

# SUPREME COURT OF THE UNITED STATES

No. 94-590

VERNONIA SCHOOL DISTRICT 47J, PETITIONER v.  
WAYNE ACTON, ET UX., ETC.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF  
APPEALS FOR THE NINTH CIRCUIT  
[June 26, 1995]

JUSTICE GINSBURG, concurring.

The Court constantly observes that the School District's drug-testing policy applies only to students who voluntarily participate in interscholastic athletics. *Ante*, at 3, 10-11 (reduced privacy expectation and closer school regulation of student athletes), 15-16 (drug use by athletes risks immediate physical harm to users and those with whom they play). Correspondingly, the most severe sanction allowed under the District's policy is suspension from extracurricular athletic programs. *Ante*, at 4. I comprehend the Court's opinion as reserving the question whether the District, on no more than the showing made here, constitutionally could impose routine drug testing not only on those seeking to engage with others in team sports, but on all students required to attend school. Cf. *United States v. Edwards*, 498 F. 2d 496, 500 (CA2 1974) (Friendly, J.) (in contrast to search without notice and opportunity to avoid examination, airport search of passengers and luggage is avoidable "by choosing not to travel by air").