Name\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Class\_\_\_\_

**4th Amendment**

“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.”

What is protected?

1-

2-

3-

4-

Underline each of the following that you think is protected by the 4th amendment.

**a person’s clothes- a wallet or purse- a person’s blood or bodily fluid- an apartment- your front porch- a mobile home- a diary- a book in your house- your email- your IM text messages- school locker- computer files**- **your bedroom-**  **your backpack- your ipod- your collection of comics**

Make a mental list of the things you have with you today that you think should be protected by the 4th.

What does it mean to search?

 Define -EXPECTATION OF PRIVACY:

What does it mean to seize?

What is **PROBABLE CAUSE?**

Is there ever a time that police don’t need probable cause or a warrant to find evidence?

What if police violate the 4th amendment and find damaging evidence?

New Jersey v T.L.O.

In 1980, a teacher at Piscataway High School in Middlesex County, New Jersey, found T.L.O. and another girl smoking in a restroom—a place that was by school rule a nonsmoking area. The two girls were taken to the principal's office where T.L.O.'s companion admitted that she had been smoking in the restroom. T.L.O. denied smoking there. She denied that she smoked at all. An assistant vice-principal demanded to see T.L.O.'s purse. Searching through it he found a pack of cigarettes. He also found rolling papers, a pipe, marijuana, a large wad of dollar bills, and two letters that indicated that T.L.O. was involved in marijuana dealing at the high school.

T.L.O. was taken to the police station where she confessed that she had sold marijuana at the school. A juvenile court sentenced her to a year's probation. The State Supreme Court overturned the decision, stating that T.L.O.'s 4th Amendment rights had been violated. The State of New Jersey asked that the Supreme Court hear its appeal.

If you were hired by either party in this case what points would you make in front of the court?

|  |  |
| --- | --- |
| Arguments for T.L.O. | Arguments for New Jersey |
|  |  |

What were the main points that were brought up by the different parties?

|  |  |
| --- | --- |
| Arguments for T.L.O. | Arguments for New Jersey |
|  |  |

What was decided?

Match the arguments that the Supreme Court agreed with based on what they decided. Do this by circling the arguments listed in the charts above that match the Supreme Court’s decision.

What is the precedent that this case established?