

Car has more constitutional rights than teen

Is it possible that our cars are more protected from unreasonable searches by the government than our children?

After last month's legal news, it looks like our children don't have a chance compared to our Nissans.

On April 21 the U.S. Supreme Court significantly limited the circumstances under which the police can search one's car. The case involved a suspect placed under arrest for driving with a suspended license. When the police searched his vehicle, cocaine and a gun were found. However, both will be thrown out as tainted evidence because the Supreme Court ruled the search was unconstitutional.

That same day, the court listened to oral argument in a case involving the strip search of a 13-year-old girl at school. The justices indicated through their questions at oral argument that they could very well find it constitutional for an adolescent girl to be strip searched by school officials based on nothing more than the "say so" of a troubled class-



WARREN BINFORD Commentary

mate.

The startling facts of the strip-search case make the court's position especially troubling. The child, Savana Redding, was an eighth-grade honors student with no disciplinary history. One day, a classmate was caught with four Ibuprofen and one Naprosyn. When asked where she got the pills, the classmate said Redding gave them to her.

The vice principal promptly pulled Redding out of class and interrogated her. She cooperated fully, answering questions honestly and letting them search her backpack. Nothing was found. No drugs. No paraphernalia. Nothing.

Rather than search her locker and desk, call her parents or simply release her back to class,

the vice principal sent Redding to the nurse's office to be strip searched while an administrative assistant watched. Savana stood there nearly naked with her head down to hide the tears that were ready to fall from what she described as "the most humiliating experience" of her life.

Not surprisingly, nothing was found, and she promptly transferred to a new school.

Even Justice Breyer, a jurist not known for complete insensitivity, asked quite sincerely how bad strip searches really are for adolescents, going on to recall his own locker room antics.

Well, maybe Justice Breyer should ask another government official, George Skumanick Jr. Skumanick is a D.A. trying to prosecute a number of teens in Pennsylvania for child pornography. One of the girls was implicated based on a cell phone image of her in "an old grandma bra" taken at a slumber party when she was 12 years old.

In other words, one government official's locker room

antics is another official's child pornography.

What is common across these incidents is how these girls feel when their bodies are exposed to government officials. One of the girls targeted by Skumanick said, "The worst punishment is knowing that all you old guys saw me naked. I just think you guys are all just perverts."

After last month's news about the two FBI employees accused of using surveillance powers to spy on teenage girls trying on prom dresses in a shopping mall, it is hard to persuade our kids that government officials really can be trusted to protect their dignity.

Coincidentally, also on April 21, the Oregon Senate passed two bills that aim to protect Oregon's schoolchildren from sexual abuse by teachers and administrators. While the vast majority of our teachers and administrators are decent, respectful people, the data introduced in support of these bills suggests that the prevalence of sexual abuse in our schools is shocking.

In light of this data, one might worry that giving public school administrators and teachers wide latitude to strip search our children with no parental supervision or involvement would create a situation ripe for exploitation and abuse, or on the flip side, false allegations by students who feel wronged and seek revenge.

Either way, both children and school officials would benefit from clearly defined boundaries.

Let's hope the U.S. Supreme Court does the right thing when it issues its decision next fall and finds that our children deserve at least the same level of constitutional protections given to our cars. After all, if the courts can recognize our cars have "private parts," can't they see that our children do, too?

Warren Binford is an assistant professor of law and director of the Clinical Law Program at Willamette University College of Law, where she teaches international children's rights and the child and family advocacy clinic. She can be reached at wbinford@willamette.edu.

Join the Conversation

LETTERS Write a letter for publication of 200 words or fewer, 500 words for guest opinions. You may submit a letter every 80 days. Submissions are subject to editing and publication guidelines. Not all submissions can be published.

E-MAIL: letters@StatesmanJournal.com

MAIL: Letters to the Editor, Statesman Journal, P.O. Box 13009, Salem, OR 97309-1015

IN PERSON: 280 Church St. NE, across from Courthouse Square

INCLUDE Your full name, town and for verification (not publication), day and evening phone numbers and home street address. Guest opinions are published with a photo and information about the writer. Out-of-area submissions are discouraged.

ONLINE Additional opinions are presented each day in the Opinion section of StatesmanJournal.com. Under News, click on Opinion. You'll also find guidelines for writing letters and for meeting with the Editorial Board.

SMALL PRINT Letters to the editor, blogs, guest opinions, columns, cartoons, photos and articles submitted to the Statesman Journal and/or StatesmanJournal.com may be published or distributed in print, electronic, audio or other forms.

QUESTIONS?
(503) 589-6944 or
(503) 399-6727; (800)
556-3975, Ext. 6944 or
6727; or go to
StatesmanJournal.com/Opinion.