

# Is That (a) Right? (Teacher Cheat Sheet)

**1. You have the right to hang out with whomever you wish, join any clubs or organizations you choose, and belong to any political party you like. (YES)**

**Amendment 1:** Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

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**2. If you're accused of something serious, you have the right to a relatively speedy trial, to know of what you are accused, and – in most circumstances – who's accusing you. (YES)**

**Amendment 6:** In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

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**3. If your employer wishes to fire you, you have a right to know why and to protest the decision unless they can document valid work-related reasons for your dismissal. (NO)**

Most employment in the U.S. is “at will,” meaning your employer can fire you any time for almost any reason – UNLESS (1) you have an employment contract of some sort, or (2) the reason they fire you is specifically illegal.

Like any contract, an employment contract specifies the rights and obligations of both parties and probably addressed under what circumstances and with what procedures you can be dismissed.

Examples of illegal reasons to fire someone: race, gender, national origin, disability, religion, genetic information, or age (if the person is at least 40 years old). Federal law also prohibits most employers from firing someone because that person is pregnant or has a medical condition related to pregnancy or childbirth. Many state laws include additional prohibitions (sexual orientation, marital status, etc.). It's also illegal to fire someone for asserting these rights or for reporting safety violations or other illegal behaviour.

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**4. You have the right to dress as you wish, including body art, unnatural hair colors or styles, or revealing clothing. (OTHER)**

??? – Mostly true as an extension of the First Amendment. While the Constitution doesn't say anything about it, state and local governments often regulate ‘public decency’, usually meaning you can't go without some covering. Laws targeting nudity usually pass; laws prohibiting sagging are constitutionally iffy.

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5. You have the right to vote once you turn 18, without any costs, tests, or other burden on you in order to do so. (YES)

**Amendment 24:** *The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.*

**Amendment 26:** *The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.*

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6. If you're accused of a very serious crime, a Grand Jury will determine if there's enough evidence to even HAVE a trial. This shortens the time you're locked up (if there's not enough) and provides one more layer of 'due process'. (YES)

**Amendment 5:** No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger...

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7. You have to be protected from cruel or offensive speech, including bullying, threats, or obscenities. (NO)

*Yeah, that's not a thing. Some threats violate state or local laws, and of course schools have rules. But the Constitution doesn't care if your feelings get hurt. The issue of "Hate Speech" is a relatively new idea...*

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8. If you meet the various age and residency requirements for each office (President, U.S. Senate, or U.S. House), you have a right to run for elected office regardless of your religious beliefs or lack thereof. Government entities are specifically prohibited from challenging you or your candidacy based on your faith. (YES)

**Article VI, Clause 3:** *The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.*

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9. You have a right to privacy, including the right to do what you like with your own body. (OTHER)

??? – Not explicitly in the Constitution or Amendments, but the SC (until recently) found it to be implicit...

*The First Amendment protects the privacy of beliefs*

*The Third Amendment protects the privacy of the home against the use of it for housing soldiers*

*The Fourth Amendment protects privacy against unreasonable searches*

**The Fifth Amendment** protects against self-incrimination & the privacy of personal information

**The Ninth Amendment** says that the "enumeration in the Constitution of certain rights shall not be construed to deny or disparage other rights retained by the people." This has been interpreted as justification for broadly reading the Bill of Rights to protect privacy in ways not specifically provided in the first eight amendments.

**The right to privacy is most often cited in the Due Process Clause of the 14th Amendment**, which states: No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

However, the protections have been narrowly defined and usually only pertain to family, marriage, motherhood, procreation and child rearing. Griswold v. Connecticut (1965) – BofR creates a ‘zone of privacy’ protecting marital privacy and the right to use contraception. Stanley v. Georgia (1969) – Right to possess and view pornography in your own home. Lawrence v. Texas (2003) - overturned anti-sodomy laws.

Roe v. Wade (1972) – essentially legalized abortion (under some circumstances) based on the right to privacy, but the Court has recently overturned that and declared the ‘right to privacy’ is an illusion, thus putting every other right based on the idea at risk.

On the other hand, it’s still OK to ban prostitution, or various types of drug use, etc., because these are seen as things which exploit or harm others, directly or indirectly.

