The Constitution Lives!
How it Protects Your Rights Today

Lesson Plan
Step 1: Everyday Rights, Everyday Rules

- Rights. Begin by having the class discuss what is meant when a person says, "It's not fair!" Every child has said this—and every parent and teacher has experienced how very difficult it is sometimes to be fair. This issue of ART TO ZOO uses the notion of fairness to introduce children to the United States Constitution—in particular, to introduce them to the rights that the Constitution guarantees to individuals.

- Limits. When the class has finished the list, ask: do these rights mean that you can eat up any food in the house? that you can buy any piece of clothing you want? that you can demand all of your parents' attention? that you can declare the whole house to be your own private space? Of course not...but why not? Because other individuals in your family have rights too. Most often, limits are set to protect the rights of others or with the needs of the group as a whole. For example, you can eat all you want of a dish that is being served at dinner—if you're the only person who likes that food. Or that you must turn down your music if it disturbs someone else. You can show off your ice-skating to your mother, but she also needs time to admire your brother's skating. Ask the children for more examples of instances when one family member's rights must be balanced against those of other family members.

- Rules. Then point out that what is often used to set the limits on a right is a rule. A good rule sets fair limits, so each individual in the family can have his or her fair share of rights. For example, there might be a rule that favorite foods can't be shared evenly. Or that you must turn down your music if someone asks you to.

To help your students become more aware of this important connection between rights and rules, pass out three small cards (or strips of paper) to each class. Then point out that what is often used to set limits on a right is a rule. A good rule sets fair limits, so each individual in the family can have his or her fair share of rights. For example, there might be a rule that favorite foods can't be shared evenly. Or that you must turn down your music if someone asks you to.

Teacher's Background
The Constitution and the Rights of Individuals

The Constitution that the Founding Fathers signed contained very few protections for individuals. The framers felt that since state constitutions already included bills of rights there was no need to provide such a list of protections in the document they were drafting.

Many Americans did not agree, however, and several states ratified the Constitution only on the understanding that a bill of rights would be added as soon as possible. Accordingly, in September 1791, Congress approved the first ten amendments to the Constitution, which we call the Bill of Rights.

Here is a very brief summary of some of the most important protections for individuals that the Bill of Rights and other parts of the Constitution contain. (For your convenience in using this Background to introduce these protections to your students, the rights have been divided into the three categories suggested in Step 2 of the Lesson Plan.)

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A small weekday service in a Connecticut synagogue in 1940. The First Amendment gives these Jews—and members of all religions—the right to worship as they please.

Shoes and clothes of young members of a poor midwestern farming family in 1956. Some say that the test of the Constitution is how well it protects those who have no power.

### The Fourteenth Amendment

The promise of equal treatment became part of the Constitution in 1868. The Fourteenth Amendment was added to protect the rights of black Americans.

Up to that time, the Constitution had limited the power of the federal government only. When a state government infringed on an individual’s rights, the Constitution offered no protection.

The Fourteenth Amendment changed that. It forbids states to deny to any person the equal protection of the laws. (This is called the equal protection clause.) The Fourteenth Amendment also says that no state shall “deprive any person of life, liberty, or property without due process of law” (this is called the due process clause).

The Fourteenth Amendment should have increased the power of the Supreme Court to protect individuals’ rights. But in the late 19th century, the Court interpreted the Fourteenth Amendment so narrowly that it could not serve this purpose.

In those years, the Court used the amendment to protect property rather than individuals against state action—at first, by striking down state laws that took away people’s First Amendment freedoms.

Gradually, in the half-century that followed, the Court established through its decisions that the Fourteenth Amendment meant that the Constitution forbids the states (as well as the federal government) from infringing on all the individual freedoms spelled out in the Bill of Rights.

### The Constitution and the Rights of Individuals

The Constitution consists of rules describing how the government is to be organized.

