

What Are My Constitutional Rights?

Matthew Tepper

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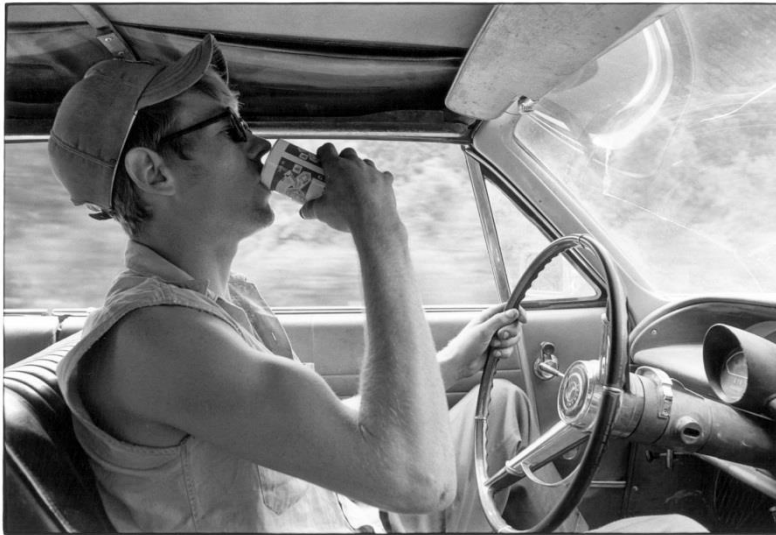
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What is a Constitution?

- Organizing principals about how a State or other organization will be governed.
- United States Constitution – 27 Amendments
- Texas Constitution – New Amendments Every Session



My Constitutional Rights



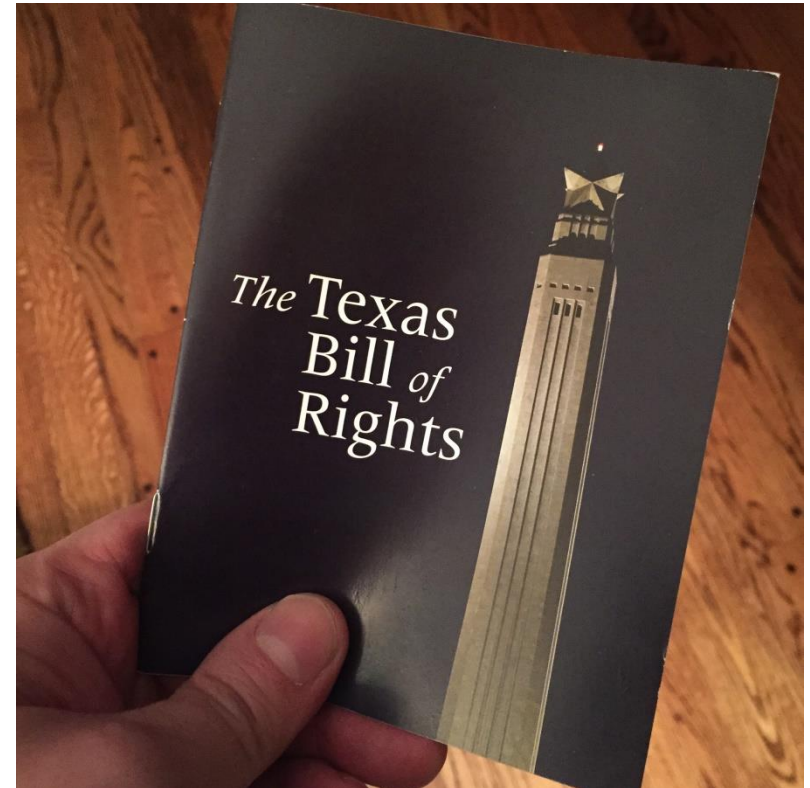
- Constitutions organize government they don't grant individual rights.
- U.S. and Texas Constitution Contain Bill of Rights.
- Individual rights found in other parts of constitutions too.

United States Bill of Rights

- Amendment 1 – Freedom of Religion, Speech, and the Press
- Amendment 2 – The Right to Bear Arms
- Amendment 3 – The Housing of Soldiers
- Amendment 4 – Prohibits Some Searches & Seizures
- Amendment 5 – Due Process
- Amendment 6 – Rights of the Accused
- Amendment 7 – Rights in Civil Cases
- Amendment 8 – Cruel and Unusual Punishment
- Amendment 9 – Other Rights Kept by the People
- Amendment 10 – Powers Remain With States and People.

Texas Bill of Rights

- 29 Separate Sections Each Containing Multiple Rights
- Contains Many of the Same Rights as United States Bill of Rights.
- Equal Protection; Due Process; Freedom of Speech; Right to Bear Arms.





**THE 14TH
AMENDMENT:
EQUAL PROTECTION
AND DUE PROCESS**

Equal Protection and Due Process

Equal Protection

Fourteenth Amendment; U.S. Const.

No state shall... deny to any person within its jurisdiction the equal protection of the laws.

Article 1, Section 3a – Equality Under The Law

Equality under the law shall not be denied or abridged because of sex, race, color, creed or national origin.

Equal and Uniform Taxation



LARGE COMMERCIAL PROPERTIES
IN TEXAS ARE BEING TAXED AT
AN AVERAGE OF ONLY

60%

OF THEIR ACTUAL VALUE.

Source: Houston Chronicle,
Texas Association of Appraisal Districts

**REAL VALUE\$
for TEXAS**

www.realvaluesfortexas.org
#RealValuesTX

The advertisement features a stylized illustration of a skyscraper on the right side, with a grid of windows. The top half of the building is grey, and the bottom half is red. The text is arranged in a clean, professional layout on a light beige background.

