

LANDMARK SUPREME COURT CASES AND THE CONSTITUTION

NEW JERSEY V. T.L.O (1985)

OVERVIEW

A spotlight on student rights and the 1985 case of *New Jersey v. T.L.O.* In this case, the Supreme Court held that while the search warrant requirement does not apply to public school officials, teachers and administrators are bound by the Fourth Amendment's essential requirement that searches be reasonable."

RESOURCES

- <http://www.oyez.org/oyez/resource/case/275/>
- http://straylight.law.cornell.edu/supct/html/historics/USSC_CR_0469_0325_ZS.html

ACTIVITY

The two freshman girls heard footsteps approaching and the creak of the bathroom door opening. Figuring it was just another student, they didn't put out their cigarettes. They were smoking in the bathroom, which they knew was in violation of school rules. But a moment later it was a teacher who was now standing across from them in the smoky bathroom air, arms folded. The teacher brought them to the office where a vice-principal met them. When one of the two girls, T.L.O., denied that she had been smoking, the vice principal demanded to see her purse. He found a pack of cigarettes, and also noticed a packet of rolling papers, which he believed were an indication of marijuana use. This led him to search her purse, where he discovered a small amount of marijuana, drug paraphernalia, and a large sum of money. The school called her mother to bring her to the police station, where T.L.O. admitted to selling drugs at school. Later, T.L.O. was convicted in juvenile court. T.L.O. appealed her conviction. She believed that the school had acted illegally in searching her purse, and therefore the evidence against her should not have been allowed to be used against her in Court. This is known as the exclusionary rule – illegally obtained evidence is inadmissible. The Supreme Court had to consider whether the Fourth Amendment's "prohibition on unreasonable searches and seizures applies to searches conducted by public school officials." The Court answered that question clearly: "We hold that it does." However, they found that the vice principal had acted reasonably, and that therefore T.L.O.'s conviction based on the evidence the vice principal discovered should stand. The Court conceded that students have a rightful expectation of privacy on school grounds, and that school officials do not have the authority of parents (who would not be bound by the Fourth Amendment). The Court reasoned, though, that the students' right to expect privacy must be balanced with the "substantial interest of teachers and administrators in maintaining discipline in the classroom and on school grounds."

QUESTIONS

1. Why did the Supreme Court find T.L.O.'s conviction constitutional?
2. According to the Fourth Amendment, "probable cause" of a crime is required when police conduct a search. The Supreme Court has said that school officials, on the other hand, must have "reasonable suspicion" that laws or school policies are being broken by students. How do these standards differ? Why is "reasonable suspicion" the standard school officials follow?
3. In his dissenting opinion, Justice Brennan argued the thorough search of T.L.O.'s purse was unreasonable. "When he opened the purse, he discovered the pack of cigarettes. At this point, his search for evidence of the smoking violation was complete." Do you agree? Why or why not?