Edmond v. Goldsmith: Are Roadblocks Used to Catch Drug Offenders Constitutional?

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EDMOND v. GOLDSMITH: ARE ROADBLOCKS USED TO CATCH DRUG OFFENDERS CONSTITUTIONAL?

I. INTRODUCTION

"The Fourth Amendment imposes limits on search-and-seizure powers in order to prevent arbitrary and oppressive interference by enforcement officials with the privacy and personal security of individuals."¹ Over the last several decades, the United States Supreme Court has carved out several exceptions to the protections provided by the Fourth Amendment. These exceptions include roadblocks used to monitor the influx of illegal immigrants,² roadblocks used to review persons' license and registration,³ and roadblocks used to monitor people who may be driving under the influence of alcohol.⁴

At first glance, it may seem as if the Court has drawn a bright-line rule with regard to the constitutionality of roadblocks. Instead, a web of inconsistency has been woven among the federal and state courts to determine whether roadblocks used to apprehend drug offenders are consistent with the Fourth Amendment.⁵ On July 7, 1999, the Seventh Circuit, in Edmond v. Goldsmith⁶ added another intricate layer to the web of confusion. In this case, the court held that the roadblocks used by the City of Indianapolis to apprehend drug offenders violated the Fourth Amendment.⁷ As a result of the split between the federal and state courts, the United States Supreme Court has granted certiorari, and will review this case October 3, 2000.⁸

This Note, beginning with Part II, will give a summary of the facts in Edmond. Part III will outline the background of the law leading up to

². Id. at 566-67.
⁵. Compare Edmond v. Goldsmith, 183 F.3d 659, 666 (7th Cir. 1999) (holding that roadblocks set up for the purpose of arresting drug offenders are unconstitutional), with State v. Damask, 936 S.W.2d 565, 575 (Mo. 1996) (holding that roadblocks used to catch drug offenders are constitutional).
⁷. Edmond, 183 F.3d at 666.
⁸. This Note was written prior to the Supreme Court's ruling on Edmond v. Goldsmith.
Edmond. Further, Part IV will evaluate the court's decision in Edmond. Finally, Part V will analyze the Seventh Circuit's decision, and consider the requirement of individualized suspicion and the idea of purpose, as opposed to the objective test of reasonableness, to determine whether the Indianapolis roadblocks are constitutional.

II. FACTS BEHIND EDMOND V. GOLDSMITH

On six separate occasions between August and November of 1998, law enforcement officials in Indianapolis set up roadblocks along city streets with the primary objective of apprehending drug offenders. Each driver stopped at the roadblock was required to provide the police with their driver's license and vehicle registration. While each individual was stopped, the police conducted a visual inspection of the car's interior, and drug dogs were used outside of the car to detect illegal substances.

As a result of these roadblocks, a class-action lawsuit was filed in the United States District Court for the Southern District of Indiana. The plaintiffs believed these roadblocks were unconstitutional and asked the district court to enjoin the City of Indianapolis from continuing this program. The district court denied the plaintiffs' motion for a preliminary injunction, and held the roadblocks to be constitutional.

The plaintiffs subsequently filed an interlocutory appeal under 28 U.S.C. § 1292(a)(1). In a narrow holding, the Seventh Circuit reversed the decision of the district court. Consequently, the court held the Indianapolis roadblocks to be unconstitutional because they did not fall into one of the four exceptions adopted by the court. However, the

9. See Chandler v. Miller, 520 U.S. 305 (1997). Rather than reviewing Chandler under the test established in Brown v. Texas, the Supreme Court stated that a "search ordinarily must be based on individualized suspicion of wrongdoing;" however, there are certain "exceptions to the main rule [that searches may occur without individualized suspicion] based on 'special needs, beyond the normal need for law enforcement.'" Id. at 313 (quoting Skinner v. Ry. Labor Executives Ass'n, 489 U.S. 602, 619 (1989)).