*All terms that might be unclear are explained in “The Constitution and the Rights of Individuals,” in the Teacher’s Background.*
In December 1965 the principals of the Des Moines public school system heard that a group of students were planning to wear black armbands to school to protest involvement in the Vietnam war. The principals met to discuss what to do. They decided that students who wore armbands would be taken off campus, students refused to be suspended until they were willing to return to school without armbands. On December 16, John and Mary Beth Tinker and Christopher Eckhardt, who ranged in age from 13 to 16 years, came to school wearing armbands, refused to remove them, and were sent home. They stayed home for as long as they had planned to protest—until after New Year’s Day.

Through their lawyers, these young people filed a suit in the district court. They asked the court to forbid the school to keep using the armband rule. They also asked for a small sum of money to make up for the wrong they thought had been done to them. The court decided that the school had acted reasonably: it had tried to keep school discipline from being disturbed. The teenagers had lost their case.

They then appealed, but the court of appeals was divided, so the decision was not changed. Finally the youngsters appealed to the United States Supreme Court. The case was argued there in November 1966 and a decision was handed down three months later.

The Court voted 7 to 2 in favor of the children. The Court said that they might be protected by their right to free speech as given in the First Amendment, and by the due process clause of the Fourteenth Amendment. They might be protected from a demonstration that would disturb school discipline or take away other people’s rights.

The case established that students and teachers have First Amendment rights at school (within the limits of the special needs of that environment).

The Tinker case was followed by a series of cases in which the courts weighed the rights of students against the rights of school officials. One of the first cases was that of Larry and Larry, a pair of twins from Pennsylvania. They came to school with armbands on, and refused to take them off. The school officials asked the children to remove the armbands, but when they refused they were sent home.

The twins then sued the school district. They asked the court to forbid the school to keep them home. They also asked for a small sum of money to make up for the wrong that had been done to them.

The court agreed that the twins were entitled to their case being heard by a higher court, to get a different judge’s opinion.

Our system of law is complicated, but the highest court of all is the Supreme Court. There a person’s constitutional rights have been violated, or whether a law violates the Constitution—is the Supreme Court. Use the word “proprietary” in “The Supreme Court” in the Teacher’s Background to give your students as much information about the Court as you consider appropriate.

Emphasize the parallel between what the Supreme Court justices have to think about and what Lisa’s parents had to think about. With each new case, both the justices and the parents have to weigh individual rights against group needs. Both also have to think about the effects of the decision may have on similar situations in the future.

Remind the children that this backs up to what they looked at at the very beginning, when they saw how, in families, limits are usually set at the point where the individual’s rights begin to interfere with the group’s. The same thing is true of the group competing for the attention of the food and the food music—and the rules that are created to make sure that everyone could enjoy himself!

Tell the children that they are now going to look into the case of Larry and Larry in more detail. Tell the children that they are interested in deciding for themselves if it is fair for one person’s constitutional rights to go. Take the right of free speech as an example. The important part of speech is guaranteed in the Constitution. . . . But aren’t there times when, if someone said exactly what he wanted, other people might be upset?—so seriously that his right to be safe becomes more important than his right to say what he wants?

• Fair or unfair? Sometimes an agent of the government wants to force you to do something. At what point does it become unfair— which is often very difficult to decide.

Give the children a chance to practice thinking about the limits of constitutional rights. Break the class into groups of about six people. Tell the children that they are government officials (each group is in a different city) who are meeting to decide whether or not to grant the request for a silent political demonstration. (Be sure to include this example, as an example. The students will have to think about the significance of the fact that the group is in different cities.)

Tell the class that one of the cases they just discussed as “government officials” really happened—and the officials did stop students, and the individuals did take the case to court.

It was the student protesters. They lost, appealed, and their case was finally heard by the Supreme Court.

Tell children that they are the Supreme Court justices who voted in favor of the protesters. Ask them to pick, from the list provided here, the arguments that might be considered in a bolic free speech, which just means that they used a symbol, the armbands, instead of words, to express their opinions.

• What stopped them from expressing themselves freely? (The rule that the school principals made: children who come to school with armbands on, and refuse to take them off, will be suspended.)

• What group was involved? (The schools, including their student body as a whole.)

• What were the principals afraid would happen if kids came to school with armbands on? (That normal school routines and discipline would be disturbed.)

