In 1991, in a small town by the name of Vernonia, Oregon, there was a boy named James Acton, who attended Washington Grade Middle School. Since the town had nothing but a logging company, sports were a big part of the town. In the fall of 1991, James decided to go out for football. He also planned on playing basketball and running track. Before anyone could participate in football they were given a sheet to take home. A parent and the student had to sign this sheet. It stated that both the student and the parent consented to the random drug tests the school gave. James and his parents did not believe in the drug tests and didn't want their son to be tested. Wayne and Judy Acton thought that it was a violation of James's privacy. They soon scheduled a meeting with Randy Aultman, the principal of the school. James's parents told the principal that they objected to the consent form and weren't going to sign it. The school did not have any reason to believe that James used drugs and it violated his privacy. Principal Aultman told the family that James could not participate in sports if the sheet was not signed. Both sides refused, the Acton's refused to sign the sheet and the school refused to allow James to play sports.

**The Lawsuit**

On November 4, 1991 a man named Thomas Christ filed the Acton's lawsuit in the United States District Court for the District of Oregon. The Actons complaint stated that the random drug test was a violation of the 4th and 14th ammendemnt. It also stated that the court rule out the random drug test.

**The Trial**

The case for Vernonia School District was assigned to Judge Malcolm F. Marsh. He would here the testimony and then rule on the case. The Acton's hired Thomas Christ while the Vernonia School District hired attorneys A. Gregg Powell and Chris L. Mullman. The attorneys hired by the school were hired to convince Marsh that there were valid reasons for the drug testing. The school was concerned about the safety of the students, especially the athletes.

**The Decision**

May 7, 1992 Judge Marsh issued his decision. Judge Marsh issued the witnesses to be truthful and fascinated by their knowledge and concern for their community. The judge gave a lengthy opinion of the case. He stated that the school district's drug testing policy was reasonable. Judge Marsh stated that the school's drug policy did not violate the Fourth Amendment. He also reveiwed the state of Oregon's Constitution. This states:

"No law shall violate the right of the people
to be secure in their persons, house, papers,
and effects, against unreasonable search, or
seizure; and no warrant shall issue but upon
probable cause, supported by oath, or
affirmation, and partcularly describing
the place to be searched, and the person
or thing to be seized."

The Vernonia School District won. The Acton's request to stop drug testing in the school had been denied.

**The Appeal**

When people lose their case in the federal district court, they are entitled to appeal the case to the United States Court of Appeals. The Acton's had to file a written statement of arguments. These arguments had to state their legal theories. Also, the Vernonia School District had to respond to the statement. This Ninth Circuit Court ruled the same jurisdiction as the other courts. The court also stated that neither the Actons or the school challenged whether the warrantless search was authorized. Warrantless searches are illegal but some expectations are allowed.

• If the person consents to the search.
• If the evidence is in plain view.
• If an officer has reason to stop and frisk a suspect.
• If a lawmaking body authorizes the search.

The court found the case to be under a lawmaking body. The Ninth Circuit Court went against what the other courts had said. The school urged the board to reconsidered but the court refused.

**The Appeal to the United States Supreme Court**

This was the last alternative for the Vernonia School District. The school had to file a writ of *certiorari*. By definition this document was "for the delivery to a higher court of the record of a proceeding before a lower court." The school's attorney, Volpert, gave the three reasons for the case to be heard.

1- Argued the Ninth Circuit's holding went in reguard with a Seventh Circuit holding in the case "Schaill vs. Tippecanoe County School District.
2- Vernonia case gave the Supreme Court an opportunity to go further in the ruling of the New Jersey vs. TLO case.
3- Educating students in an atmosphere free of drugs, behavior problems, and risk of injury is the right of the school. Therefore, drug testing for athletes is for the students safety.

The Actons filed against the school's writ of *certiori* but the US Supreme Court passed the school's request on November 28, 1994. The Vernonia School District argued their case and then waited for the Acton's response.