10. Edmond, 183 F.3d at 661. Although the primary purpose of the roadblock was to apprehend drug offenders, the police were successful at arresting traffic violators as well. Id.

11. See id.
12. See id.
13. Id. at 659.
14. Id. at 661.
15. Id. at 659.
16. Id. at 661.
17. Id.
18. Id. at 665-66.
court noted that the lack of facts provided to the court made "ruling on the legality of the City's program . . . tentative."19

III. THE LAW PRIOR TO EDMOND V. GOLDSMITH

The Fourth Amendment of the United States Constitution protects citizens against unreasonable searches and seizures.20 The United States Supreme Court held that roadblocks constitute a seizure within the meaning of the Fourth Amendment.21 In some cases, the Court has held that a police officer must have reasonable suspicion before a search or seizure may occur.22 Conversely, when a roadblock is implemented, a police officer is not required to have reasonable suspicion in order to stop an individual.23 Instead, the United States Supreme Court has held that a seizure at a roadblock is constitutional under the Fourth Amendment only if the roadblock is reasonable.24 In order to determine what is reasonable, the Court has adopted a balancing test that weighs the legitimate government interest against the "Fourth Amendment interest of the individual."25

A. United States v. Martinez-Fuerte

The United States Supreme Court, in United States v. Martinez-Fuerte,26 used this balancing test to review whether a permanent roadblock used to detect illegal immigrants was constitutional.27 In this case, the Court held that the public interest of the checkpoint

19. Id. at 661, 666. The records provided to the district court during the preliminary injunction proceedings were limited to the stipulation of facts from each party. Id. at 666.


The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but uponprobable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

U.S. CONST. amend. IV.

21. Edmond, 183 F.3d at 661.


24. Id. at 450.


27. Id. at 555.
outweighed the individual's Fourth Amendment interest. According to
the Court, "[t]he stops and questioning at issue may be made in the
absence of any individualized suspicion at reasonably located
checkpoints." In previous cases, the Court held that probable cause or
consent must be present before a search at a checkpoint may occur.
However, the holding in *Martinez-Fuerte* did not overturn the Court's
previous decisions, but only applied to checkpoints used to detect illegal
immigrants.

**B. Delaware v. Prouse**

After *Martinez-Fuerte*, the United States Supreme Court in
*Delaware v. Prouse*, reviewed the issue of whether "discretionary spot
checks" could be used to check the license and registration of an
individual. In this case, the Court faced the challenge of whether these
stops were of the same character as the roadblocks held to be
constitutional in *Martinez-Fuerte*. To distinguish *Martinez-Fuerte* from
*Prouse*, the Court held there was no similarity between random stops on
city streets and the occasional roadblock used to stop all vehicles.
In particular, the Court recognized that "marginal contribution to roadway
safety... cannot justify subjecting every occupant of every vehicle on
the roads to a seizure... at the unbridled discretion of law enforcement
officials." However, the Court suggested that less discretionary
methods, such as roadblocks, may be used as an alternative to random
stops to check the license and registration of drivers.

28. *Id.* ("In delineating the constitutional safeguards applicable in particular contexts,
the Court has weighed the public interest against the Fourth Amendment interest of the
individual.") (citation omitted).
29. *Id.* at 562.
30. *Id.* at 567. The Court referred to its decision in *United States v. Ortiz*, 422 U.S. 891
(1975). In that case, the Court held that probable cause or consent must be present before a
search at a checkpoint may occur. *Id.* (citations omitted).
31. *Id.*
33. *Id.* at 655. A "discretionary spot check" is when the police randomly stop an
individual to check their license and registration. *Id.* at 650. This stop is conducted without
probable cause or reasonable suspicion. *Id.* at 655, 657.
34. Compare *Delaware v. Prouse*, 440 U.S. 648, 663 (1979) (holding that a discretionary
spot check without probable cause or reasonable suspicion is unconstitutional), with *United
States v. Martinez-Fuerte*, 428 U.S. 543, 545 (1976) (holding that roadblocks used to arrest
illegal immigrants are constitutional).
36. *Id.* at 661.
37. *Id.* at 663. (stating that its holding does not preclude the development of less
C. Brown v. Texas

