

Rights Lab: Unit Plan

Grade: 9-12th	Course/Study: History/Debate/Civil Liberties	Classes: Four lessons that include up to 90 minutes on instruction + One Summative Assessment
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Unit Description:

Surveillance. Civil liberties. Protests. Arrests. Law.

From the rise of the Occupy movement to the outrage over the National Security Agency's data collection, these words have become familiar to anyone who scans news headlines.

But if you take a step behind the scenes, a complex interplay of social power and ever-changing legal precedents are the real drivers behind who is allowed to march and who can be surveilled and how.

Students are introduced to issues with basic human rights in modern society, how those issues relate to law, and how they have evolved throughout American history. Specifically, students study the relationship between civil rights and technology, and how this intersection causes controversy today. The students gain an opportunity to discuss and debate complex issues in society that do not have a simple solution. Students will be able to take this knowledge of civil liberties and apply them to their personal lives and decision-making.

Rights Lab is a web series created by [Scrappers Film Group](#) to explain how laws, government and technology intersect around the Constitution. With a mix of compelling documentary video and motion graphic elements, the curriculum uses evidence-based learning by teaching students to analyze texts, graphs and video content as well as participating in role-play and other activities designed to foster measurable growth in history and social studies. It adheres to the Common-Core Standards, incorporates heavy discussion and reflection, and is measurable through a formative assessment at the end of the unit. Each lesson is framed around bold and intriguing questions that allow students to tackle how the essential questions of democracy intersect with technology - *Can the government spy on my phone? Where can I fly my drone? Can I film police? & Where can I protest?*

Along with exploring the moral dilemmas raised within the core media, the curriculum also uses relevant historical context to trace the changes within civil liberties over time. Each lesson offers both research from primary and prestigious resources alongside diverse learning activities, asking students to embody scenarios central to responsible achievement. Throughout the curriculum, students are evaluated and questioned to provide clear benchmarks of achievement and understanding.

Student Learning:

Cognitive Skills
<ul style="list-style-type: none"> · Use rational decision making and knowledge of common law to make choices · Use active reading strategy to aid comprehension of difficult text · Use graphic organizers for facilitation with writing. · Use and complete various note taking strategies (Cornell, KWL, etc) to guide discussions and readings · Fill out graphs support central ideas and information from primary and secondary sources in order to gain insight and detail on cases and American law · Fill out notes to organize contextual evidence and support analysis of primary and secondary sources

Common Core Standards

CCSS Reading	CCSS writing	CRS English
<p>Reading for Literacy in Social Studies</p> <p>CCSS.ELA-LITERACY.RH.11-12.7 Integrate and evaluate multiple sources of information presented in diverse formats and media (e.g., visually, quantitatively, as well as in words) in order to address a question or solve a problem.</p> <p>CCSS.ELA-LITERACY.RH.11-12.9 Integrate information from diverse sources, both primary and secondary, into a coherent understanding of an idea or event, noting discrepancies among sources.</p>	<p>Writing Standards</p> <p>CCSS.ELA-Literacy.WHST.9-10.4 Produce clear and coherent writing in which the development, organization, and style are appropriate to task, purpose, and audience.</p> <p>CCSS.ELA-Literacy.WHST.9-10.9 Draw evidence from informational texts to support analysis, reflection, and research.</p>	<p>Band 13-15</p> <p>CLR 201. Locate basic facts (e.g., names, dates, events) clearly stated in a passage</p> <p>REL 202. Identify simple cause-effect relationships within a single sentence in a passage Band 16-19</p> <p>CLR 301. Locate simple details at the sentence and paragraph level in somewhat challenging passages</p>

CCSS.ELA-LITERACY.RH.11-1

2.2

Determine the central ideas or information of a primary or secondary source; provide an accurate summary that makes clear the relationships among the key details and ideas.

CCSS.ELA-LITERACY.RH.11-1

2.1

Cite specific textual evidence to support analysis of primary and secondary sources, connecting insights gained from specific details to an understanding of the text as a whole.

CCSS.ELA-LITERACY.RH.11-1

2.3

Evaluate various explanations for actions or events and determine which explanation best accords with textual evidence, acknowledging where the text leaves matters uncertain.

CCSS.ELA-LITERACY.RH.11-1

2.8

Evaluate an author's premises, claims, and evidence by corroborating or challenging them with other information.

CLR 302.

Draw simple logical conclusions in somewhat challenging passages

REL 302.

Identify simple cause-effect relationships within a single paragraph in somewhat challenging literary narratives
Band 20-23

REL 403.

Identify clear cause-effect relationships in somewhat challenging

EXJ 302.

Generate reasons for a position that are vague or simplistic; show a little recognition of the complexity of the issue in the prompt by

DEV 301.

Offer limited development in support of ideas; clarify ideas somewhat with vague explanation and the use of general examples

ORI 301.

