

Court finds roadblocks unconstitutional

WASHINGTON (AP)— In a significant ruling on the use of police power, the Supreme Court struck down random roadblocks intended for drug searches, saying they are an unreasonable invasion of privacy under the Constitution.

Law enforcement in and of itself is not a good enough reason to stop innocent motorists, the majority concluded Tuesday in the first major ruling of the new term.

"Because the checkpoint program's primary purpose is indistinguishable from the general interest in crime control, the checkpoints contravened the Fourth Amendment," which protects against unreasonable searches and seizures, Justice Sandra Day O'Connor wrote.

The court's three most conservative justices dissented, saying the roadblocks Indianapolis set up in high-crime neighborhoods served valuable public safety and crime-fighting goals. Chief Justice William Rehnquist and Justices Antonin Scalia and Clarence Thomas dissented.

"Efforts to enforce the law on public highways used by millions of motorists are obviously necessary to our society," Rehnquist wrote. "The court's opinion today casts a shadow over what has been assumed ... to be a perfectly lawful activity."

Thomas joined the entire nine-page dissent. Scalia agreed with Rehnquist only in part.

Justice Anthony Kennedy, like O'Connor a sometime "swing vote" between the court's ide-

ological poles, sided with her in the majority.

The American Civil Liberties Union had sued on behalf of two detained motorists, and the 7th U.S. Circuit Court of Appeals in Chicago eventually found the practice was probably unconstitutional.

"Today's decision sends a clear message that even a conservative court is not willing to countenance the serious erosion of our basic constitutional rights," said Steven Shapiro, ACLU's legal director.

O'Connor stressed that the high court ruling does not affect other police roadblocks such as border checks and drunken-driving checkpoints, which have already been found constitutional.

The reasoning behind those kinds of roadblocks — chiefly that the benefit to the public outweighs the inconvenience — cannot be applied broadly, O'Connor wrote.

"If this case were to rest on such a high lev-

el of generality, there would be little check on the authorities' ability to construct roadblocks for almost any conceivable law enforcement purpose," the opinion said.

During oral arguments in October, several justices seemed troubled by the notion that by unwittingly driving into the checkpoint, a motorist is open to a criminal investigation that presumably would not have happened otherwise.

Others questioned whether the use of drug-sniffing dogs was heavy-handed. The dogs were led around the car's exterior at every stop.

The case is one of several the court has taken recently that examine the limits of police powers to hunt for drugs.

The court heard arguments in the case of a man detained by police outside his home for about two hours while officers got a search warrant for drugs. In that case, justices seemed to indicate by their questions that they saw little wrong with the police

approach.

The justices will also consider a case involving a man arrested for growing marijuana after police outside the home monitored heat generated by grow lamps in his garage.

In 1999, the court ruled that immigration officials violated bus passengers' privacy rights by squeezing the luggage in overhead racks in a search for drugs.

In the Indianapolis case, lawyers for the city said catching drug criminals was the primary aim of the roadblocks set up in the summer of 1998. The city conceded the roadblocks detained far more innocent motorists than criminals but contended the checks were a quick and efficient way to hunt for illegal drugs and that the severity of the drug problem in some areas justified the searches.

While agreeing that society would no doubt be safer without illegal drugs, O'Connor said "the gravity of the threat alone" cannot determine whether the program was constitutional.

Similarly, the majority rejected the idea that the checkpoints could also help catch drunks and drivers without valid licenses or registrations.

Under that justification, O'Connor wrote, "authorities would be able to establish checkpoints for virtually any purpose so long as they also included a license or sobriety check."

The city conducted six roadblocks over four months in 1998 before the practice was challenged in federal court.

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— Sandra Day O'Connor
U.S. Supreme Court justice

News in Brief

Downey Jr. back on "McBeal"

LOS ANGELES (AP)— Downey Jr. was back on "McBeal" set Tuesday after a weekend arrest on drug charges facing a weekend arrest to keep fighting his publicist said.

"He's concentrating on and himself," said spokeswoman Alan Nierob. "He's a recovering addict. Recovering addicts relapse. He's working on his sobriety as he has last 18 months."

Computers aid cancer detection

CHICAGO (AP)— Computers to double-check mammograms can increase the detection of cancers by 20 percent, according to a study that reports early predictions of new technology.

The findings from mammograms given to nearly 100 women suggest the technology can help radiologists find cancers earlier while improving their accuracy.

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