Following Prouse, the Court refined the balancing test in Brown v. Texas\textsuperscript{38} by establishing three specific elements that must be considered to determine if a seizure is reasonable.\textsuperscript{39} The test includes "the gravity of the public concerns served by the seizure, the degree to which the seizure advances the public interest, and the severity of the interference with individual liberty."\textsuperscript{40} This refined test would be adopted by the United States Supreme Court in subsequent cases that addressed the constitutionality of roadblocks.\textsuperscript{41}

D. Michigan Department of State Police v. Sitz

Eleven years after Brown, the Court in Michigan Department of State Police v. Sitz\textsuperscript{42} adopted the three-prong test established in Brown.\textsuperscript{43} The Court decided whether sobriety checkpoints were reasonable under the Fourth Amendment.\textsuperscript{44} As in Martinez-Fuerte, the United States Supreme Court upheld these roadblocks as constitutional under the Fourth Amendment.\textsuperscript{45} According to the Court "[n]o one can seriously dispute the magnitude of the drunken driving problem or the States' interest in eradicating it."\textsuperscript{46} Consequently, the Court found that the government's interest in the sobriety roadblocks outweighed the individual's protection provided by the Fourth Amendment.\textsuperscript{47}

E. Chandler v. Miller

After Sitz, the United States Supreme Court adopted a different Fourth Amendment test in Chandler v. Miller.\textsuperscript{48} The issue before the Court was whether candidates for public office should be required to take a drug test.\textsuperscript{49} The Court once again had to decide if this issue was a

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\textsuperscript{38} 443 U.S. 47 (1979).
\textsuperscript{39} Id. at 51.
\textsuperscript{40} Id.
\textsuperscript{41} Michigan Dep't of State Police v. Sitz, 469 U.S. 444, 448-49 (1990).
\textsuperscript{42} Id.
\textsuperscript{43} Id. at 450.
\textsuperscript{44} Id. at 450. (stating specifically that "[t]he question thus becomes whether such seizures are 'reasonable' under the Fourth Amendment").
\textsuperscript{45} Id. at 455.
\textsuperscript{46} Id. at 451.
\textsuperscript{47} Id. at 455.
\textsuperscript{48} 520 U.S. 305 (1997).
\textsuperscript{49} Id. at 308.
"limited circumstance[] in which suspicionless searches are warranted." In this case, the Court did not use the balancing test established in *Brown*, but instead asked if there was a substantial "special need" beyond the scope of crime detection. This test allowed the Court to carve out another exception to the Fourth Amendment's requirement that individualized suspicion must be present before a search can occur. According to the Court, the drug testing requirement was not a "special need," but symbolic in nature. The Court held the program to be unconstitutional because "[t]he Fourth Amendment shields society against state action" that "diminishes personal privacy for a symbol's sake."

As alluded to earlier, since the United States Supreme Court's ruling in *Sitz*, federal and state courts have been split on whether roadblocks used to catch drug offenders are constitutional. The majority of courts have held that these roadblocks go beyond the narrow exceptions carved out by the Court; however, a few courts have held these roadblocks to be constitutional.