Provide a simple organizational structure

		by logically grouping some ideas
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Assessments

Summative Assessment:

- Unit Exam

Formative Assessment:

- Opening Writing Activities/Discussions
- Daily Student Notes
- KWL Chart
- Series of Events Chain
- Rights Lab Contextual Reading

Essential Questions

Lesson One: *Can the government spy on my phone?*

1. What is legal precedent and how does it affect law in America?
2. What is a Stingray and what is it used for?
3. Is it legal for the government to spy on my phone?
4. When stopped and searched, can government officials (police officers) search my cell phone content?

Lesson Two: *Where can I fly my drone?*

1. What is the Commerce Clause and how is it used?
2. What is the FAA?
3. Where is it legal to fly drones?
4. Is flying above someone else's land trespassing, or is the air public?
5. How do time, place and manner restrictions apply to drone use?
6. Are there any special rules/regulations in your area for drone use?

Lesson Three: *Can I film the police?*

1. What is the legal precedent regarding our right to videotape and photograph police and government officials?
2. When and where can people film the police?

3. When are people not allowed to film the police?
4. How do these rights differ in Illinois?

Lesson Four: *Where can I protest?*

1. How does the First Amendment define the right to protest and express political opinions?
2. What do we mean by “reasonable time, place and manner restrictions” on protests?
3. How does the Constitution protect people with different and opposing positions?
4. What tactics have been used to make political change over the years? Are these tactics more or less effective than voting to make social change?

Content and Academic Vocabulary

- Legal Precedent
- Stingrays
- Expectation of Privacy (with reference to the Constitution)
- Commerce
- Unmanned Aircraft
- Exclusionary Rule
- Freedom to Assemble
- Limitations

Extended Text	DL Modifications	Short Informational Text	Additional Resources
Glare of Video Is Shifting Public's View of Police	<ul style="list-style-type: none"> • Extended time • Differentiated secondary sources • Shortened assignments • Give instructions through several methods • Reinforce appropriate behavior 	Washington Post Article: Recording Police	<ul style="list-style-type: none"> • Instructor(s) PowerPoint lectures • Youtube Videos: http://www.scrappersfimgroup.com/rightslab • Graphic Organizers • Individual Assessments • Unit Exam

	immediately • Reduce the length of summative assessments • Graphic organizers • Give one on one instructions • Guided Notes and Outlines		
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WIDA – Illinois English Language Proficiency Standards			
Standards	Language Domains		Proficiency Levels
<ul style="list-style-type: none"> • Social and Instructional • Language Arts • Social Studies 	<ul style="list-style-type: none"> • Listening • Speaking • Reading • Writing 		<ul style="list-style-type: none"> • Level 3 Developing • Level 4 Expanding
Instructional Strategies Used to Meet the Needs of ELLs			
Sensory Supports <ul style="list-style-type: none"> • Manipulatives • Pictures • Illustrations • Diagrams • Magazines • Newspapers • Video/films • Sound clips • Videos with captions • Nonlinguistic • Representations 	Graphic Supports <ul style="list-style-type: none"> • Charts/graphic organizers • Video • Vocabulary • Meaning Matrix • Graphs 	Interactive Supports <ul style="list-style-type: none"> • Pairs/partners • Triads/small groups • Whole group • Cooperative groups • Internet/Software • Native Language use • Mentor/Tutor 	Other Supports <ul style="list-style-type: none"> • Building Background • Knowledge • Vocabulary/writing journals • Summarizing • Note taking • Teacher prepared notes

Notes on the Unit Plan:

This form of education harnesses experiential learning. Instead of solely lecturing about what something is, we're going to have our students experience it for themselves with this lesson/unit through interactive learning and participation.

This is not an "I do, we do, you do" lesson. Instead, this lesson allows students to grapple with the content on their own through a series of structured learning opportunities. Only after students explore on their own does the teacher guide them to gain a deeper understanding. The last part of each lesson is a screening of one episode of Rights Lab, followed by a group discussion, collaborative activities and individual assessments on the content. This provides less of an emphasis on procedural instruction and more on conceptualizing the content.

Rights Lab– Episode 1: Can the government spy on my phone?

Overview

This lesson is the first in a series of four that accompany the documentary film series, [Rights Lab](#). They provide a vehicle for discussing how laws, government, and technology intersect around the Constitution. With a mix of compelling documentary video and motion graphic elements, the curriculum uses evidence-based learning by teaching students to analyze texts, graphs, and video content as well as participating in role-playing and other engaging activities designed to foster measurable growth in history and social studies courses.

Along with exploring the moral dilemmas raised within the core media, the curriculum also uses relevant historical context to trace the changes within civil liberties over time. Each lesson offers historical context, citing information from scholarly sources, and collaborative activities that include multiple forms of learning in order to engage a diverse class set. Throughout the curriculum, students are provided opportunities to reflect and assess mastery and understanding of current law, how these laws came to be, and how technology and social issues play a factor in moving forward. They are summatively and formatively evaluated and questioned to provide clear benchmarks of achievement and understanding.

Lesson Learning Outcomes

Students will develop a fundamental understanding of the significance and evolution of civil liberties in history and how certain events and advancements led to change. This lesson centers on government surveillance and the importance of precedent with law in America.