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**10. You have the right to write, speak, post, or otherwise share any opinion or content you like (as long as it doesn’t violate confidentiality agreements or the privacy rights of others – especially minors) on your personal social media on your own time without losing your job. (NO / OTHER)**

This one is a bit messy. GENERALLY, employers can fire you for almost any reason or no reason at all (see #3). The First Amendment protects citizens from most government suppression of free speech, but not from getting fired by McDonalds. Some topics (workplace safety, the right to make minimum wage, etc.) are legally protected. Lying about your employer or customers or badmouthing your workplace is almost never protected. If you have an employee contract or employment agreement, it probably specifies what is and isn’t acceptable. Anything that might reflect badly on the company, though (which covers a LOT of ground) could get you in trouble.

Government employees (like teachers) have slightly more protection because the First Amendment limits what governments can do to suppress free speech. Anything negative involving students, parents, co-workers, the district or staff, etc., however, is automatic termination. Pictures or names of minors (even with their clothes on) are a no-no. Anything promoting or demonstrating illegal or unethical behavior (drunk at the lake, etc.) is bad.

Your boss can almost always fire you for social media activity on company time or equipment, no matter what the topic.

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**11. You have the right to write, speak, post, or otherwise share any political opinion or political content you like (as long as it doesn't violate confidentiality agreements or the privacy rights of others – especially minors) on your personal social media on your own time without losing your job. (NO / OTHER)**

Political speech is often (but not always) slightly more protected, especially for government employees. (It would be difficult for the school to fire me for posting in the evening about who I'm voting for or why I blame this or that political party for making everything suck so bad.) Otherwise, the answer is pretty much the same as #9.

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**12. You have the right to a free public education, including textbooks and basic supplies. (OTHER)**

*Not in the U.S. Constitution or any of the Amendments – although most state constitutions (including Indiana's) require the state to provide a free public education to all children.*

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**13. If you're accused of a crime, you have the right to an attorney - at no cost to yourself, if you can't afford to pay. (YES)**

**Amendment 6:** *In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury... and to have the assistance of counsel for his defense.*

Gideon v. Wainwright (1963) – “if you cannot afford one”

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**14. If you were born in the U.S. or have become a legal citizen, you are entitled to the same rights and protections as any other citizen, from all levels of government. (YES)**

**Amendment 14, Section 1.** *All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.*

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**15. It should be a real pain for the government to actually convict of you of anything that might lead to limiting or taking away your life, freedom, or property. (YES)**

**Amendment 4:** *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.*

**Amendment 5:** *No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor*

be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation

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**16. If you're a legally registered voter, you have the right for your vote to count the same as everyone else's. (NO)**

Nothing in the Constitution guarantees you the right to vote (although several amendments say that you can't be PREVENTED from voting based on your race, gender, etc.) It's become assumed over time that everyone who meets age requirements can vote (some states prohibit felons from voting), but even then not all votes count the same. If you're a Democrat in Oklahoma, for example, your vote means little. Because of the Electoral College system and the policy of most states to use a "winner takes all" approach to electoral votes, there are only a handful of states which matter in presidential elections each year.

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**17. You have the right to pray in school. (YES)**

First Amendment - Students always have had this right as long as it's not done in such a way as to disrupt instruction or interfere with the learning of others. (As of this year, teachers apparently have the right to pray in school as well, although it's not clear just how far this goes in practice.)

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**18. You have the right to wear t-shirts to school which support Donald Trump, Che Guevara, Black Lives Matter, or include big pretty rainbows and say "Love Is Love Is Love." (YES)**

First Amendment – Schools have some leeway to prohibit clothing or other expressions which disrupt class or create an unsafe environment. If you live in a neighborhood between Jets territory and Sharks territory, for example, your school can prohibit the obvious display of "colors" or other identifying gang symbols. They can also ban "hate speech," but definitions can get tricky.

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**19. You have the right to protest peacefully without getting beat up, tasered, or otherwise physically assaulted by police. (YES)**

First Amendment – that's how it's supposed to work, anyway. Cities have the right to place some limitations on time and place – you can't protest in the middle of the highway or march through residential areas at 2 a.m. chanting stuff.

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**20. You have a right to clean water, safe food, and basic health care. (OTHER)**

This is become largely assumed over time, but isn't specified in the Constitution. The Equal Protection Clause of the 14<sup>th</sup> Amendment suggests that any services provided by government (clean water, for example) must be provided to everyone on equal terms – but if it's not provided by the government in the first place, there's nothing requiring it for anyone.