**F. United States v. Huguenin**

For example, in *United States v. Huguenin* the United States Court

50. *Id.*
51. *Id.* at 314. Special need was defined by the Court as a "limited circumstance[] where the privacy interest implicated by the search are minimal, and where an important governmental interest furthered by the intrusion would be placed in jeopardy by a requirement of individualized suspicion, a search may be reasonable despite the absence of such suspicion." *Id.* (quoting *Skinner v. Ry. Labor Executives Ass'n*, 489 U.S. 602, 624 (1989)).
52. *Id.* at 313-14.
53. *Id.* at 313-14, 318.
54. *Id.* at 314.
55. *Id.* at 322. "Our precedents establish that the proffered special need for drug testing must be substantial-important enough to override the individual's acknowledged privacy interest, sufficiently vital to suppress the Fourth Amendment's normal requirement of individual suspicion." *Id.* at 318.
56. *Id.* at 322.
57. Compare *Edmond v. Goldsmith*, 183 F.3d 659, 666 (7th Cir. 1999) (holding that roadblocks set up for the purpose of arresting drug offenders are unconstitutional), with *State v. Damask*, 936 S.W.2d 565, 567 (Mo. 1996) (en banc) (upholding a roadblock used to catch drug offenders as constitutional).
59. See, e.g., *Merrett v. Moore*, 58 F.3d 1547 (11th Cir. 1995); *State v. Damask*, 936 S.W.2d 565 (Mo. 1996) (en banc).
60. 154 F.3d 547 (6th Cir. 1998).
of Appeals for the Sixth Circuit held that checkpoints used to arrest drug offenders were a violation of the Fourth Amendment. According to the court, "the Airport Road checkpoint was more akin to a roving patrol stop than to a sobriety checkpoint . . . ." 62

G. State v. Damask

Conversely, in State v. Damask 63 the Supreme Court of Missouri, sitting en banc, reviewed whether roadblocks set up on highway exits used to arrest drug offenders were constitutional. 64 The court upheld these roadblocks as constitutional because "the checkpoints effectively advanced a sufficiently important state interest . . . [as] determined [] under Brown . . . ." 65

IV. EVALUATION OF THE SEVENTH CIRCUIT'S DECISION IN EDMOND V. GOLDSMITH

In Edmond v. Goldsmith 66 the Court of Appeals for the Seventh Circuit reversed the decision of the district court when it held that roadblocks established to detect drug offenders violated the Fourth Amendment of the United States Constitution. 67

Largely ignoring precedent, the court determined that the Indianapolis roadblocks had to fall into one of the four exceptions established by the Seventh Circuit. 68 These exceptions include (1) when the police have identified a fleeing criminal in a particular area; (2) when there is not a specific criminal, but a circumstance where crime prevention is impossible without a roadblock; (3) when there is a need for a regulatory search where the objective is to protect a specific activity, not for detecting criminal activity; or (4) when it is necessary to prevent illegal import of goods or persons, a power limited to only the federal government. 69

61. Id. at 563.
62. Id. at 561. Roving patrol stops, conducted by Border Patrol Agents, which are random stops, without reasonable suspicion, of vehicles in an attempt to detect the transport of illegal aliens, was found to be a violation of the Fourth Amendment. See United States v. Brignoni, 422 U.S. 873, 883-87 (1975).
63. 936 S.W.2d 565 (Mo. 1996) (en banc).
64. Id. at 567.
65. Id. at 575.
66. 183 F.3d 659 (7th Cir. 1999).
67. Id. at 661.
68. Id. at 665-66.
69. Id. at 666.
The Seventh Circuit did not begin its analysis by addressing the four exceptions it adopted. Instead, the court asked whether reasonableness of the seizure should be reviewed at the program level or individual level.\textsuperscript{70} In dicta, the court determined that if the Indianapolis roadblocks were analyzed on the program level they may be considered reasonable.\textsuperscript{71}

Subsequently, the court dismissed this analysis when Judge Posner stated "[b]ut courts do not usually assess reasonableness at the program level when they are dealing with searches related to general criminal law enforcement."\textsuperscript{72} Rather the court, quoting from \textit{Chandler}, reasoned that "'a search \textit{ordinarily} must be based on individualized suspicion of wrongdoing . . . .'" except in cases that involve "'special needs' based on concerns other than crime detection.'"\textsuperscript{73} This statement set the stage for the four exceptions established by the court.