Suggested Grade Level

8-12 grades

Duration of Activity

1 class period (90 minutes)

Common Core Standards

CCSS Reading	CCSS writing	CRS English
Reading for Literacy in Social Studies	Writing Standards	Band 13-15

<p>CCSS.ELA-LITERACY.RH.11-12.7 Integrate and evaluate multiple sources of information presented in diverse formats and media (e.g., visually, quantitatively, as well as in words) in order to address a question or solve a problem.</p> <p>CCSS.ELA-LITERACY.RH.11-12.9 Integrate information from diverse sources, both primary and secondary, into a coherent understanding of an idea or event, noting discrepancies among sources.</p> <p>CCSS.ELA-LITERACY.RH.11-12.2 Determine the central ideas or information of a primary or secondary source; provide an accurate summary that makes clear the relationships among the key details and ideas.</p> <p>CCSS.ELA-LITERACY.RH.11-12.1 Cite specific textual evidence to support analysis of primary and secondary sources, connecting insights gained from specific details to an understanding of the text as a whole.</p> <p>CCSS.ELA-LITERACY.RH.11-12.3 Evaluate various explanations for actions or events and determine which explanation best accords with textual evidence, acknowledging where the text leaves matters uncertain.</p> <p>CCSS.ELA-LITERACY.RH.11-12.8 Evaluate an author's premises, claims, and evidence by corroborating or</p>	<p>CCSS.ELA-Literacy.WHST.9-10.4 Produce clear and coherent writing in which the development, organization, and style are appropriate to task, purpose, and audience.</p> <p>CCSS.ELA-Literacy.WHST.9-10.9 Draw evidence from informational texts to support analysis, reflection, and research.</p>	<p>CLR 201. Locate basic facts (e.g., names, dates, events) clearly stated in a passage</p> <p>REL 202. Identify simple cause-effect relationships within a single sentence in a passage</p> <p>Band 16-19</p> <p>CLR 301. Locate simple details at the sentence and paragraph level in somewhat challenging passages</p> <p>CLR 302. Draw simple logical conclusions in somewhat challenging passages</p> <p>REL 302. Identify simple cause-effect relationships within a single paragraph in somewhat challenging literary narratives Band 20-23</p> <p>REL 403. Identify clear cause-effect relationships in somewhat challenging</p> <p>EXJ 302. Generate reasons for a position that are vague or simplistic; show a little recognition of the complexity of the issue in the prompt by</p> <p>DEV 301. Offer limited development in support of ideas; clarify ideas somewhat with vague explanation and the use of general examples</p> <p>ORI 301. Provide a simple organizational structure by logically grouping some ideas</p>
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challenging them with other information.		
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Essential Questions

1. What is a legal precedent and how does it affect law in America?
2. What is a Stingray and what is it used for?
3. Is it legal for the government to spy on my phone?
4. When stopped and searched, can government officials (particularly police officers) search my cell phone content?

Essential Knowledge

1. Legal precedent is a judicial decision that is decided in a court of law. It is legally binding, meaning that the conclusion of the ruling in the court case now becomes the point of law that cannot be broken. It is the authority of decision for similar cases from then on.
2. A stingray is a cell phone tracking device that police use for surveillance. Stingrays are used to intercept and store information traveling from your cell phone to cell phone towers.
3. It is legal for the government to spy on people's phones, due to surveillance precedent. Stingrays are used. It is also legal for people to identify and track stingrays. So the government can spy on your phones, and you can spy on them spying on you.
4. When stopped and searched, government officials, such as police officers, need a warrant to search your cell phone.

Historical Context

Colonial America had some limited legal privacy protections - there were laws against eavesdropping - but most privacy laws centered around the home. Violating the privacy of a home was seen as violating the home itself, which most legal doctrine agreed shouldn't be allowed. At the time of the Revolutionary War, this centered primarily around privacy from government intrusion.

While the Constitution limited federal power, it didn't explicitly take up privacy. This concern about government intrusion impacted the Bill of Rights' Third, Fourth and Fifth amendments.

The Third Amendment prevented government soldiers from residing in people's homes, the Fourth Amendment prevents unreasonable search and seizure, and the Fifth Amendment places restrictions on compelling an individual to testify with incriminating information against themselves.

Mail, the telegraph and Census data have all been either record-keeping or technological innovations that have become the focus of government-related privacy concerns historically. In 1782, Congress passed a law prohibiting the opening of other people's mail. In 1880, a bill protecting the privacy of telegraphs was introduced. And as government collection of records grew, primarily through the Census, Congress attempted to mitigate these concerns with the passage of a 1919 bill making it a felony to publicize census information.

The protection of private papers and the administrative state clashed in 1886 through a court case, *Boyd v. United States*, through which the court upheld that personal papers wouldn't be released even in a civil forfeiture cases.

Then in 1891, the *Union Pacific Railway Co. v Botsford* established protection against physical body intrusion. The case found that a female plaintiff couldn't be forced to submit to surgery. This was an early recognition of "substantive due process privacy," which is important in modern-day privacy cases.

