New Jersey v. T.L.O. / Background ••

In 1980, a teacher at Piscataway High School in New Jersey found two girls smoking in a restroom. One of the girls was T.L.O. (initials used because she was a minor), a ninth-grade student who was 14 years old. Smoking in the restrooms was a violation of school rules but was permitted in other areas of the school. The teacher took the two girls to the principal's office, where they met with Assistant Vice Principal Theodore Choplick. The second girl admitted that she had been smoking. T.L.O. said she had not been smoking and that she did not smoke at all.

Choplick took T.L.O. into his office and instructed her to turn over her purse. He opened the purse and found a pack of cigarettes. He took the cigarettes out of the purse and showed them to T.L.O. He accused her of having lied about smoking in the restroom. As he removed the cigarettes, he noticed a package of cigarette rolling papers. He believed that cigarette rolling papers were a sign of involvement with marijuana. Therefore, he decided to search further in T.L.O.'s purse. He found the following items: a small amount of marijuana, a pipe, empty plastic bags, a significant amount of money in one-dollar bills, a list of students who owed T.L.O. money, and letters implicating T.L.O. in dealing marijuana, which was illegal.

Choplick then called T.L.O.'s mother and the police. T.L.O.'s mother came to the school. The police asked her to take her daughter to the police station. Choplick gave the items from the purse to the police. At the police station, T.L.O. admitted that she had been selling marijuana at school. As a result of her admission and the evidence from the purse, the state of New Jersey brought delinquency charges against T.L.O. in the Juvenile and Domestic Relations Court of Middlesex County.

T.L.O. tried to have the evidence from her purse kept out of court, saying that the search violated the Fourth Amendment. She also argued that her confession should be suppressed as well, because it resulted from the illegal search. The juvenile court turned down her Fourth Amendment arguments, although it did agree that the Fourth Amendment applies to searches by school officials. However, it held that a school official may search a student if that official has a "reasonable suspicion that a crime has been or is in the process of being committed, or reasonable cause to believe that the search is necessary to maintain school discipline or enforce school policies."

The juvenile court concluded that Choplick's search was reasonable. Choplick was justified in searching the purse, the court said, because of his reasonable suspicion that T.L.O. had violated school rules by smoking in the restroom. When he opened the purse, evidence of marijuana use was in plain view. This justified the further search of the purse. T.L.O. was found to be a delinquent and, in January 1982, she was sentenced to one year of probation.

T.L.O. appealed her case in the New Jersey courts. The Supreme Court of New Jersey found that Choplick's search was unreasonable. The state appealed to the U.S. Supreme Court.

In 1983, the Supreme Court of the United States granted the state of New Jersey's petition for *certiorari*. In 1985, the Court handed down its decision.

Questions to Consider

1. The Fourth Amendment to the U.S. Constitution states: "*The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.*" Using the words of the Amendment, make an argument that the search of T.L.O.'s purse violated her Fourth Amendment rights.

2. Make an argument that the Fourth Amendment does not apply to students in public schools at all.

3. Under the circumstances outlined above, does the search of T.L.O.'s purse seem "reasonable" to you? Why or why not?

4. How should the Supreme Court of the United States rule in this case?