

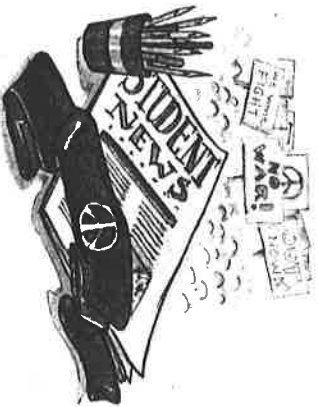


by Jennifer Bahner Young people who get in trouble with the law are not treated in the same way as adults. They are not tried in adult courts until they are eighteen (sixteen or seventeen in some states), their cases are not heard by juries, and they do not go to adult jails. This does not mean, though, that young people are not protected by the Constitution and the Bill of Rights. They are just protected differently.

In fact, lawmakers and the Supreme Court hold that young people's rights are better protected. In earlier times, children of all ages were thrown into jail

with adults and were even sentenced to death for crimes. But reformers in the late 1800s felt that laws should protect and help children so they would not become criminals as adults. Now minors are not considered responsible for all their actions before the law. By the same token, they are not given exactly the same protections they will have once they turn eighteen.

The Bill of Rights protects you along with all other Americans. As you read this, you will see how judges have adapted personal rights for young people.



Amendment I
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 redress of grievances.

This guarantee makes it possible for us to follow and express our beliefs without interference, as long as they cause no harm to others.

In 1965, some students in Des Moines, Iowa, wore black arm bands to school to

illustrated by Coni Porter

protest the war in Vietnam. The school suspended them, and the students and their parents went to court. After a long fight, the case reached the Supreme Court, which said the arm bands were a form of speech expressing the students' opinions about the war and did not disrupt school. The court said the students' actions were protected by the First Amendment.

In another case, three high school journalists took their school to court when the principal refused to let them publish three stories. The students believed that the principal's action violated their right to freedom of the press. The Supreme Court did not agree. In its 1988 decision, the court judged that the school itself was the publisher of the newspaper and, like any publisher, had the right to kill stories proposed by its editors and writers. Students may, however, pass out material that they publish themselves as long as they obey school rules about when and where they do it.



Amendment II

A well regulated militia, being necessary to the security of a free State, the right of the peo-

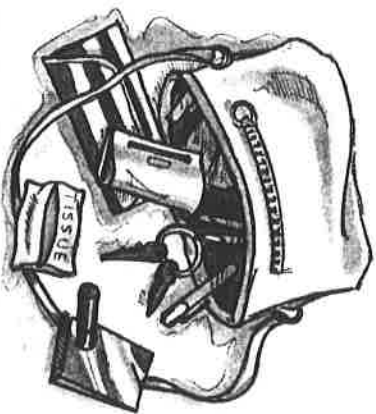
ple to keep and bear Arms, shall not be infringed.

This secures the right of self-protection, but it is not extended to young people, who are under the protection of their parents.

Amendment III

No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

As juveniles are not home owners, this right does not concern them.



Amendment IV

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.

The police can stop and frisk you (pat your outer clothing) if they have good reason, and if the frisking leads them to believe you have a weapon, they may search you (turn out your pockets or take off your clothes). Otherwise, an officer must have a search warrant or must have arrested you. A search warrant also is required to search

your belongings, such as a purse. However, some courts have decided that, with your parents' consent, police may search your room, as it is in your parents' home.

In 1985, a fourteen-year-old student was caught smoking. She claimed she had not been, so the assistant vice principal searched her purse. He found not only a pack of cigarettes but also some marijuana and notes indicating that she was a drug dealer. He called the police. The girl's parents filed suit, claiming the school had violated their daughter's Fourth Amendment rights. But the Supreme Court ruled that school officials need only "reasonable grounds," not "probable cause," to search a student. Schools fulfill some of the roles of parents when children are in their charge and so are not always restricted by public laws. Similarly, a school official may search a student's locker or desk, which is actually school property, not the student's.

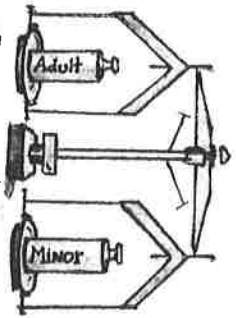


Amendment V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentation 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 offense to be twice put in jeopardy of life and limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liber-

ty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

A seventeen-year-old boy was tried in juvenile court for armed robbery. He was found guilty, and the judge said that he should be sentenced as an adult. He was retried in adult court and again convicted. The Supreme Court ruled that the second trial violated his Fifth Amendment rights.



Scale of Justice

Amendment VI

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 where 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 witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

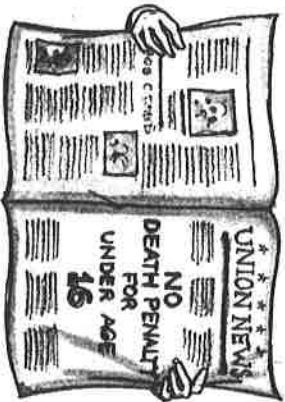
At age fifteen, Gerald Gault was arrested on the charge of making obscene phone calls to a neighbor and taken to a detention center. In hearings, the neighbor did not appear to testify, but the arresting officer repeated what the neighbor had told him (this is hearsay evidence and is not acceptable in adult court). Gerald was never told he could have a lawyer, that he could remain silent, or exactly what the charges against him were. The judge sent Gerald to a state

reform school until the age of twenty-one (an adult found guilty for the same offense would have been sentenced to sixty days in jail). When the case reached the Supreme Court, the justices said that juveniles have the same right as adults to due process of law and that Gerald had been denied these. A juvenile does not have the right to a trial by jury. The court has ruled so as part of the protective role of juvenile court, saying that jury trials could destroy the privacy of juvenile hearings and so hurt young people.

Amendment VII

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

Citizens have a right to a jury trial in a suit seeking damages in federal court. This applies to adults, as minors may not enter into civil suits.



Amendment VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Minors are sentenced by the juvenile court judge and may be put on probation

or placed in a reform school, training school, or foster home. Some states limit probation to two years, but in most states, the court assumes control of involved minors until they reach adulthood. The Supreme Court has ruled that states cannot execute juveniles unless they establish a minimum age for the death penalty. The youngest age set by any state is sixteen.



Amendment IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Like adults, young people are entitled to other human rights not specifically spelled out in the Constitution.

Amendment X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the states respectively, or to the people.

By limiting the powers of the federal government to those stated in the Constitution, the founders eased fears that government officials could use its power to create a tyranny or dictatorship.