

Good intentions may result in bad precedents, speaker explains

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suspicion and search.

Kanter suggested that the physical health of students and others may be far more threatened by reckless, untested students driving their cars to and from school and/or school activities. Even then, he said, they have some protection from suspicionless search and seizure.

Looking briefly at the history of the drug testing policy, it comes almost as a shock to realize that it is a six-year-old program, first instituted in the

fall term of 1989, two years before plaintiff James Acton entered the seventh grade and challenged the testing as a requisite for participation in extra-curricular programs.

In the interim, the policy has undergone a number of changes. Initially, it was required of all students participating in extracurricular activities. Students refusing the test were excluded, as were those failing the test, but with opportunities for reinstatement and/or counseling.

In 1990, the testing was restricted to students involved in extracurricular athletic programs, redefining the purpose as a need to protect athletes from injury on the playing field. In 1991 the district decided to oppose the challenge to the policy, brought by James Acton, his parents and the ACLU.

At the time of the trial, May of 1992, United States District Court Judge Malcolm F. Marsh ruled in favor of the school district. On appeal by the ACLU, a three judge panel of the Ninth Circuit Court of Appeals reversed the U.S. District Court decision in May of 1994, on the grounds that district's policy constituted illegal search, violating the 4th Amendment of the U.S. Constitution, as well as Article 1, Section 9 of the Oregon Constitution.

In July, 1994, the Ninth Circuit Court of Appeals declined the school district's request to reconsider their decision, setting the stage for the district's appeal to the U.S. Supreme Court in October of 1994. Word was received in December that the high court would review the case. No date has been set for the high tribunal's hearing.



Stephen Kanter, left, and Lee Hochberg.



Lee Hochberg, seated on stool, talks with Noni Andersen, editor of *The INDEPENDENT*, while cameraman films over Andersen's shoulder.

Two candidates for M-B position

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tion for a four-year term.

Mist-Birkenfeld Fire District

Pos. 1—Eric Larsen and Susan Miller are vying to fill this vacant seat for a four-year term.

Pos. 2—Incumbent Douglas Grant is unopposed for another four-year term.

Pos. 5—Raymond E. Kyser, who was previously appointed to this position, is seeking election to the two-year term.

Tri-City Fire District

Pos. 2—Robert C. Vandehy is the only candidate for this four-year term.

Pos. 4—Incumbent Henry Schmidlin is unopposed for re-election to another four-year term.

Pos. 5—No candidate filed.
Elsie Vine-Maple Fire District

Pos. 1—No candidate filed.
Pos. 4—No candidate filed.

Columbia County Emergency Communications District (9-1-1)

Zone 4—Katharine Denckla is the only candidate seeking the four-year term vacated by Norman Mueller, who moved outside the zone.

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