

STATE OF MICHIGAN LAW DAY 2007 ESSAY CONTEST
“LIBERTY UNDER LAW: EMPOWERING YOUTH, ASSURING DEMOCRACY”
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Paw Paw Middle School, Paw Paw, Michigan
Teacher – Lyn Brown

Suppose a parent reports that a student was showing off a hunting rifle in the school parking lot. Should a principal have the right to conduct a search of a student’s backpack?

I think that the school principal should have the right to search a student's backpack if they have proof that the student has, or was doing something illegal. In this case, the principal should be able to search the student's backpack and their locker. I believe that searching a student's backpack is for the common good of the student body because it ensures the safety of all students in the building. The Fourth Amendment protects us from illegal search seizures, however this search would not be illegal because the principal has reason to believe the student has something illegal. The principal has to have reasonable suspicion to search a student and his/her property. If and when the principal suspects illegal activity, he may search the student.

In the court case New Jersey v. T.L.O., 469 U.S. 325(1985), two girls were caught smoking in the restroom. One of the girls admitted to smoking, while T.L.O. did not admit any wrong doing. The vice-principal searched the girl's locker and purse because smoking is against school policy. The vice-principal located a pack of cigarettes, pack of rolling papers, a pipe and small amount of marijuana. The U.S. Supreme Court ruled that the vice-principal was not wrong in his search because a school leader only needs to have “reasonable suspicion” to conduct a search of a student's locker. This supports my opinion, because I believe that a school needs a reason to search any student's belongings.

My father, Trooper Kelley Whiting, is a Michigan State Trooper and has made me become more familiar with the laws regarding search and seizure. I know that in order for him to search a home or business, he must have a search warrant. The only way around this, is if someone gives him consent to search. This is different from schools because my dad is operating under the color of law which is a police action against someone for criminal reasons. Under the Fourth Amendment, my dad has to present reasonable suspicion, which is called “probable cause”, to a judge for review. The judge is the only person who can sign a warrant for a person's search and seizure rights to be violated. In a school, a student does not have the same rights as outside the building. The school district therefore has the right to search, if they have reasonable suspicion.

Therefore, I believe that the school should have probable cause to search a locker or a student's backpack. If they do not have probable cause, then they have no reason to violate a student's privacy. If the school principal has probable cause, then the search is for the common good of the school body. The search may prevent an attack by an angry student with a weapon. This will ensure the safety of all students and teachers in the building.