

New Jersey v. T. L. O.

You are in a school locker room with a friend. Your friend smokes a cigarette. A teacher smells the smoke, enters the locker room and finds you with your friend who has thrown the cigarette into a wastebasket. The teacher accuses both of you of smoking and takes you to the principal's office. The principal demands that you empty your pockets to prove you were not smoking. Is this fair? More important, is it legal?

School officials are required to have a warrant to search a student's property in a public school. In 1985, the Supreme Court answered the question of whether school officials could search and seize a student's property without a warrant. The case was *New Jersey v. T. L. O.*

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.

Searching Her Purse

The principal took the second girl to the office because she was a minor. The girl was referred to as "L.C." The principal asked her to keep her identity secret. The principal searched T. L. O.'s purse. He found several cigarette packs. The principal thought that T. L. O. was carrying a gun. He also found a small amount of marijuana. Further, the "boy" in the locker room had a gun and several empty plastic bottles. Other information from 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 delinquent on the charges found in her purse and

her confession. She received a year probation or a suspended sentence, as did the other girl. T. L. O. appealed her case to the Superior Court of New Jersey. Her lawyers argued that the contents of T. L. O.'s purse should not have been presented as evidence in court, because 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 Supreme Court had never before upheld the lower courts' position that the government could search a student's property without a warrant. The New Jersey Supreme Court ruled that the search of T. L. O.'s purse was not a search because she had been found with a gun. The U. S. Supreme Court then appealed 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 restrictions 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 create the school environment in which young people can learn. School officials need broad powers of discipline and control to do this.

T. L. O.'s Lawyers' Arguments Against Admitting the Evidence

Students' rights to privacy are protected by the U. S. Constitution. The search of T. L. O.'s purse was a search because she had been found with a gun. The U. S. Supreme Court ruled that the search of T. L. O.'s purse was a search because she had been found with a gun. The U. S. Supreme Court then appealed to the U. S. Supreme Court.

Review the Facts of the Case and Arguments Presented to the U.S. Supreme Court

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How would you file write a one page opinion.