To establish the court's first two exceptions, the court focused on the term "ordinarily" from the holding in \textit{Chandler}.	extsuperscript{74} This analysis allowed the court to carve two unique exceptions. These exceptions, unlike the Indianapolis roadblocks, allowed for seizures of individuals to occur at roadblocks for "urgent considerations of . . . public safety . . . ."\textsuperscript{75} The Seventh Circuit supported its proposition by illustrating that the United States Supreme Court has held roadblocks valid under less extreme instances.\textsuperscript{76}

Next, to establish the court's third exception, the Seventh Circuit had to acknowledge that some roadblocks, which have been found to be constitutional by the United States Supreme Court, appear to involve crime detection.\textsuperscript{77} According to the court, the regulatory purpose of these constitutional roadblocks was to secure the "safety or efficiency of the activity in which the people who are searched are engaged."\textsuperscript{78} Consequently, the court determined that the Indianapolis roadblocks

\textsuperscript{70} \textit{Id.} at 661.
\textsuperscript{71} \textit{Id.}
\textsuperscript{72} \textit{Id.} at 662. (citing \textit{Wren v. United States}, 517 U.S. 806 (1996)).
\textsuperscript{73} \textit{Id.} (emphasis added) (quoting \textit{Chandler v. Miller}, 520 U.S. 305, 313-314 (1997)).
\textsuperscript{74} See \textit{id.} at 662-63.
\textsuperscript{75} \textit{Id.} at 663. The exceptions illustrated by the court are roadblocks used to catch a fleeing criminal and roadblocks to protect the public from a terrorist traveling with a car full of dynamite. \textit{Id.}
\textsuperscript{76} \textit{Id.} The court referred to the decisions in \textit{Sitz} and \textit{Martinez-Fuerte} as examples of less extreme cases upheld by the United States Supreme Court.
\textsuperscript{77} \textit{Id.} at 663-64.
\textsuperscript{78} \textit{Id.} at 664.
did not fall into this exception because they were not for a regulatory purpose, but rather, a "general program[] of surveillance which invade[s] [an individual's] privacy wholesale in order to discover evidence of crime."\(^79\)

Finally, the court established the fourth exception by reasoning that the issue of immigration is tied to foreign relations and foreign commerce\(^80\). Interestingly, the court distinguished the Indianapolis roadblock from this type of roadblock by stating that the monitoring of the influx of foreign commerce and people was a power limited only to the federal government, not one possessed by the states.\(^81\)

The court next transitioned from the four exceptions it established to the underlying framework behind these four exceptions—the purpose of the roadblock.\(^82\) In this case, the court distinguished between two types of purposes: the purpose of the roadblock program, and the purpose of the law enforcement officers at the roadblock.\(^83\) Subsequently, the court dismissed the second purpose by noting that the subjective intention of the police officer conducting the seizure is irrelevant.\(^84\) Instead, the court placed emphasis on the purpose behind the roadblock program and stated "[t]he purpose behind the program is critical to its legality."\(^85\)

In an effort to tie purpose into the court's four exceptions, the court stated a roadblock must be "a bona fide effort to implement an authorized regulatory policy rather than a pretext for a dragnet search for criminals."\(^86\) The court noted that relying on purpose may lead to a subjective interpretation of the Fourth Amendment.\(^87\) Regardless of this problem, the court still believed this analysis could strike a balance between "abusive government conduct" and government needs.\(^88\)

Judge Easterbrook, writing in dissent, criticized the Seventh Circuit's analysis by asking "[w]hy should the constitutionality of a roadblock program turn on what its promoters think... rather than on what

\(^{79}\) Id.
\(^{80}\) Id.
\(^{81}\) Id. at 664-65.
\(^{82}\) See id. at 665.
\(^{83}\) Id.
\(^{84}\) Id. ("The test for the lawfulness of a particular search or seizure is an objective one; the motives of the officer carrying out the search or seizure are irrelevant") (citations omitted).
\(^{85}\) Id. (emphasis added).
\(^{86}\) Id. (citations omitted).
\(^{87}\) Id.
\(^{88}\) See id.
happens to the citizenry?"\textsuperscript{89} Moreover, he asked, "[w]here does 'purpose' come into the fourth amendment \textsuperscript{[sic]}?"\textsuperscript{90}