• In what other ways might the principals have dealt with the situation? (Try to limit the protest to one day? Ban the protest but held an assembly on the war, giving both sides a chance to express their views? Discussed their concerns with the students who planned to protest, and with their parents, as soon as the plans became known? Consulted with teachers and student representatives before making a decision?)

• What future effects might a decision in favor of the school have? (Fewer demonstrations? An angry, louder demonstration? Political apathy?)

• Sorting out the arguments. Tell the children that, in February of 1969, the Court handed down its decision. Ask them to look at the arguments that were discussed there, sum up the two sides of the case by writing them on the chalkboard, like this:

Arguments for the children’s side:

• Children are people, and people have the right to free speech under our Constitution.

• SILENTLY wearing armbands doesn’t interrupt school activities.

• The schools allowed some students to wear other political symbols. For example, children wearing buttons with slogans were allowed to attend classes.

• Learning about real political issues is an important part of education.

• Children have the right to respect our government by seeing that it protects our freedom in real situations.

• When people have freedom of speech, there is always some risk that their opinions will start trouble. But we must take that risk—or we aren’t free.

Arguments for the school’s side:

• People have a constitutional right of free speech—but this does not mean that they may say whatever they want, whenever and wherever they want.

• Discussing political issues is not part of the curriculum.

• The school principals are responsible for running the schools. This means they should be free to make whatever decisions they think are necessary.

• Once even a small disturbance starts it can easily get out of hand.

• Children don’t know enough yet to have well-thought-out political opinions.

Because of the armbands, one math class turned into a discussion of the Vietnam war. Other classes might have. This kind of interruption is unfair to the children who want to be studying.


continued from page 1

- Expression of Ideas. These protections, which are in the First Amendment, include:
  - freedom of speech
  - freedom of the press
  - freedom of religion
  - freedom of assembly

They guarantee people's right to believe what they want and to act upon these beliefs. These rights are regarded as fundamental because they form the basis of democracy: they make it possible for people to discuss important government without fear of criticism, and to try to bring about change without resorting to violence.

- Fair Treatment by Police and Courts. Many rights in this area are given in the Bill of Rights (Amendments 4 through 8). These protections have been further defined by a number of Supreme Court decisions in recent decades. (When a particular phrase is associated with these rights, it is given here in parentheses after the description of the right.)

  - A person will not be subject to unreasonable searches and seizures. This means the police need to have a reason to search someone's person or house, and to have to get a search warrant from an impartial magistrate first. (search and seizure)
  - A person cannot be tried twice for the same crime. (double jeopardy)
  - A person has the right to a speedy and public trial by an impartial jury in criminal cases.
  - A person has the right to be tried by a jury in their own community.

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- A person has the right to confront witnesses testifying against him.
- A person cannot be forced to testify against himself. (The Fifth Amendment protects a person from self-incrimination.)

Originally, this protection against self-incrimination applied only during trial. But people did not have to help a person, who, while he was being held before his trial, confessed or otherwise incriminated himself. To protect people at this earlier stage, the Supreme Court in its 1966 Miranda decision established that before being questioned by the police, a person in custody must be told that he has the right to remain silent and that anything he says may be used against him. He must also be informed that he has the right to have a lawyer present while he is being questioned, and that if he wants a lawyer but cannot afford one, the court is obligated to provide one.

- A person has the right to confront witnesses testifying against him, and also to require witnesses who can testify in his favor to appear in court.
- Neither excessive bail, excessive fines, nor cruel and unusual punishment may be inflicted on a person. (excessive bail, excessive fines, and cruel and unusual punishment)

- A person's property cannot be taken for public use without the person's being fairly compensated.

- Equal Employment. This right is based on the Fourteenth Amendment and is for protecting people who are politically under the law. This amendment* is the basis for protecting a group of people's right to go to work while being questioned, and that if he wants a lawyer but cannot afford one, the court is obligated to provide one.

Spelling out exactly what constitutes equal treatment in actual situations can become complex. For your students' purposes, it will be enough to grasp in a general way the kinds of issues involved.