“Taxation shall be equal and uniform.”

Article VIII, section (1)(a)

Remedy for Unequal
Appraisal

Texas Tax Code, section
42.26

Due Process

- No person shall ... be deprived of life, liberty, or property without due process of law.

Fifth Amendment; U.S. Const.

- [N]or shall any State deprive any person of life, liberty, or property, without due process of law.

Fourteenth Amendment; U.S. Const.

- No citizen of this State shall be deprived of life, liberty or property, privileges or immunities, or in any manner disfranchised, except by the due course of the law of the land.

Article 1, Sec. 19, Texas Constitution

Due Process

- Taxes are the ultimate “deprivation of property”
- Appraisal District’s exist to provide due process
- Texas Tax Code, Subtitle F
- Judicial Foreclosure of Tax Liens



Celebrating the First Amendment...



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Freedom of Speech

Freedom of Speech and Press

- 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.

First Amendment, U.S. Const.

- Every person shall be at liberty to speak, write or publish his opinions on any subject, being responsible for the abuse of that privilege; and no law shall ever be passed curtailing the liberty of speech or of the press.

Article 1, section 8, Texas Constitution.

Freedom of Speech



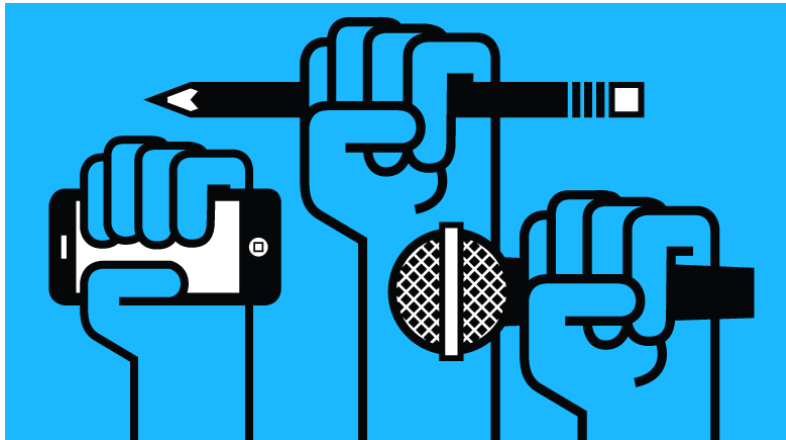
- Highest level of protection for speech related to matters of public concern and public officials.
- Slander and Libel
- Opinions v. Factually Incorrect Statements

Freedom of Speech

- Public Employees Have First Amendment Rights.
- Speech on Matters of Public Concern Have Highest Level of Protection.
- Speech on Private Grievances Has Less Protection.



Freedom of Press



- The right to publish newspapers, magazines, and other printed matter without governmental restriction and subject only to the laws of libel, obscenity, sedition, etc.
- Virtually impossible to prevent before publication

Assembly and Petition

- The right to assemble and petition the government.
- Protesting taxes and appraisals is protected.
- Reasonable restrictions are allowed as long as they are not content based.



The Right To Bear Arms

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Second Amendment, U.S. Const.

Every citizen shall have the right to keep and bear arms in the lawful defense of himself or the State; but the Legislature shall have power, by law, to regulate the wearing of arms, with a view to prevent crime.

Article 1, section 23, Tex. Const.

Right to Bear Arms

- Open/Conceal Carry Laws
- Rights of Tax Office/Appraisal District Employees
- Judicial Buildings?



Unreasonable Search & Seizure

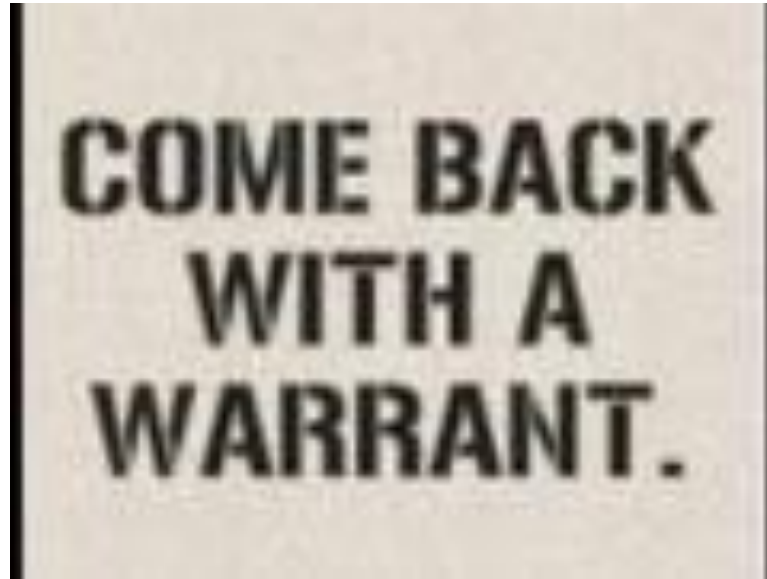
The right of the people to be secure in their persons, houses, papers, and effect against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Fourth Amendment, U.S. Constitution

The people shall be secure in their persons, houses papers and possessions from all unreasonable seizures or searches, and no warrant to search any place, or to seize any person or thing, shall issue without describing them as near as may be, nor without probably cause, supported by oath or affirmation.

Article 1, section 9, Tex. Const.

Tax Warrants



- Affidavit of Collector
- Ex Parte – Does that comply with Due Process
- Description of Property to be seized
- Description of place to be searched

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