The most major change in privacy law after the signing of the Bill of Rights took place in 1890, and centered around the growth of newspapers. An article by two lawyers named Warren and Brandeis called "[The right to privacy](#)," was seminal. In it they argued that the new technology of newspapers was making a profession out of spreading malicious gossip, which violated the privacy of individuals. They also expressed concern about the early use of cameras. They argued that common law, the foundation to American law that comes from English law based on social customs, could be tweaked to protect privacy by understanding an individual's right to be "left alone," and from there create an understanding of privacy violations to be protected by common law.

Then in the 1920s, two Supreme Court decisions prohibited the state from interfering with how parents and educators choose to teach children. In *Meyer v. Nebraska*, the Supreme Court struck down a law that didn't allow schools to teach German or other foreign languages till the 9th grade, arguing that restricting language education infringed on the rights of parents and teachers. Then in *Pierce v Society of Sisters*, the court used the earlier precedent to rule against a law in Oregon compelling all children to attend public school, at the risk of closing down all religious schools.

In 1965, constitutional guarantees to privacy were clarified by the Supreme Court with *Griswold v. Connecticut*, which refers to "marital rights to privacy" around contraception use. The case challenged Connecticut's "Comstock law," which was passed in 1873 and litigated against sending contraceptives, sex toys or pornography by mail, but was later expanded to prohibit

people from attempting to use drugs or medicine to prevent conception or pregnancy. The case was eventually ruled in favor of a Planned Parenthood in Connecticut to offer contraceptives because of a right to privacy in married life.

In 1974, the U.S. Congress passed the first Privacy Act, which prohibited agencies from collecting personal information without written permission. In 1988, it extended these protections to computer-related information.

The attacks on the World Trade Center created a new moment in privacy - the Department of Homeland Security began creating secret federal programs to track online and phone communication. Edward Snowden revealed the extent of National Security Administration spying in 2013. Google, Facebook and others petition for the right to disclose when the government requests that they subpoena documents. These questions soon found themselves in the Supreme Court through cases like 2014's *United States v. Wurie*, in which the question of searching cell phones was taken up and ruled that police needed a warrant to search a cell phone.

International human rights documents have also espoused the right to privacy as well. In 1948, the United Nations Universal Declaration of Human Rights included a clause promising that "no one shall be subject to arbitrary interference with his privacy, family, home or correspondence."

Vocabulary

Precedent:

Legal precedent is a judicial decision that is binding, meaning that the conclusion of the ruling in the court case now becomes the point of law that cannot be broken. It is the authority of decision for cases from then on.

Materials

1. Episode 1 Powerpoint Slides
2. Lesson 1 Student Notes Packet
3. Independent Activity (assessment at the end of class)

Lesson

10 min–Opening Question: How is Law Created?

Teacher decides whether or not to have students write their responses silently, work in groups or partners, or engage in an open whole-class discussion.

Teacher should facilitate discussion and prompt students to think about the following:

- The importance of the Constitution and the Amendments
- The role of court cases
- How laws are changed through time

25 min–Powerpoint Instruction

Teacher guides students through the powerpoint slides. Prompting students to take notes accordingly. Additional instructions, further thinking, and discussion questions are associated with each slide in the comments.

20 min–Rights Lab Episode

After instruction, students watch the 1st episode of Rights Lab and engage in a teacher led discussion centering on the content of the episode.

25 min–Independent/Collaborative Assignment

Option 1: Writing Prompt

Post the following question to the class, “Should the government be allowed to use Stingrays? Why or Why not?” Give the students roughly 15 minutes to write a response to the question. Make sure they utilize what they learned from the episode and what they have in their notes as well.

Option 2: Debate Activity

Your class is the city council in your town debating whether or not the police force should acquire a stingray.

Divide the class into groups of four. Each group will have the following roles to select from:

1. **Police chief** - In favor of Stingrays;
2. **Community Member**- In favor of Stingrays
3. **Civil rights activist** - Against Stingrays
4. **Community Member** - Against Stingrays

Engage in a debate on whether or not the local police force should be allowed to use Stingrays. Give the students time to prepare their argument before beginning the debate. Ensure that students provide context from the lesson to support their arguments.

Additional Questions

1. How do stingrays help? How do they hurt?
2. What impact do stingrays have on privacy?
3. What effects do Stingrays have on national security?

Arguments for why the government should use stingrays:

Monitor/catch (foreign) terrorists; Figure out networks of domestic drug dealers/gangs.

Arguments for why government shouldn't use stingrays:

Violation of constitution - fourth amendment; Extremely large amount of data

10 min-Assessment

See attached worksheet for end-of-class assessment

Extended Assignment/Homework

Watch the panel discussion following the Rights Lab Episode & write a response.

Rights Lab Episode 1



Can the Government Spy on my Phone?

How is law created?

Questions for the Day

1. What is legal precedent and how does it affect law in America?
2. What is a Stingray and what is it used for?
3. Is it legal for the government to spy on my phone?
4. When stopped and searched, can government officials (police officers) search my cell phone content?

