

The Right Against Cruel and Unusual Punishment: The Eighth Amendment also gives the accused person the right to be protected from too much or too harsh punishment. This means that the punishment has to be equal to the crime. For example, a person who steals \$15 should not be sentenced to five years in prison.

Yet, some states now have **mandatory sentencing**. This means that the person will not receive a long or harsh sentence for a first offense. But, if the same individual is convicted of the same crime, he must receive a longer sentence, no matter how small the offense. This is because he is a repeat offender who has not learned a lesson or corrected his behavior.

### Your Rights in School

Do you have the same rights in school that you have outside of school? The answer is sometimes. All of your rights outside school remain the same inside school. In addition, school officials may make some of their own rules to keep the school safe and orderly.

For example, a school may have a rule against wearing gold chains or anything expensive that might be stolen. It also has the right to suspend any student who breaks any school rules. This is for the sake of everyone's safety. The school has the right to make such rules. Yet, students still have due process rights.

Here is an example: One day, there was a serious fight in the lunchroom. School property was badly damaged. About seventy-five students were suspended that day. The court said that the students had to be told what the charges against them were and that they would have hearings on those charges. This was due process of law.

Not having a high school diploma can harm your life almost as much as having a felony conviction. It is hard to get a job without one. This is why the Supreme Court often decides that allowing students to continue getting an education is an important thing to consider, along with protecting the rights of all of the students in school.

The seventy-five students were not allowed to attend school for a period of time. They were also sentenced to six months of community service after school.

Do students have the right against unreasonable search and seizure? Students do not have exactly the same search- and-seizure rights in school that they have in their home or elsewhere. If the suspected crime is serious, the school can do a search and seizure.

For example, one state supreme court said that school officials needed to search all student lockers because they were looking for guns in a school filled with violence. Without the search, people might be harmed or even lose their lives. In other words, the search prevented possible violence.

Do students have the right to a lawyer at a school hearing? The Supreme Court has said that if a suspension from class is for more than ten days, then students have the right to a lawyer at a school



### CRITICAL THINKING

The right of an officer to arrest a suspect with probable cause is balanced by the right of every suspect to have legal counsel. Why do you think it is hard to get a fair trial if you do not have a lawyer?

**DID YOU KNOW?** The Fourteenth Amendment was passed in 1868, after the Civil War. It was passed to protect the rights of freed slaves. Before this amendment, due process applied only to federal cases. With this amendment, the right to due process applied to all state cases. Today, due process is what makes it possible for the criminal justice system work fairly.

**EYE OPENER** Some people are given special protection while behind bars—people who are disliked by other prisoners for varying reasons. The percentage of such special prisoners in the total prison population is minimal.



**CRITICAL THINKING**

The right to free speech does not give a person the right to yell "Fire!" with no cause in a theater. Can you explain this?

hearing. Some states have this law. Check whether this is a law in your state. However, no court has said that a student has the right to a free lawyer if he or she cannot afford one.

Is a school hearing public or private? Most student hearings are private unless you or your parent or guardian wants it to be public. This is because school records are also private. This means no one can see them unless a parent or guardian agrees. Some courts have said that you can insist on a public hearing. Other courts have said the hearing must be private.

Students have the right to have the punishment be equal to, or fit, the crime. For example, if you are suspended for a long time for something that you think was not a serious offense, you have the right to appeal.

Search and seizure is one of the legal issues that most interest students. The next chapter will tell you still more about what can happen to you in the criminal justice system.

**DID YOU KNOW?** Sometimes, there are limits on rights, or at least they are balanced by the right of the courts to guarantee or protect the public good. This can be considered more important. For example, suppose there is a public-health scare related to meat-processing methods. A meat-processing plant's right to protect industrial secrets might be considered less important than the right of the public to know if the plant is clean.



**Workbook**

Self-Check p. 16  
Reality-Check p.17



**TO LEARN MORE**

*Government Today*, pp. 30-31, 109  
*Our Constitutional Heritage*, p. 45

**Understanding Chapter 7**

1. Name three rights that the Bill of Rights gives everyone.
2. Explain what an impartial jury means.
3. What due process rights do students have in school?

9-26-13

Chapter 7. Pages: 37 and 38

1. What amendment protects people from harsh punishment? \_\_\_\_\_
2. Why shouldn't a person who steals \$15 be sentenced to 5 years in prison? \_\_\_\_\_  
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3. When a person is a repeat offender, what kind of sentence could he receive? \_\_\_\_\_  
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4. Do your rights outside school remain the same inside school? \_\_\_\_\_
5. Why can school officials make some of their own rules? \_\_\_\_\_
6. When does the school have the right to suspend any student? \_\_\_\_\_  
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7. Suspended students have the right of what? \_\_\_\_\_
8. How many students were suspended for the serious fight? \_\_\_\_\_
9. What did the court say? \_\_\_\_\_  
\_\_\_\_\_
10. What can harm your life almost as having a felony conviction? \_\_\_\_\_
11. What was the sentence of the 75 suspended students? \_\_\_\_\_  
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12. When can a school do a search and seizure? \_\_\_\_\_
13. Why did one state supreme court say all student lockers needed to be searched?  
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14. When do students have the right to a lawyer at a school hearing? \_\_\_\_\_  
\_\_\_\_\_
15. Would a student be entitled to a free lawyer at a school hearing? \_\_\_\_\_
16. When would a school hearing be public? \_\_\_\_\_
17. School records are what? \_\_\_\_\_
18. When does a student have the right to appeal? \_\_\_\_\_
19. Freedom of speech does not give a person what? \_\_\_\_\_
20. What will the next chapter tell you? \_\_\_\_\_



5. Why are some prisoners give special protection behind bars?

6. Explain why the right of "free speece" not give someone to yell "fire" with no cause in a crowded movie theater?

7. Is a school hearing public or private? Explain.