

School Strip Search!



Savana Redding must have been furious when she lost her court case in the trial court. It all started when someone told the school principal Savana was giving pills to other students. Even though Savana had never been in trouble before and denied doing anything wrong, the principal ordered the school nurse and a female school employee to search Savana. They took Savana into a room and told her to take off her outer clothing and shake out her underwear. They didn't find any pills.

Savana believed her rights had been violated. After all, the **Fourth Amendment** to the Constitution is supposed to protect people against unreasonable searches. So Savana took her case to court, arguing that the strip search violated her Fourth Amendment rights.

The trial court didn't see it that way. The judge decided the school had a right to conduct the search, based on two factors: 1) the school had a good reason to believe the search needed to be done, and 2) the search did not go too far, considering that drugs are very serious.

Savana's lawyer filed a written **brief** in the Court of Appeals for the Ninth Circuit, arguing the school did not have a good reason to conduct a strip search and that the search *did* go too far. Both lawyers went to court for an **oral argument** in front of a **panel** of three Court of Appeals judges. Savana couldn't tell the judges her story, but she could sit in the courtroom and listen. During the oral argument, her lawyer explained his reasoning to the judges. They peppered him with questions to be sure they understood his point of view.

In private, the Court of Appeals judges considered whether the trial court judge correctly analyzed the two factors. Two of the three judges agreed that she did. They issued a written **opinion** explaining their decision and giving the judge who disagreed a chance to explain his **dissent**. But it was two against one, so Savana lost again.

There was still hope. Savana's lawyer took a chance and asked for something that doesn't happen very often: He asked all the Ninth Circuit judges to reconsider the decision together. They agreed! It would be too crowded for all 48 judges in the circuit to be in the courtroom, so they chose eleven judges to sit on the **en banc** panel and hear the case again. Everyone filed more briefs, and there was a new oral argument. This time, Savana had six judges on her side. She won!

But the school wasn't giving up. It still believed the first two courts had interpreted the law correctly. Unless they kept fighting, the Ninth Circuit decision would become a **precedent**: In a future case with very similar facts as this one, judges in all Ninth Circuit states would have to decide in the student's favor. The Court of Appeals was not going to hear this case again, so the school only had one shot: the Supreme Court.

But there was a problem. Unlike the Court of Appeals, the Supreme Court gets to choose which cases to take—and most get rejected. The Supreme Court only listens to cases with very important issues. If the Supreme Court rejected this case, the Court of Appeals decision would be final.

The school filed a **petition** asking the Supreme Court to take the case. It worked! The lawyers filed more briefs. Groups who cared about the case filed **friend of the court briefs** in support of Savana or the school. There was one final oral argument where each lawyer spoke in front of all nine Supreme Court justices, who fired tough questions about how the law applied in the case.

Afterward, weeks passed. Finally, the Court issued a written opinion. Although the Court found that the school had a good reason to believe a search should be done, the Court said that a strip search went too far. Savana won! Because she decided to take her case "up" as far as it would go, this Supreme Court decision is now precedent for everyone in the country.

