

You Make the Decision – A Supreme Court Simulation

T.L.O. vs. NEW JERSEY

Today you will be a Supreme Court Justice. You are responsible for analyzing the details of a famous search and seizure case which was heard by the Supreme Court. You will be using the **Fourth Amendment** and the **section 1 of the Fourteenth Amendment** to determine whether or not the actions of school officials, when enforcing school rules and state laws in this specific case, were *unconstitutional*. Just like the real Supreme Court, you must base all decisions on your interpretation of the Constitution. You are a Supreme Court justice. You may have an opinion, but that opinion must be backed up and supported by specific words in the “supreme law of the land” – The Constitution of the United States.

The Big Question

Should school officials be required to have a warrant to search a student’s property in a public school?

How it all began

In 1985, the Supreme Court answered this question about a citizen’s right to protection against search and seizure as guaranteed in the Fourth Amendment. That year it heard a case involving the search of a female student’s purse in a high school.

The incident that led to this landmark case took place five years earlier. In 1980 a teacher caught two 14-year old girls smoking in a bathroom at Piscataway High School in New Jersey. It was against school rules for students to smoke on school grounds. The teacher took the girls to the principal. The principal questioned both students. One admitted smoking. The other girl said she never smoked.

Searching the purse

The principal took the girl who denied smoking into his office. Because she was a minor, the girl was referred to as T.L.O. (her initials) in subsequent court hearings to keep her identity a secret. The principal searched T.L.O.’s purse. He found cigarette rolling papers. The principal believed that having rolling papers might indicate the use of marijuana. Searching the purse further, the principal found a small amount of marijuana, a pipe and several empty plastic bags. Other information in T.L.O.’s purse revealed that she might have been selling marijuana to other students. Possession and selling of marijuana was illegal under New Jersey state law.

The local police and T.L.O.’s mother were notified of what the principal had discovered. The police took T.L.O. and the evidence found by the principal to police headquarters where T.L.O. confessed to selling marijuana to other students. In juvenile court T.L.O. was declared a delinquent on the evidence found in her purse and her confession. She received one year’s probation as punishment.

The appeal process

T.L.O. appealed her conviction to the Superior Court of New Jersey. Her lawyer argued that the contents of T.L.O.’s purse should NOT have been presented as evidence in court. He claimed the **Fourth Amendment** protects an individual’s property from search and seizure without a warrant. Since the principal did NOT have

a warrant he had denied T.L.O. her constitutional rights. The evidence he found performing an *unconstitutional* search could therefore NOT be used in court to convict T.L.O.

The Superior Court of New Jersey disagreed with T.L.O. and upheld the original court's conviction and use of the evidence. T.L.O. then appealed to the Supreme Court of New Jersey, which agreed with T.L.O. and reversed the rulings of the two lower courts. The New Jersey Supreme Court ruled that the evidence should NOT have been admitted because her Fourth Amendment rights had been violated. In their opinion, the evidence had been found illegally.

The State of New Jersey then appealed this ruling to the United States Supreme Court. Five years after the girls were first found smoking in the high school bathroom and four years after T.L.O.'s probation ended, the United States Supreme Court agreed to hear the arguments from both sides to determine whether the actions of the principal had been *unconstitutional*.

YOU ARE THE VOICE OF JUSTICE. YOUR OPINION COUNTS!

You are a Supreme Court Justice. These are the main points presented by each side before the Court. **Read each argument thoroughly.** Remember, your final opinion of who was right or who was wrong must be based on the words in the Constitution. The citizens of our great country await your decision...

T.L.O.'s arguments against admitting the drug evidence

- 1) The search was *unconstitutional*. It was in conflict with the Fourth Amendment.
- 2) Students are entitled to the protection of the U.S. Constitution. Since the principal did not have a warrant to search T.L.O.'s purse, the evidence he found should not have been allowed in court and should not have been used to convict her.
- 3) The teachers and the principal were government employees. They are not acting as the student's parents and only parents have the right to search their own student(s) without a warrant.
- 4) Students have the right to personal privacy in school.
- 5) The principal did not have a good reason to search T.L.O. The search was "unreasonable" and therefore her property should have been protected under the Fourth Amendment.

New Jersey's arguments in favor of admitting the drug evidence

- 1) The search was constitutional. It followed the guidelines of the Fourth Amendment.
- 2) School officials are not the police. They should not have to follow the same guidelines as law enforcement.
- 3) Teachers and principals are acting as the parents of the students during the school day. Parents do not need a search warrant and neither should school officials.
- 4) Schools must make the school environment one in which students can learn. School officials need broad powers of discipline and action to do this.
- 5) The teacher caught the students breaking a school rule. One girl admitted breaking the rule. T.L.O. was with the guilty girl and suspected of breaking the same rule. Therefore, the principal did have a good reason to search her possessions. The search was not "unreasonable." When he found the marijuana he also had good reason to suspect she had broken the law.

T.L.O. vs NEW JERSEY - YOUR ASSIGNMENT

You are a Supreme Court Justice and must decide which side in this case is correct. Did the principal (New Jersey) deny T.L.O. her Constitutional rights and perform an “*unconstitutional*” search? If you believe the search was illegal, than you will be voting in favor of T.L.O. and explaining, based on the Constitution, why the principal was wrong. Or, did the principal’s search of T.L.O.’s purse follow the guidelines of a proper search and seizure as outlined in the Fourth Amendment? If you believe this to be true, than you would vote in favor of New Jersey and explain how the Constitution supports what the principal did.

You will be using the **Fourth Amendment** and **section 1 of the Fourteenth Amendment** when making your decision and forming your supporting evidence.

Whichever side you decide to vote for in this case, you must explain your opinion using specific words or phrases from the Constitution to support your belief. Real Supreme Court decisions are explained in detail. The written explanation is called an *opinion*. All Supreme Court opinions are public record and are very important for helping us – the American people – understand the Supreme Court’s interpretation of the Constitution. The Court’s interpretation sets the *precedent* for what the “supreme law of the land” now means. The *opinion* becomes the supreme law.

Write your vote and opinion (detailed explanation) in the space below.

SUPREME COURT JUSTICE _____

(place an **X** to indicate the side your support in this case) _____ T.L.O. or _____ New Jersey

Opinion (use specific language from the Constitution to support your decision)