NATION

Court finds roadblocks unconstitutional

the general interest in

points contravened the

Fourth Amendment."

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 ideological 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 consti- sumably would not have happened otherwise. tutional rights,'

"Because the checkpoint Shapiro, ACLU's legal director. program's primary purpose O'Connor is indistinguishable from stressed that the high court ruling does not affect other police roadcrime control, the checkblocks such as

Steven

drunken-driving checkpoints, which have already been found constitutional.

border checks and

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 pre-

Others tioned whether the use of drug-sniffing dogs was heavyhanded. 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

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

Sandra Day O'Connor

U.S. Supreme Court justice

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.

News in Bri

Downey Jr. b on "McBeal"

LOS ANGELES (AP) Downey Jr. was back or McBeal" set Tuesday ble drug charges facin ter a weekend arre solved to keep fighting his publicist said.

"He's concentrat and himself," said sp Alan Nierob. "He's a addict. Recovering ad relapses. He's worki his sobriety as he ha last 18 months."

Computers a cancer detect

CHICAGO (AP) - Us puters to double-check grams can increase the tion of cancers by 20 according to a study t ports early predictions new technology.

The findings based or mograms given to nearly women suggest the ted can help radiologists fin cancers earlier while in their accuracy.

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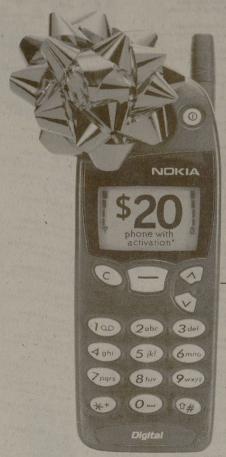
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