Here are a few examples of protections intended to ensure that members of different groups receive equal treatment:

- The famous 1954 Brown decision, the Supreme Court protected the right of black children to receive the same education as white children, by declaring racial segregation in public schools unconstitutional.
- The Supreme Court implicitly upheld the Equal Pay Act of 1963, which requires that men and women receive equal pay for the same work.
- The Supreme Court held in 1963 that since every person has a right to a speedy trial, his right to a lawyer must be protected.
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- The nine justices who make up the Court are appointed for life.

As they consider a case, Supreme Court justices have a responsibility to think very carefully not only about its constitutional implications, but also about the long-term impact that any decision they hand down is likely to have.

The nine justices who make up the Court are appointed for life. Their decisions are made after consultation with the President, and with the consent of the Senate. When a President has been confirmed by the Senate, they are confirmed by the President.

What would you think if a soldier knocked on your door and ordered you to leave your home and move into detention camp? That is what is happening in this picture: it is 1942, and the soldier is bringing an evacuation notice to a family on a farm in California. During World War II, almost 120,000 men, women, and children of Japanese ancestry were forced to leave their homes and move into detention camps built by the U.S. government. Two-thirds of these people were American citizens. The protections guaranteed them by the Bill of Rights had simply vanished. How could this have happened? Could it happen again?

A new Smithsonian exhibition, "A More Perfect Union: Japanese-Americans and the U.S. Constitution," looks at the constitutional process through the eyes of these people. The show asks how we make up our minds about constitutional issues — and how we change them. The exhibition, which opens Oct 1, 1987, at the National Museum of American History, can provide a vivid case study for your students.

Teaching the Constitution

On May 16, 1987, the Smithsonian’s Office of Elementary and Secondary Education sponsored "Teaching the Constitution," a one-day symposium for educators.

A one-page conference summary is now available, free of charge. It contains condensations of the talks, a teacher’s resource list, and a bibliography.


**Your students can read an account of the case that triggered this decision, Gideon v. Wainwright, in The Supreme Court and How It Works, cited in the children’s bibliography on page 4 of this issue of ART TO ZOO.

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"It's a free country!"

... So how can people boss you around? Aren't you protected from this by the Constitution? Aren't grown-ups who limit your freedom violating your constitutional rights?

Not usually. As a child, you don't have all the same legal rights that the Constitution guarantees to adults. You are certainly a person . . . and yet the law sees you differently than it sees an adult person.

Here is the thinking behind the difference:

A newborn baby will die if older people don't supply what it needs. A kindergarten-aged child couldn't survive long on his own either. It takes years and years for people to learn all the skills they need to get along and to have enough knowledge to make wise choices.

If you were babysitting for a toddler, you wouldn't feel you were unfairly limiting her freedom if you stopped her from running in front of a speeding truck! For the same reason, the law gives people like parents, teachers, and judges the right to step in and decide what kids in their care may do—in the belief that these grown-ups will decide what is best for the children.

The danger is, of course, that there are times when grown-ups don't make the best decision: a teacher, for example, may not understand the needs of a student; or a judge may be forced to handle so many cases that she doesn't have time to learn all the facts she should know.

To help kids when this happens—to protect them from bad protection—the Supreme Court, in a number of cases over the past twenty years or so, has thought about whether some of the rights that the Constitution gives to adults should be extended to children too.

To learn what the justices decided, read what follows, especially the sections on your rights at school and in court. You may be surprised at
Children in New York state begin their school day by saluting the flag, March 1943. Three months after this picture was taken, the Supreme Court said that it was against the Constitution for schools to force kids to salute the flag. (Flag salutes violate some kids' religious beliefs.)

some rights you have—and at some you don’t have!

Remember, as you read, that most of the laws that affect your everyday life are state laws. And remember the connection between them and the Constitution: the Constitution limits how much of people’s freedom the laws may take away.

Your Basic Rights

• Do my parents have to take care of me?
Yes, the laws say that they (or whoever has custody of you) has to give you food, shelter, clothing, medical care, and education. (Adults are not guaranteed any of these things; they have to provide for themselves.)

