

New Jersey v T.L.O. / Background •—Answer Key

As you read the background summary of the case below, look for the **important vocabulary terms**. You can find definitions for these terms on the separate vocabulary handout.

In 1980, a teacher at a high school in New Jersey found two girls smoking in a restroom. At that time, students were allowed to smoke in some areas of the school but smoking in the restrooms was against school rules. The teacher took the two girls to the principal's office. There, they met with Assistant Vice Principal Theodore Choplick. One of the girls was T.L.O. (initials used because she was a minor), a 14-year-old ninth-grade student. T.L.O. said she had not been smoking and that she did not smoke at all. The second girl admitted that she had been smoking.

Choplick took T.L.O. into his office. He told her to give him her purse. When he opened the purse, he found a pack of cigarettes. He took the cigarettes out of the purse and showed them to T.L.O. He said she had lied about smoking in the restroom. He also found a package of cigarette rolling papers. In his opinion, this meant that T.L.O. might be using marijuana, which was illegal. He decided to **search** T.L.O.'s purse some more. When he did so, he found some marijuana, a pipe, and empty plastic bags. He also found one-dollar bills, a list of students who owed T.L.O. money, and some letters. In the letters, there was information that showed that T.L.O. was selling marijuana.

Choplick then called T.L.O.'s mother and the police. They both came to the school. Choplick gave the items from the purse to the police. The police asked her mother to take T.L.O. to the police station. At the police station, T.L.O. admitted that she had been selling marijuana at school. The state of New Jersey brought charges against T.L.O. The **evidence** they used was T.L.O.'s admission and the items from her purse.

T.L.O. said that the search violated the Fourth Amendment protection against unreasonable search and seizure. She tried to have the evidence from her purse kept out of court. She also argued that her **confession** should be **suppressed**, because it happened as a result of the unreasonable search. The juvenile court turned down her Fourth Amendment arguments. The Court said 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." A school official may also search a student if they have "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. It said that Choplick was justified in searching the purse because of his reasonable suspicion that T.L.O. had violated school rules by smoking in the restroom. When Choplick opened the purse, evidence of marijuana use was in plain view. This justified the further search of the purse. In January 1982, T.L.O. was found delinquent and 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 agreed to hear the case. In 1985, the Court handed down its decision.

Questions to Consider

1. Why did Choplick search T.L.O.'s purse?
Mr. Choplick searched T.L.O.'s purse because a teacher accused her of smoking in the bathroom, which was against the school's rules, and T.L.O. denied it. He was looking for evidence that she had done this.
2. 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.”* Write the amendment in your own words.
Student answers will vary.
3. Make an argument that the search of T.L.O.'s purse violated her Fourth Amendment rights. T.L.O.'s rights were violated in this case because the assistant vice principal did not have a warrant to search T.L.O.'s purse (her "effects"). The continued search of her purse after finding the cigarettes was unreasonable because the assistant vice principal had no basis, other than sheer suspicion or prejudice, to believe that the purse contained evidence of other crimes.
4. Make an argument that the Fourth Amendment does not apply to students in public schools at all.
Student answers will vary. Some students may write that the Fourth Amendment does not apply to students in schools because they do not and should not have the rights afforded to adults in the criminal justice system. When students are in school, the rights they have are different from the rights of adults in the "real world." The school can conduct warrantless searches in the interest of protecting students and maintaining order. It would be unreasonable to expect schools to obtain search warrants every time an offense was committed on school property. The Constitution does not regard teachers or school administrators as police officers.
5. Does the search of T.L.O.'s purse seem “reasonable” to you? Why or why not?
Student answers will vary as they may make a case for either argument. On the one hand, it could be argued that the search is reasonable on the grounds that it was not excessively intrusive and that school officials did have reason to believe that an offense had been committed and are assumed to act in the students' best interests. On the other hand, the search of her purse was unreasonable because school officials did not have probable cause to believe that T.L.O. had anything in her purse other than cigarettes, which she was allowed to

possess and, in this case, the assistant vice principal was acting like a police officer, not a teacher.

6. Should the procedures for searching students in schools be the same as the procedures for searching adults? Why or why not?

Students answers will vary as they can make a case for either answer. The procedures for searching students and adults should be the same on the grounds that students are citizens just as adults are. They do not forfeit rights at the schoolhouse gate (as established in *Tinker v. Des Moines*). The procedures should not be the same on the grounds that school officials have a need to act quickly to maintain order and discipline in a school setting, and school officials act as teachers—mentors not as police—prosecutors, so there must be some flexibility in the rules governing their searches of students.