Judge Easterbrook argued that the roadblocks found constitutional in \textit{Sitz} and \textit{Martinez-Fuerte} were not implemented for a regulatory purpose,\textsuperscript{91} but similar to \textit{Edmond}, these roadblocks were established to detect criminal activity.\textsuperscript{92} Further, Judge Easterbrook argued that the Indianapolis roadblocks used to detect drug traffickers fall into the same category as the roadblocks used to detect drunk drivers: both roadblock programs are an example of "the list of searches and seizures justified in the aggregate, without regard to person-specific cause..."\textsuperscript{93} and therefore should be reviewed under the objective test of reasonableness.\textsuperscript{94}

By analyzing \textit{Edmond} under the reasonableness test, Judge Easterbrook argued that the Indianapolis roadblocks passed constitutional scrutiny because (1) "the privacy interest of drivers is diminished relative to the interests of people at home or in the office;" (2) "the invasion of privacy at [the Indianapolis] roadblock is slight;" (3) "a small invasion can be justified by aggregate success;" and (4) there was no abuse of discretion because the Indianapolis police followed a strict protocol when stopping individuals at the roadblocks.\textsuperscript{95}

Accordingly, Judge Easterbrook found that the first three elements listed above demonstrated that the Indianapolis roadblock program satisfied the objective test of reasonableness.\textsuperscript{96} Moreover, the fourth element of the list demonstrated that the roadblocks were not "discretionary spot checks"\textsuperscript{97} found unconstitutional in \textit{Prouse}, rather they were part of an established program that followed a strict

\begin{itemize}
  \item \textsuperscript{89} \textit{Id.} at 667 (Easterbrook, J. dissenting).
  \item \textsuperscript{90} Id.
  \item \textsuperscript{91} \textit{Id.} at 669. ("Neither \textit{Sitz} nor \textit{Martinez-Fuerte} involved a regulatory inspection, yet in each [case] the Court assessed reasonableness at the program level")
  \item \textsuperscript{92} \textit{Id.}
  \item \textsuperscript{93} \textit{Id.} at 668. Judge Easterbrook pointed to the following situations where criminal searches have been upheld as constitutional: (1) "After making a custodial arrest, the police may conduct a complete search of the person, including the contents of any packages he may be carrying." \textit{Id.} (citing United States v. Robinson 414 U.S. 218 (1973); and (2) "After entering a dwelling to make an arrest, police may conduct a visual 'protective sweep' of other rooms to ensure that armed occupants there do not pose a risk." \textit{Id.} (citing Maryland v. Buie, 494 U.S. 325 (1990)).
  \item \textsuperscript{94} \textit{Id.} at 667, 669.
  \item \textsuperscript{95} \textit{Id.} at 669-70.
  \item \textsuperscript{96} \textit{Id.} at 670.
  \item \textsuperscript{97} Delaware v. Prouse, 440 U.S. 648 (1979). \textit{See also supra} note 33.
\end{itemize}
protocol. Thus, similar to *Martinez-Fuerte* and *Sitz*, Judge Easterbrook argued that the Indianapolis roadblocks were a government interest that outweighed an individual's protection provided by the Fourth Amendment.

V. SHOULD THE SUPREME COURT APPLY THE TEST ESTABLISHED IN *CHANDLER V. MILLER* TO DETERMINE THE OUTCOME OF *EDMOND V. GOLDSMITH*?

The Seventh Circuit's holding in *Edmond* steered away from the conventional reasonableness analysis. In an unprecedented move, the court did not use the three-prong test established in *Brown* to determine if the roadblocks were in violation of the Fourth Amendment. Instead, the court began its analysis by reviewing the holding in *Chandler*, followed by the Court's previous decisions in *Sitz* and *Martinez-Fuerte*. From this analysis, the court created four exceptions to determine when roadblocks are constitutional.