Agenda

1. Privacy in America and the Constitution
2. The Government and Surveillance
3. The Importance of Precedent
4. Stingrays
5. Rights Lab Episode 1

Privacy in America

- **Revolutionary War** - Government intrusion became an issue with soldiers staying in the homes of citizens without permission
- **1782** - Congress passed a law prohibiting the opening of other people's mail
- **1880** - A bill protecting the privacy of telegraphs was introduced
- **1919** - It became a felony to publicize Census information
- **1974** - Congress passed the first Privacy Act, prohibiting agencies from collecting personal information without written permission

Privacy and the Constitution

- **Third Amendment** - prohibits government soldiers from residing in people's homes
- **Fourth Amendment** - protects people from unreasonable search and seizures from government officials (police for example)
- **Fifth Amendment** - allows people the option of remaining silent when being questioned, so they don't offer information that could hurt their case

About Government Surveillance

Foreign International Surveillance Act (1978)

- The Foreign International Surveillance Act (FISA) established procedures for the authorization of the following:
 - Electronic Surveillance
 - Trap and Trace Devices
 - Physical Searches
- FISA prohibited the surveillance of or production of business records regarding a US person

Smith v. Maryland (1979)

- **Facts:** A person was robbed. Afterward, they received threatening phone calls from the robber. When the robber's identity was discovered, the police requested the robber's phone records from their telephone company. The police did not obtain a warrant.
- **Issue:** Is it legal for the government to search and record people's phone records?
- **Holding:** Since numerical information was voluntarily provided to the telephone company, no warrant is required because of an assumed risk of disclosure when providing that information voluntarily.
- **Reasoning:** The robber disclosed his phone call information to the telephone company, so he did not have a reasonable expectation of privacy for the numbers he dials.

PATRIOT Act (2001)

Providing **A**ppropriate **T**ools **R**equired to **I**ntercept and **O**bstruct **T**errorism

- After the attack on September 11th, 2001, terrorism and the threat of national security became a prominent issue
- The PATRIOT Act was passed 45 days after 9/11
- This act made it easier for the government to spy on people by expanding their authority to monitor phone and email communications in addition to tracking internet activity

Riley v. California & US v. Wurie (2014)

- **Facts:**
- Riley v. California - Riley was arrested for possession of concealed and loaded firearms. Upon arrest, an officer seized Riley's smart phone, found photographs and videos linking Riley to additional crimes, and used them in court.
- US v. Wurie - Police officers arrest Wurie for making an apparent drug sale, seizing Wurie's cell phone. After the arrest, the police accessed information from Wurie's cellphone. They used the call logs to trace an apartment. The police obtained a warrant to search the apartment and found drugs, a firearm, ammunition, and cash.

Riley v. California & US v. Wurie (2014) cont.

- **Issue:** Is it legal for the police to search cell phone information from someone arrested without having a warrant?
- **Holding:** Police must get a warrant before searching a cell phone.
- **Reasoning:** The search of a cell phone is unreasonable under the Fourth Amendment. In order for it to be reasonable, a warrant should be issued first. Without a warrant, it is an intrusion on individual's privacy.

Constitutional Vocabulary

Legal Precedent:

Legal precedent is a judicial decision that is binding, meaning that the conclusion of the ruling in the court case now becomes the point of law that cannot be broken. It is the authority used to decide similar cases from then on.

Why are these cases so important, and what do they have to do with spying on cell phones?

The precedent regarding cell phone surveillance is as follows:

Since cell phone companies have data on the phone numbers that you call, you have no reasonable expectation of privacy for that information

One case made all of this possible:

Smith v. Maryland (1979).

One court ruling resulted in granting the government permission to spy on its people

What is a Stingray

- Cell phone tracking device
- Stingray function: Cellular Surveillance
- Stingray Abilities:
 - Extract IMSI Numbers
 - Capture Metadata
 - Intercept Communications
 - DDOS Attack
 - Extract encryption keys
 - Radio Jamming

How a Stingray Works

- Cell phones send information to a cellphone tower
- A stingray intercepts that information and stores it onto a police computer

How to Identify a Stingray

- In an attempt to counter this surveillance, there have been apps created to identify and track cell phone towers and stingrays

Search and Seizure Question:

When you get arrested, police officers have the right to search which of the following?

- Your pockets
- Your wallet or purse
- Your cell phone
- Your car

Search and Seizure - Answers

When you get arrested, police officers have the right to search which of the following?

- ✓ Your pockets
- ✓ Your wallet or purse
- ✗ Your cell phone
- ! Your car - when it is reasonable to believe evidence relevant to the crime in question might be found

When you get arrested, the police can search anything that you have on you. However, they cannot search information on your cell phone without a warrant.

Rights Lab Episode 1:

Can the government spy on my phone?

Name _____ Date _____ Class _____

Questions for the Day:

1. What is legal precedent and how does it affect law in America?
2. What is a Stingray and what is it used for?
3. Is it legal for the government to spy on my phone?
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Privacy in America	Privacy in the Constitution

Government Surveillance:

Foreign Intelligence Surveillance Act (1978)

Smith v. Maryland (1979)

Name _____ Date _____ Class _____

Patriot Act (2001)

Riley v. California (2014)

United States v Wurie (2014)

Name _____ Date _____ Class _____

Why are these cases so important?

