



# LANDMARK SUPREME COURT CASES AND THE CONSTITUTION

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

MONDAY, SEPTEMBER 26, 2005

### OVERVIEW

© [The Bill of Rights Institute](http://www.billofrights.org/), All rights reserved

We begin this school year with 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](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?



# LANDMARK SUPREME COURT CASES AND THE CONSTITUTION

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

MONDAY, SEPTEMBER 26, 2005

### ANSWERS

1. The Court upheld T.L.O.'s conviction because it held that the search that led to it was reasonable. The vice principal had a reasonable suspicion that the student had broken school rules, therefore he had the power to look inside her purse. When he discovered the rolling papers in plain view in her purse, the Court held that he was justified in looking further.
2. Probable cause means an officer has information from observation or trustworthy sources and believes that that a crime is more likely than not to have been committed. Reasonable suspicion is an identifiable cause to suspect that someone has been involved in a crime. "Probable cause" is a higher standard than "reasonable suspicion" to conduct a search. Answers will vary as to the rationale behind them. Students may say that school officials must be able to act swiftly in order to preserve school discipline, and having to meet a higher standard of suspicion could be dangerous. Others may say that students have a lower expectation of privacy because of their status as minors, and because they are in the state's care in public school.
3. Some students may agree with Justice Brennan that the search was unreasonable, as the vice principal had only intended to look for evidence of smoking in the bathroom – the behavior for which he had reasonable suspicion. Some may disagree, pointing out that the rolling papers were in plain view when he opened her purse, and therefore it was reasonable for him to look further on this new suspicion. Others may say that the rolling papers were indeed related to the suspicion of smoking in the bathroom, as he may have suspected the students were in fact smoking marijuana.