However, when the City of Indianapolis developed their roadblock program, it did not know the program would be analyzed under the four exceptions created by the Seventh Circuit. Rather, the City believed that, consistent with the United States Supreme Court's holding in *Sitz*, the roadblock would pass constitutional scrutiny when analyzed under the objective test of reasonableness. When comparing the facts of *Sitz* to *Edmond*, however, there is an important difference between these two roadblocks; unlike the roadblock in *Sitz*, the Indianapolis roadblocks were used to detect criminals, not to protect the public's safety when driving on the roads. Therefore, this difference may require *Edmond* to be reviewed under the Court's test established in *Chandler*.

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99. Id.
100. *See generally* Brown v. Texas, 443 U.S. 47, 51 (1979) (adopting a three-part test that weighs "the gravity of the public concerns served by the seizure, the degree to which the seizure advances the public interest, and the severity of the interference with individual liberty").
101. *See Edmond*, 183 F.3d at 662-64.
102. Id. at 665-66.
103. See id. at 669-70.
104. Id. at 663. *See also supra* Part III.D.
As illustrated in Part III of this Note, the Court in \textit{Chandler} stated that there were certain situations where "special needs" beyond detecting crime could justify an invasion of privacy without individualized suspicion.\textsuperscript{106} Quoting from \textit{Skinner v. Railway Labor Executives Ass'n}\textsuperscript{108} the Court defined "special need"\textsuperscript{109} as a "limited circumstance[,] where privacy interests implicated by the search are minimal, and where an important governmental interest furthered by the intrusion would be placed in jeopardy by a requirement of individualized suspicion."\textsuperscript{110}

The Court then looked at whether the drug-testing program in \textit{Chandler} was one of the many limited circumstances which override the Fourth Amendment requirement that individual suspicion must be present before a search can occur.\textsuperscript{111} Accordingly, the Court found no evidence to demonstrate a correlation between drug abuse and State officials elected to office; in other words, there was no important government interest that would warrant a search without individualized suspicion, and therefore no "special need" beyond crime detection that could justify the drug-testing program.\textsuperscript{112}

Similar to \textit{Chandler}, the roadblock program established by the City of Indianapolis was set up specifically to discover evidence of a crime rather than for a "special need" such as protecting the public's safety on the road.\textsuperscript{113} Although controlling the use of illegal drugs may be an important government interest, like \textit{Chandler}, these roadblocks established in \textit{Edmond} are symbolic in nature because there is no evidence to demonstrate a correlation between drug traffic and traffic fatalities, and thus these stops should require individual suspicion before demanded by precedent nor standard for courts addressing such case, it is at least feasible, and arguably appropriate given that the 'special needs' and road block balancing tests share the substantial limitation that law enforcement interests are not relevant*). \textit{Id.} at 832. \textit{See also supra} Part III.E.

\textsuperscript{106} \textit{Id.} at 314. The Supreme Court stated that in order to determine "special needs," a court "must undertake a context-specific inquiry, examining closely the competing private and public interests advanced by the parties." \textit{Id.} \textit{See also supra} note 51.

\textsuperscript{107} 520 U.S. at 314.
\textsuperscript{108} 489 U.S. 602 (1989).
\textsuperscript{109} \textit{Chandler}, 520 U.S. at 314. \textit{See also supra} note 51.
\textsuperscript{110} \textit{Id.} at 314. (quoting \textit{Skinner}, 489 U.S. at 624).
\textsuperscript{111} \textit{See id.} at 314-22.
\textsuperscript{112} \textit{Id.} at 314. \textit{See also supra} note 51.
\textsuperscript{113} \textit{See id.} at 321-22.
\textsuperscript{114} \textit{Id.} at 314. \textit{See also supra} note 51.
\textsuperscript{115} \textit{See Edmond v. Goldsmith}, 183 F.3d 659, 664 (7th Cir. 1999)
a search may occur.