Define a Stingray

Name _____ Date _____ Class _____

3 **Scenario Question:**

Sarah is pulled over for speeding. She ends up getting arrested for driving under the influence. The police officer seizes her phone. The officer looks through photo album of the phone and sees pictures of Sarah consuming drugs. In court, she is also charged for drug use. Would Sarah be convicted of drug use? Why or Why not?

Rights Lab– Episode 2: Where can I fly my drone?

Overview

This lesson is the 2nd in a series of four that accompany the documentary film series, [Rights Lab](#). They provide a vehicle for discussing how laws, government, and technology intersect around the Constitution. With a mix of compelling documentary video and motion graphic elements, the curriculum uses evidence-based learning by teaching students to analyze texts, graphs, and video content as well as participating in role-playing and other engaging activities designed to foster measurable growth in history and social studies courses.

Along with exploring the moral dilemmas raised within the core media, the curriculum also uses relevant historical context to trace the changes within civil liberties over time. Each lesson offers historical context, citing information from scholarly sources, and collaborative activities that include multiple forms of learning in order to engage a diverse class set. Throughout the curriculum, students are provided opportunities to reflect and assess mastery and understanding of current law, how these laws came to be, and how technology and social issues play a factor in moving forward. They are summatively and formatively evaluated and questioned to provide clear benchmarks of achievement and understanding.

Lesson Learning Outcomes

Students will develop a fundamental understanding of the significance and evolution of civil liberties in history and how certain events and advancements led to change. This lesson centers on the legality of flying drones with regards to privacy, legal precedent, and the freedoms provided by the Constitution.

Suggested Grade Level

8-12 grades

Duration of Activity

1 class period (90 minutes)

Common Core Standards

CCSS Reading	CCSS writing	CRS English
<p>Reading for Literacy in Social Studies</p> <p>CCSS.ELA-LITERACY.RH.11-12.7 Integrate and evaluate multiple sources of information presented in diverse formats and media (e.g., visually, quantitatively, as well as in words) in order to address a question or solve a problem.</p> <p>CCSS.ELA-LITERACY.RH.11-12.9 Integrate information from diverse sources, both primary and secondary, into a coherent understanding of an idea or event, noting discrepancies among sources.</p> <p>CCSS.ELA-LITERACY.RH.11-12.2 Determine the central ideas or information of a primary or secondary source; provide an accurate summary that makes clear the relationships among the key details and ideas.</p> <p>CCSS.ELA-LITERACY.RH.11-12.1 Cite specific textual evidence to support analysis of primary and secondary sources, connecting insights gained from specific details to an understanding of the text as a whole.</p> <p>CCSS.ELA-LITERACY.RH.11-12.3 Evaluate various explanations for actions or events and determine which explanation best accords with textual</p>	<p>Writing Standards</p> <p>CCSS.ELA-Literacy.WHST.9-10.4 Produce clear and coherent writing in which the development, organization, and style are appropriate to task, purpose, and audience.</p> <p>CCSS.ELA-Literacy.WHST.9-10.9 Draw evidence from informational texts to support analysis, reflection, and research.</p>	<p>Band 13-15</p> <p>CLR 201. Locate basic facts (e.g., names, dates, events) clearly stated in a passage</p> <p>REL 202. Identify simple cause-effect relationships within a single sentence in a passage</p> <p>Band 16-19</p> <p>CLR 301. Locate simple details at the sentence and paragraph level in somewhat challenging passages</p> <p>CLR 302. Draw simple logical conclusions in somewhat challenging passages</p> <p>REL 302. Identify simple cause-effect relationships within a single paragraph in somewhat challenging literary narratives</p> <p>Band 20-23</p> <p>REL 403. Identify clear cause-effect relationships in somewhat challenging</p> <p>EXJ 302. Generate reasons for a position that are vague or simplistic; show a little recognition of the complexity of the issue in the prompt by</p> <p>DEV 301. Offer limited development in support of ideas; clarify ideas somewhat</p>

<p>evidence, acknowledging where the text leaves matters uncertain.</p> <p>CCSS.ELA-LITERACY.RH.11-12.8 Evaluate an author's premises, claims, and evidence by corroborating or challenging them with other information.</p>		<p>with vague explanation and the use of general examples</p> <p>ORI 301. Provide a simple organizational structure by logically grouping some ideas</p>
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Essential Questions

1. What is the Commerce Clause and how is it used?
2. What is the Federal Aviation Administration?
3. Where is it legal to fly drones? Is flying above someone else’s land trespassing, or is the air public?
4. How do time, place and manner restrictions apply to drone use?
5. Are there any special rules/regulations in your area for drone use?
6. What are some helpful pieces of advice for flying drones?