• Are any grown-ups allowed to hurt me?
State laws all agree that no one may cause you serious injury on purpose. This does not forbid your parents from giving you a light spanking; but it does forbid them from, for example, beating you so hard that you break a bone, or from sexually abusing you. If anyone tries to hurt you in such ways, you have the legal right to get help.

Anyone (including you) may report child abuse—to the police or to the county department of social welfare. In all states, doctors, nurses, and mental health workers must report suspected child abuse. In many places people who work with kids in school must also report such cases.

• Do I have the right to set my own rules at home?
No, it is your parents—as the people responsible for you—who have the right to do this. They are allowed to set your bedtime, make you do reasonable household chores, decide whether you may own a dog, tell you what time you have to be home, and so on . . . and punish you (within reason) if you disobey. The Constitution doesn’t limit what your parents can do, because the Constitution only limits the government—and your parents are neither the federal government nor a state government. They are just private individuals, so they may set any rule they want, as long as it doesn’t break a law.
Children working in a factory near the turn of the century, when a workday could be as long as 16 hours. Around this time, more and more states began passing child labor laws. These laws limited the hours kids could work, and said employers were not allowed to hire kids for dangerous jobs.

Your Rights at School

A public school is an agent of the state, so how far it can go in limiting your rights is a constitutional question. The Supreme Court has ruled on a number of cases involving your rights at school.

- Do I have the right of free speech at school? Yes, as long as your speaking out doesn’t get in the way of school activities or school discipline. This was what the Tinker case was about. But what exactly counts as interference is not sure.
- Does my school have the right to physically punish me? Yes, the Court held in 1977 that paddling children at school was not a violation of their constitutional rights—it was not “cruel and unusual punishment.” The school has to give you a hearing, but may do so after you have been punished.
- Do I have any rights if I am suspended from school? Yes, before your school may suspend you, you have the right to be told what you are accused of. You also have the right to a hearing that gives you a chance to tell your side of the story.

Your Rights if You Work

- Do I have the right to work? Older children may hold certain kinds of part-time jobs. Child labor laws vary from state to state, but all states
limit the hours you may work, and forbid employers from hiring you to do dangerous or unhealthy jobs.

- **Do I have the right to keep the money I earn?** No, you don't have the right to keep it—although very likely your parents let you keep it. By law, the person responsible for a child is allowed to keep the child's earnings.

## Your Rights in Court

- **If I was accused of committing a crime and was brought before a juvenile court, what are some of the rights I would have?**
  - You would have the right to be told what you were accused of.
  - You would have the right to a lawyer—and the court would have to supply you with a free lawyer if you couldn’t afford to hire one.
  - You would have the right to question witnesses giving evidence against you.
  - You would have the right to call witnesses who could give evidence in your favor, and they would have to appear in court.
  - You would have the right to keep quiet if you thought answering questions could harm your case.

For many years, children in juvenile courts did not have these rights (which the Constitution guarantees to adults). But in 1967 the Supreme Court ruled that kids too should have these protections.

## Think About It

Do these rights that kids have now strike a fair balance between children's need for protection and their need for freedom? What changes in their rights would be an improvement?

Our laws change—within the guidelines set by the Constitution—so maybe the changes you think should happen will happen in the years to come.
¿Que Derechos Tengo?
Los Niños, las Leyes, y la Constitución

Traducido por Dr. Ricardo Inestroza

"¡Es un País Libre!"

... Así que porque te da órdenes la gente? ¿No estás protegido contra esto por la Constitución? ¿No están violando tus derechos constitucionales los adultos que limitan tu libertad?

Usualmente no. Siendo niño, tu no tienes todos los mismos derechos legales que la Constitución garantiza a los adultos. Tu eres ciertamente una persona también... pero la ley te ve de manera diferente de la que ve a un adulto.

A continuación está la lógica de esta diferencia:

Un bebé moriría si los adultos no lo proveen con lo que necesita. Un niño de edad de kindergarten no podría sobrevivir mucho tiempo por sí solo tampoco. Se necesitan años y años para que la gente aprenda las habilidades que necesita para convivir y tener suficiente conocimiento para hacer las decisiones correctas.

