

# Individual Searches

## Searches Decrease Warrant

The reason why searches go down with probable cause is because the higher legal standard will prompt officials to deliberate more before initiating a search. Lawyer Erin Davenport explains in 2014 that the vagueness of reasonable suspicion protects teachers from ever getting sued, allow them to act with impunity. But the same is not true with probable cause, leading to less searches.

## AT: Stop and Frisk

Stop and frisk only applies if there is a clear threat to safety. This just increases the checklist of requirements officials need to meet before initiating a search, which proves our warrant that probable cause will link into deliberation.

## AT: Consent

1. Students only consent right now because they know they can be searched basically whenever police or teachers want to. If we gave them actual rights, they'd be much more likely to use them.
2. Even if you buy that most students consent, the fact that teachers will deliberate more before searching means that less searches will get initiated in the first place.

## AT: Discrimination N/U

Sociology professor Albert Memmi writes in 2000 that we must take every action possible fight against racism, because that's the only way to ever have a hope of eventually dismantling it. To not fight racism because we can't fully solve it is to "accept the racist universe," which prevents us from ever acting morally.

## **Challenging racism is a prior ethical question that is a prerequisite for the formation of any moral agent—**

Albert Memmi 2k, Professor Emeritus of Sociology @ U of Paris, Naiteire, Racism, Translated by Steve Martinot, p. 163-165 \*edited for gendered language

**The struggle against racism will be long, difficult, without intermission, without remission,** probably never achieved. Yet, **for this very reason, it is a struggle to be undertaken without surcease and without concessions.** One cannot be indulgent toward racism; one must not even let the monster in the house, **especially not in a mask.** To give it merely a foothold means to *augment the bestial part in us* and in other people, **which is to diminish what is human.** **To accept the racist universe to the slightest degree is to endorse fear, injustice, and violence.** **It is to accept the persistence of the dark history in which we still largely live. it is to agree that the outsider will always be a possible victim** (and which [person] man is not [themselves] himself an outsider relative to someone else?). Racism illustrates, in sum, the inevitable negativity of the condition of the dominated that is, it illuminates in a certain sense the entire human condition. **The anti-racist struggle, difficult though it is, and always in question, is nevertheless one of the prologues to the ultimate passage from animosity to humanity.** In that sense, **we cannot fail to rise to the racist challenge.** However, it remains true that **one's moral conduct only emerges from a choice:** one has to want it. It is *a choice among other choices, and always debatable* in its foundations and its consequences. Let us say, broadly speaking, that **the choice to conduct oneself morally is the condition for the establishment of a human order, for which racism is the very negation.** This is almost a redundancy. **One cannot found a moral order, let alone a legislative order, on racism, because racism signifies the exclusion of the other, and his or her subjection to violence and domination.** From an ethical point of view, if one can deploy a little religious language, racism is 'the truly capital sin. It is not an accident that almost all of humanity's spiritual traditions counsels respect for the weak, for orphans, widows, or strangers. It is not just a question of theoretical morality and disinterested commandments. Such unanimity in the safeguarding of the other suggests the real utility of such sentiments. All things considered, we have an interest in banishing injustice, because **injustice engenders violence and death.** Of course, this is debatable. There are those who think that if one is strong enough, the assault on and oppression of others is permissible. But no one is ever sure of remaining the strongest. One day, perhaps, the roles will be reversed. All unjust society contains *within itself the seeds of its own death.* It is probably smarter to treat others with respect so that they treat you with respect. "Recall," says the Bible, "that you were once a stranger in Egypt," which means both that you ought to respect the stranger because you were a stranger yourself and that you risk becoming one again someday. It is an ethical and a practical appeal—indeed, it is a contract, however implicit it might be. In short, the refusal of racism is the condition for all theoretical and practical morality because, in the end, the ethical choice commands the political choice, a just society must be a society accepted by all. If this contractual principle is not accepted, then only conflict, violence, and destruction will be our lot. If it is accepted, we can hope someday to live in peace. True, it is a wager, but the stakes are irresistible.

## **Teachers can literally never be punished for violating RS**

**Davenport, 2014** [Erin Davenport, lawyer, "Stripped Bare: Students' Fourth Amendment

Rights, School Searches, and the Reasonableness Standard“, Tennessee Journal of Law and Policy, <http://trace.tennessee.edu/cgi/viewcontent.cgi?article=1061&context=tjlp>] //AKC

This synopsis will show how courts have approached the constitutional issues surrounding school searches and how students' rights have decreased over time under the reasonableness standard and qualified immunity. Prior to the Supreme Court's ruling in New Jersey v. T.L.O.,<sup>9</sup> schools' used various approaches to school searches.<sup>10</sup> After T.L.O., courts began to limit students' Fourth Amendment rights. Today, schools search for drugs, weapons, and evidence of drug use, and according to the courts, these searches do not violate students' rights." **Even if the courts consider some searches unreasonable, qualified immunity protects teachers from liability because the law surrounding these searches often is not clearly established. Thus, school officials can act with impunity because courts will likely perceive the search as reasonable or grant school officials qualified immunity for their actions. If this pattern continues, students will retain no constitutional rights within school walls, and this deprivation of Fourth Amendment rights could extend beyond school walls into everyday citizens' lives.**