Essential Knowledge

1. The Commerce Clause is the basis for laws regulating business, giving Congress the power to regulate commerce for the United States.
2. The Federal Aviation Administration is the aeronautics branch of the Department of Commerce.
3. It is legal to fly a drone for commercial and hobby use on public property as well as private property with permission from the owner. However, you must account for regulation requirements.
4. All business and recreational drones over 250 grams must be registered by the FAA. This is commonly known as a section 333 exemption. For private property, even if you get approvals from all parties and properties being recorded, you can still get fined without a section 333 by the FAA. Other time, place, and manner restrictions vary government to government.
5. Chicago Law as of 2016
 - a. No flying above 400 ft
 - b. No flying within 5 miles of an airport

- c. No flying over:
 - i. People
 - ii. Private Property
 - iii. Schools
 - iv. Hospitals
 - v. Businesses
 - vi. Police Stations
- 6. Proper procedures for flying drones:
 - d. Keep your aircraft in sight
 - e. Don't fly over people
 - f. Know where to land

Historical Context

The basis of laws regulating commerce were enshrined in the Constitution under the Commerce Clause, giving Congress power to regulate exchange with other countries, between states and with Native American nations. States or nations have different laws/rules, so commerce legislation mediates between them. Because the Tenth Amendment notes that any powers not given to Congress by the states cannot be legislated nationally, there's disagreement about the range of powers the Commerce Clause provides, and the Supreme Court has interpreted it differently in the 200+ years since it was created. Much like the Constitution itself, it was a fundamental legal decision that was key in overriding the power of individual states and creating a solid scope of action for the federal government to oversee. Today, it's considered to be the power that Congress has taken the most action on.

The first challenge to the Commerce Clause came in the case of *Gibbons v. Ogden* in 1824, when two steamship operators who ferried passengers from New York City to New Jersey sued to keep a third operator, who was granted a business license by Congress, from competing against them on the same route. The ruling was in favor of the new steamship operator, finding that Congress had ample power to grant new business licenses within specific states if the business in question was part of a broader inter-state commerce operation. This is good for a first example, also since it relates to transportation, it anticipates the issues of planes/drones.

In subsequent cases, the Supreme Court found two ways of looking at whether the federal government can regulate commerce. One was determining how the action was categorized - whether the action in question would have "direct" or "indirect" impact on inter-state commerce, and whether it was "in" or "out" of the stream of commerce. The second was more empirical, judging simply by the effect a certain activity would have on interstate commerce.

In 1918, the Supreme Court took up the constitutionality of child labor in *Hammer v. Dagenhart* in 1918. The case refused to ban the use of child labor in making products that were traded across state borders because workplace conditions were a local matter. In a show of how

quickly commerce attitudes shifted, the case was overruled in 1941 by U.S. V. Darby, which upheld that the Fair Labor Standards Act to create minimum wage and hour standards.

Two key bills under the Commerce Act, Interstate Commerce Act in 1887 and the Sherman Antitrust Act in 1890, tweaked the understanding of commerce to keep up with rapid industrialization and a growing economy. The Interstate Commerce Act in 1887 created the Interstate Commerce Commission to regulate railroads, and came out of farmers opposition to railroads, which they believed were offering them discriminatory rates. The Sherman Antitrust Act in 1890 was created to keep businesses from taking actions that stifled competition, such as monopolies or cartels. It was spurred by price fixing in the Chicago meat industry.

The modern age of flight began in 1903 when Orville Wright flew the first powered plane, and has grown exponentially since. Regulation of the commercial air industry didn't have for more than 20 years however - it began with the Air Mail Act of 1925, which created a profitable commercial airline industry and oversaw the first airlines. The federal government stepped in more decisively in 1926 with the passage of the Air Commerce Act, which allowed the Secretary of Commerce to work on developing air commerce and safety. The Department of Commerce also opened a new aeronautics branch which took control of the airways from the U.S. Postal Service. The Federal Aviation Administration was created in 1958 by the Federal Aviation Act.

The example of water rights is particularly interesting, and applicable to how the debate around air space has unfolded. Under common law, the foundation to American law that comes from English law based on social custom, commerce rights were divided into different ways of administering commerce and land such as riparian rights, which allocated control over water depending on who possessed land along it's path. The Commerce Clause overtook riparian rights, noting that controlling water was key for commerce. United States v. Rands, in 1967, overrode the ownership of navigable waters by individuals, and made them the public property of the nation.

The Federal Aviation Administration coined the term unmanned aircraft for flying technology such as drones. The regulating of drones falls into three main categories under the First Amendment - time, place and manner.

The FAA was having so much difficulty coming up with regulations for giving licenses for commercial drones that Congress created an act, the FAA Modernization and Reform Act of 2012, to give the FAA a deadline to come up with key rules. Until then, the agency banned all commercial drones, but allowed non-commercial flights under 400 feet. In December 2015, the FAA announced that UAV's weighing more than 250 grams must be registered with the FAA.

Meanwhile, a numerous bunch of states took up their own regulations. For example, North Carolina enacted a law mandating a drone license.