Si tu estuvieras cuidando a una niñita, ¿tu no creerías que estarias limitando su libertad si la detuvieras para que no corra enfrente de un camión en marcha? Por la misma razón la ley le da el derecho a gente como los jueces, tus padres, y tus maestros para que decidan lo que pueden hacer los niños bajo su cuidado—con la expectativa que estos adultos decidirán lo mejor para los niños.

El peligro está, por supuesto, que a veces los adultos no toman decisiones correctas: un maestro, por ejemplo, tal vez no entienda las necesidades de un estudiante; o una juez tiene que decidir tantos casos que ella no tiene el tiempo de aprender todos los hechos que debería saber.

Para ayudar a los niños cuando esto pasa—para protegerlos de nuestra posible mala protección—la Corte Suprema, en varios casos, en aproximadamente los últimos veinte años, ha pensado que algunos de los derechos que la Constitución les da a los adultos deben ser dados a los niños también.

Para aprender lo que los jueces han decidido,
Los niños en el estado de Nueva York comienzan su día escolar saludando la bandera, marzo de 1943. Tres meses después de que se tomó esta fotografía, la Corte Suprema dictaminó que era anticonstitucional que las escuelas obligaran a los niños a saludar la bandera. (Los saludos a la bandera están en contra de las creencias religiosas de algunos niños)

lee lo que sigue, especialmente las secciones sobre tus derechos en la escuela y en la corte. Tal vez te sorprenda algunos de los derechos que tienes—y algunos de los que no tienes!

Recuerda mientras lees, que la mayoría de la leyes que afectan tu vida diaria son leyes estatales. Y recuerda la conexión entre ellas y la Constitución: la Constitución limita cuanta libertad las leyes estatales pueden quitarle a la gente.

Tus Derechos Basicos

- ¿Tienen que cuidarme mis padres? Sí, la leyes dicen que ellos (o quien tenga custodia tuya) tienen que darte comida, albergue, ropa, cuidado médico, y educación. (A los adultos no se les garantiza ninguna de estas cosas; ellos tienen que proveerse de esto ellos mismos.)

- ¿Es permitido que ciertos adultos me hagan daño? Todas las leyes estatales expresan que uno no puede causar serio daño a otra persona deliberadamente. Esto no prohíbe que tus padres te peguen levemente; pero si les prohíbe que, por ejemplo, te peguen con tal fuerza que te quiebren un hueso, a que te abusen sexualmente. Si alguien trata de hacerte daño en esas formas, tu tienes el derecho legal de que se te ayude.

Cualquiera (inclusive tu) puede reportar el abuso de un niño—a la policía o al departamento de bienestar del condado. En todos los estados, los doctores, enfermeras, y los que trabajan en el campo de la salud mental deben reportar si sospechan el abuso de niños. En muchos lugares, la gente que trabaja con niños en las escuelas debe también reportar tales casos.

- ¿Tengo el derecho de decidir mis propias normas en mi casa? No, son tus padres, como responsables de tu persona, quienes tienen el derecho de hacer esto. Ellos tienen el derecho de decirte a que hora debe acostarte, tus responsabilidades para ayudar en la casa, decidir si puedes tener un perro, decirte a que hora debes llegar a casa, y otras normas... y castigarte (modera-damente) si desobedeces. La Constitución no limita
Niños trabajando en una fábrica a principios de este siglo, cuando se trabajaba hasta dieciséis horas por día. En ese tiempo más y más estados comenzaron a pasar leyes sobre el trabajo hecho por niños. Estas leyes limitaron las horas que los niños podían trabajar y prohibieron los trabajos peligrosos para los niños.

Lo que pueden hacer tus padres porque la Constitución solo limita al gobierno—y tus padres no son ni el gobierno federal ni el estatal. Tus padres son individuos que pueden exigir que se cumpla cualquier norma, siempre y cuando no viole ninguna ley.

**Tus Derechos en la Escuela**

Una escuela pública es un agente del estado, así que cuanto limita tus derechos es una cuestión constitucional. La Corte Suprema ha pasado varias leyes que conciernen tus derechos en la escuela.

