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Supreme Court rejects Mesa firefighter's drug-testing case

Hope Yen
 Associated Press
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WASHINGTON - The Supreme Court on Monday declined to decide whether random drug testing of firefighters is constitutionally justified by a city's interest in promoting public safety.

The high court, without comment, let stand an Arizona Supreme Court ruling that the drug tests violated Mesa, Ariz., firefighter Craig Petersen's privacy rights under the Fourth Amendment. The Arizona court said the city did not provide enough evidence that substance abuse was a widespread problem among the firefighters to warrant testing.

In its legal filing, the city argued in part that it had a special need to conduct testing without any suspicion aimed at individual firefighters because their jobs now demand a high level of performance and speedy response, particularly after the Sept. 11 attacks. Mesa's random testing was begun before the 2001 tragedy.

"As seen during and since September 11th, firefighters are an integral part of this country's ability to respond to terrorism," the city of Mesa wrote in its legal filing. "Firefighters' duties ... are fraught with such risks of injury to others that even a momentary lapse of attention can have disastrous consequences."

The city was supported by the Institute for a Drug-Free Workplace as well as the National League of Cities, which represents 18,000 municipalities around the country. They argued in friend-of-the-court briefs that the Arizona ruling could undermine much-needed drug testing for first responders and other city employees whose performance is critical in an emergency, such as a terrorist attack.

Lawyers for Mesa firefighter Craig Petersen disagreed, contending that the policies were particularly arbitrary and unjust because the fire department did not have any history of substance abuse.

Under the Arizona ruling, cities may still conduct drug tests if they had reasonable suspicion an individual firefighter was abusing drugs, or if a firefighter was involved in an accident on the job.

The case is Mesa v. Petersen, 03-1599.

On the Net:

Supreme Court: <http://www.supremecourtus.gov/>

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