Consequently, if the Supreme Court decides *Edmond* under the test established in *Chandler*, law enforcement officials will be restricted from implementing roadblock programs specifically to discover evidence of a crime. However, a roadblock program can be justified if there is a government purpose that may be jeopardized because individual suspicion is required. Contra *Edmond*, a roadblock program established to protect innocent drivers on the road from the harm of drunk drivers is a government interest that may be in jeopardy if individual suspicion is required.

Although the Seventh Circuit noted the Supreme Court's test in *Chandler* and distinguished the Indianapolis roadblock program from the programs established in *Sitz* and *Martinez-Fuerte*, the court found the Indianapolis roadblock program unconstitutional by focusing on the purpose of the roadblock, rather than analyzing *Edmond* under the test established in *Chandler*. The court examined purpose believing it could strike a compromise that would allow the government to establish roadblocks, as demonstrated by the four exceptions created by the court, while shielding individuals from arbitrary invasion by law enforcement.

Although looking at purpose appears to be a compromise, the court may be opening itself up to a more subjective analysis, thus opening the door for abuse. For instance, if a clear line is not established as to what constitutes purpose—the primary purpose of the roadblock, the secondary purpose of the roadblock, or the primary and secondary purpose of the roadblock—some courts may allow law enforcement officials to set up roadblocks which piggyback an unconstitutional purpose with a constitutional one.

An example of this dual-purpose roadblock is demonstrated in *Merrett v. Moore*. In this case, the court held that as long as one purpose of the roadblock was constitutional, the second purpose was irrelevant regardless of what it was. The *Edmond* court created more confusion by addressing in dicta the issue of dual-purpose roadblocks,

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118. *Id.*
119. *See id.*
120. 58 F.3d 1547 (11th Cir. 1995).
121. *Id.* at 1550-51.
also finding that only one of the two purposes need be constitutional. For example, the Seventh Circuit noted that if the purpose of the Indianapolis roadblocks was to detect drunk drivers, but a drug dog was also used during the stop to locate narcotics, the roadblock may be found constitutional. Thus, demonstrating the confusion that may occur by focusing on the purpose of a roadblock to determine whether it is constitutional.

The United States Supreme Court should take caution before adopting the Seventh Circuit's four-exception test based on purpose. Because this is a subjective test, the Fourth Amendment rights guaranteed to citizens may be compromised. This compromise may ultimately lead the Court to carve out exceptions for a symbolic need, rather than a substantial government purpose. Alternatively, the Court should follow the decision in Chandler and analyze Edmond based on whether the roadblocks were established for a special need beyond crime detection.

VI. CONCLUSION

Despite the public's concern about drug use in this country, an individual's Fourth Amendment rights should not be violated in order to obtain evidence against criminal wrongdoing. If individual suspicion is not required for law enforcement officials to invade a person's privacy at a roadblock, then the roadblock should be implemented only to advance an "important governmental interest... [that would be] in jeopardy by a requirement of individualized suspicion." Consequently, if the United States Supreme Court were to find the Indianapolis roadblocks constitutional, its decision may allow for "other dragnet method[s] of criminal law enforcement... [to be seen as] reasonable." By using the test established in Chandler, the Court will avoid opening the door to Fourth Amendment exceptions that may lead to arbitrary intrusion of an individual's privacy. It may be difficult to draw a bright-line rule, but if the Court continues to carve out

122. See Edmond, 183 F.3d at 665.
123. Id.
124. See id. at 668.
125. See Chandler v. Miller, 520 U.S. 305, 322 (1997). In Chandler, the Court adopted a reasonableness test separate from the test established in Brown. Id. at 314. The Court's test looked to whether the drug testing required for candidates seeking public office were for a "special need" beyond the scope of crime detection. Id. See also supra Part III.E.
126. Chandler, 520 U.S. at 314.
127. Edmond, 183 F.3d at 663.
exceptions to the Fourth Amendment, it must clarify how far these exceptions can go before an individual's rights are compromised.

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