- **¿Tengo el derecho de libertad de expresión?** Sí, si cuando hablas no interfieres con las actividades y la disciplina de la escuela. De esto trató el caso Tinker. En realidad, lo que cuenta como interferencia no es muy claro.

- **¿Tiene la escuela el derecho de castigarme físicamente?** Sí, la Corte dictaminó en 1977 que castigar con una regla no es una violación de los derechos constitucionales—no se consideró esto como “castigo cruel”. La escuela tiene que oír tus quejas en una reunión, pero lo puede hacer después de que te hayan castigado.

- **¿Tengo derechos si me expulsan de la escuela?** Sí, antes de que la escuela te expulse tienes el derecho de que te digan de que se acusa. También tienes el derecho de que te oigan en una reunión para que tengas la oportunidad de contar tu versión de lo que pasó.

- **¿Tienen las autoridades de la escuela el derecho de registrarme?** Sí, las autoridades de la escuela pueden registrarte a ti y tus pertenencias (tu pupitre o guardalibros, por ejemplo) sin permiso especial—mientras ellos tengan razones “válidas” para pensar que registrando puedan descubrir evidencia de que una norma no está siendo cumplida.

- **¿Son constitucionales los códigos de vestimenta en la escuela?** Las cortes no han pasado ninguna ley que diga algo sobre un derecho constitucional respecto a como te vistes o te peinas—y la Corte Suprema no ha dicho nada sobre esto.
El juez de Colorado Ben Lindsey escucha lo que dicen dos niños en las primeras épocas de las cortes de menores.

Las cortes de menores—cortes especiales para niños—fueron establecidas a principios de este siglo en los Estados Unidos. Su propósito era ayudar en vez de castigar a los niños en problemas. Anteriormente, los niños eran juzgados en las cortes para adultos. Un juez de una corte de menores estaba supuesto a saber con detalles los antecedentes del niño para averiguar qué lo había inducido al problema—y también cuál era la mejor manera de ayudarle.

Las cortes de menores eran mucho más informales que las cortes de adultos. Al público no se le permitía entrar para mantener en secreto los nombres de los niños que tenían problemas con la ley.

Tus Derechos en el Trabajo

- **¿Tengo el derecho de trabajar?** Los niños de mayor edad pueden tener ciertos trabajos de tiempo parcial. Las leyes sobre esto varían de un estado a otro, pero todos los estados limitan el número de horas que los niños pueden trabajar, y prohíben que se empleen niños para hacer trabajos peligrosos o posiblemente dañinos para su salud.

- **¿Tengo el derecho de quedarme con el dinero que gano?** No, tu no tienes este derecho—pero muy probablemente tus padres te lo permiten. Por ley, la persona responsable por un niño puede quedarse con el dinero que el niño gana.

Tus Derechos en la Corte

- **Si yo fuera acusado de cometer un crimen y fuera llevado a una corte de menores, ¿cuáles son algunos de los derechos que tendría?**

  —Tienes el derecho de ser informado de lo que se te acusa.

  —Tienes el derecho de tener un abogado—y la corte te asignaría uno gratis si no puedes pagar por los servicios de un abogado.

  —Tienes el derecho de interrogar testigos que den evidencia en tu contra.

  —Tienes el derecho de llamar testigos que puedan dar evidencia en tu favor y ellos tendrían que ir a la corte.

  —Tienes el derecho de no decir nada si crees que al contestar preguntas puede ser contraproducente a tu caso.

Por muchos años, los niños en las cortes de menores no tenían estos derechos (derechos que la constitución garantiza a los adultos). Pero en 1977 la Corte Suprema dictaminó que los niños también deberían tener estos derechos.

Piensa sobre lo Siguiente

¿Son justos los derechos que los niños tienen actualmente respecto a su protección y su necesidad de libertad? ¿Qué cambios en sus derechos constituiría una mejoría?

Nuestras leyes cambian—dentro de los límites descritos en la Constitución—Así que tal vez los cambios que tu crees que deberían ocurrir van a ocurrir en los próximos años.