



## HERD in WASHINGTON



### High Court Won't Take Up NFL Pat-Down Case

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WASHINGTON – Without comment, the U.S. Supreme Court today declined to consider the appeal of a Tampa Bay Buccaneers season ticket holder who challenged the National Football League policy that requires searches of all patrons entering stadiums.

In rejecting civic teacher Gordon Johnston's appeal, the high court instead upheld a June 2007 ruling by the U.S. Court of Appeals for the Eleventh Circuit.

Earlier, Johnston had won an preliminary injunction from a lower federal district court and a state judge against the search policy at games played by the Tampa Bay Buccaneers, an NFL team from a lower federal district court.

In short, the appeals court held that Johnston, by being a Buccaneers season ticket holder, in effect, consented to being searched to gain admittance to Buccaneers games, and that the searches must be deemed "reasonable." The searches, were stopped for three year but resumed in October.

Johnston was represented by the American Civil Liberties Union.

However, groups like the **Washington Legal Foundation** backed the NFL in arguing that the searches were not "unreasonable" within the meaning of the Fourth Amendment's search and seizure rules. They also argued that because they were being carried out at the direction of a private entity or business – they were not subject to the Fourth Amendment, anyhow.

-- By Billy House, Media General News Service