

Table 10-4 The Supreme Court and Drug-Testing Programs

Case	Program	Court's Holding
<i>Skinner v. Railway Labor Executives' Association</i> (1989)	Requirement of the Federal Railroad Administration that employees take a breath or urine test if they are involved in a train accident or another serious incident.	The justices ruled, 7–2, that although the program implicates the Fourth Amendment and may “invade reasonable expectations of privacy,” it is not unreasonable. The Court said the government has a strong interest in preventing train accidents, some of which had been caused by employees using drugs and alcohol.
<i>National Treasury Union v. Von Raab</i> (1989)	Requirement of the U.S. Customs Bureau that all job applicants be screened for drugs, as well as those seeking promotions to positions that (1) involve direct drug “interdiction,” (2) require employees to carry weapons, and (3) require employees to handle classified material.	The justices upheld the program, 5–4, even though it authorized drug testing without any evidence that a crime had been committed. The majority found the program reasonable because the government’s (compelling) interests in preventing the “promotion of drug users to positions where they might endanger the integrity of our Nation’s borders or the life of the citizenry” outweigh the privacy interests of those desiring promotion because of the “the special, and obvious, physical and ethical demands of those positions.”
<i>Vernonia School District 47J v. Acton</i> (1995)	School system requirement that students wishing to play sports sign a form giving consent to drug testing. The school tests all athletes at the beginning of each season of their sport and randomly thereafter.	The Court held, 6–3, that the requirement does not violate the Constitution. The Court said that students have reduced privacy expectations and that “[I]egitimate privacy expectations are even less with regard to student athletes. School sports are not for the bashful. They require ‘suiting up’ before each practice or event, and showering and changing afterwards.” Moreover, “[b]y choosing to ‘go out for the team,’ they voluntarily subject themselves to a degree of regulation even higher than that imposed on students generally.”
<i>Chandler v. Miller</i> (1997)	Law passed by Georgia requiring all candidates for public office to take a urine test as a condition for appearing on the ballot.	The justices held, 8–1, that the law violated the Constitution. For the majority, Ginsburg noted that the Court had upheld drug-testing programs for which the government presented some “special need,” such as the protection of public safety. Here, Georgia was seeking to protect its “image,” which is insufficient to justify the law. “However well-meant, the candidate drug test Georgia has devised diminishes personal privacy for a symbol’s sake. The Fourth Amendment shields society against that state action.”