.

Perhaps, however, this episode is too extreme even for this court. Or, as Souter also noted, "at some point, it gets silly."

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