

# You Are the Judge

## *New Jersey v. T.L.O.*

### ***Setting the Scene:***

You are in your gym locker room with a friend. As you change into your street clothes, your friend lights up a cigarette and begins to smoke. You hear the gym teacher heading your way. Knowing he'll smell the smoke as soon as he walks by, your friend throws the cigarette into a wastebasket. The gym teacher accuses both of you of smoking and takes you to the principal's office. The principal demands that you empty your pockets and your backpack to prove you were not smoking. Is this fair? More important, is it legal?

### ***The Issue: Search and Seizure***

Should school officials be required to have a warrant to search a student's property in a public school? In 1985 the Supreme Court confronted this question of the constitutional protection against search and seizure, guaranteed by the Fourth Amendment. That year it heard a case involving the search of a girl's purse in school.

### ***Searching Her Purse***

In 1980 a teacher caught two 14-year-old girls smoking in a washroom at Piscataway High School in

New Jersey. It was against school rules for students to smoke on school grounds. The principal talked to both girls. One admitted smoking; the other said she never smoked.

The principal took the second girl to his office. Because she was a minor, the girl was referred to as T.L.O.—her initials—to keep her identity secret. The principal searched T.L.O.'s purse, where he found cigarette rolling papers. The principal thought that having cigarette papers might indicate the use of marijuana. Searching further, he found a small amount of marijuana, a pipe, and several empty plastic bags. Other items in T.L.O.'s purse revealed that she might have been selling drugs to students.

The police and T.L.O.'s mother were notified. The police took T.L.O. and the evidence to police headquarters, where she confessed to selling marijuana to other students. In juvenile court T.L.O. was declared a delinquent on the evidence found in her purse and her confession. She received a year's probation, or a suspended sentence, as punishment.

T.L.O. appealed her case to the Superior Court of New Jersey. Her lawyer argued that the contents of T.L.O.'s purse should not have been presented as evidence in court. He cited the Fourth Amendment to the U.S. Constitution, which states that a warrant must be obtained before searching an individual's property. The principal had not obtained such a warrant before he searched T.L.O.'s purse.

### ***Appealing to the U.S. Supreme Court***

The Superior Court of New Jersey upheld the juvenile court's decision to admit the evidence. T.L.O.



then appealed to the Supreme Court of New Jersey, which reversed the lower court ruling. The New Jersey Supreme Court ruled that the evidence should not have been admitted because T.L.O.'s Fourth Amendment rights had been violated; the evidence had been illegally obtained. The State of New Jersey then appealed to the U.S. Supreme Court.

Review the following evidence and arguments presented to the U.S. Supreme Court:

### ***New Jersey's Arguments in Favor of Admitting the Evidence***

1. School officials are not the police. They should not have to operate under the same restraints as police.
2. Teachers and principals are acting for the parents of the students. Parents do not need a warrant to search their children.
3. Schools must make the school environment one in which young people can learn. School officials need broad powers of discipline and action to do this.
4. The teacher caught the students in the act of breaking a school rule. One girl admitted breaking a rule. T.L.O. was suspected of breaking the same rule, so the principal was justified in searching her possessions. He had good reason to suspect that she broke a school rule. When he found the marijuana papers, he also had good reason to suspect that she had broken a law.

### ***T.L.O.'s Lawyer's Arguments Against Admitting the Evidence***

1. Students are entitled to the protection of the U.S. Constitution. Since the principal did not have a warrant to search T.L.O., the evidence found should not have been used against her.

2. The teachers and the principal were government agents and employees of the State of New Jersey. They were not acting as the student's parents who do have the right to search the students.
3. Students have a right to personal privacy in school.
4. The principal did not have a good reason to search T.L.O., so anything he found should not have been used against her.

### ***Conclusion***

The Supreme Court issued its ruling in this case in 1985. What constitutional and legal issues are raised by this case? Suppose you were writing the Court's opinion. In whose favor would you decide—T.L.O.'s or the State of New Jersey's? What might change your answer? What if someone told your teacher that you had a gun in your locker? Could the teacher search your locker? What if the teacher wanted to search for something banned from school, but not otherwise illegal, such as a cell phone?