Since August 29, 2016, there are two new sections of the Federal Aviation Regulations that are specific to drones. Public drone flyers can apply for a Public Certificate of Waiver or Authorization, while commercial flyers must apply for a troublesome Section 333 Exemption. Meanwhile, cases where the FAA's reach is contested would go to court and be considered under the Commerce Clause, which extends to the regulation of national airspace. Companies like Facebook and Amazon are preparing for widespread drone use for commercial purposes.

Vocabulary

Unmanned Aircraft:

The term coined by the Federal Aviation Administration (FAA), used to describe flying technology, such as drones.

Materials

1. Episode 2 Powerpoint Slides
2. Episode 2 Notes
3. Independent Activity (assessment at the end of class)

Lesson

10 min–Opening Prompt: Scenario: Is the air public?

Teacher decides whether or not to have students write their responses silently, work in groups or partners, or engage in an open whole-class discussion. If it is decided to work silently, give students five minutes to respond and five minutes to share their findings with a partner.

Teacher should facilitate discussion and prompt students to think about the following:

- What are some issues with filming private property?
- What can go wrong with flying drones?
- When you fly over private property, is the air above it also private?

25 min–Powerpoint Instruction:

Teacher guides students through the powerpoint slides. Prompting students to take notes accordingly. Additional instructions, further thinking, and discussion questions are associated with each slide in the comments.

20 min–Rights Lab Episode:

After instruction, students watch the 2nd episode of Rights Lab and engage in a teacher led discussion centering on the content of the episode.

25 min–Independent/Collaborative Assignment:

Option 1: Writing Prompt

Post the following question to the class, “Should the government be allowed to regulate drone usage? Why or Why not?” Give the students roughly 15 minutes to write a response to the question. Make sure they utilize what they learned from the episode and what they have in their notes as well.

Option 2: Debate Activity

Your class is the local council of your district, charged with drafting the drone legislation for your community.

Divide the class into groups of six. Each group will have the following roles to select from:

1. **Drone Photographer** - In favor of lenient drone regulations (for better business)
2. **Airline Company** - In favor of strict drone regulations (due to interference with planes)
3. **Victim of drone injury** - In favor of strict drone regulations (because of safety hazards)
4. **Police Captain** - In favor of lenient drone regulations (for surveillance purposes)

Each group must draft a drone legislation policy with rules pertaining to:

1. How close drones can fly to airports.
2. Can drones fly over private land?
3. How high can drones fly?
4. Do all drones need permits, or only commercial drones?
5. Do only drones over a certain size need permits?
6. What is required to get a permit? (ie. commercial pilots license or different drone license with less flight hours, etc.)

Give the students time to prepare their argument before beginning the conversation. Ensure that students provide context from the lesson to support their arguments, using their notes for regulation references.

Further Questions

1. What are some issues with flying drones? How can they be dangerous?
2. What impact do drones have on privacy?
3. What effects do drones have on surveillance?

Arguments for lenient regulations:

People should be allowed to make money; most drones do not fly in airspace of planes and therefore pose no safety risk; regulating airspace is over-regulation

Arguments for why government shouldn't allow commercial use of drones:
Interference with planes, spying, hazard to humans.

10 min-Assessment:

See attached worksheet for end-of-class assessment

Extended Assignment/Homework

Watch the panel discussion following the Rights Lab Episode & write a response.

Rights Lab Episode 2



Where Can I Fly My Drone?

Opening Question:

You're a photographer and just purchased a new drone to take aerial photographs for your next photo gallery. You fly over the University of Chicago and take pictures of the buildings and campus. You ask the school for permission, and they grant it. At your gallery, you get arrested and charged for invasion of privacy for commercial use. Do you have a case for defense?

Is the air public?

Agenda

1. The Commerce Clause
2. Control of the Sea
3. The Age of Flight
4. Unmanned Aircrafts
5. Drones in Chicago
6. Rights Lab Episode

Questions for the day

1. What is the Commerce Clause and how is it used?
2. What is the FAA?
3. Where is it legal to fly drones?
4. Is flying above someone else's land trespassing, or is the air public?
5. How do time, place & manner restrictions apply to drone use?
6. Are there any special rules/regulations in your area for drone use?

The Commerce Clause

- The basis for laws regulating business
- Allows for Congress the power to regulate exchange with other countries and within the US, including states and tribal governments
- This becomes very important for the balance of state and federal power, and deciding on issues with property and ownership

History Repeats Itself:

The ongoing issues with drones, property, and privacy aren't completely new. There have been very similar cases in American history over another major element: **water**

Gibbins v. Ogden (1824)

- **Facts:** Two steamship operators were granted a monopoly by the New York Legislator to operate on NY waters. These operators licensed Ogden to operate a ferry boat between NYC and New Jersey. A competing company, Gibbins, began operating a ferry boat on the same waters, licensed under a federal law. Ogden sues Gibbins for operating over “their” water route.
- **Issue:** Who has the power in this situation, the New York Legislator or US Congress under the Commerce Clause?
- **Holding:** Congress has the power over State Law
- **Reasoning:** Congress has the authority to grant business licenses under the Commerce Clause. Commerce includes navigation. Congress may regulate commerce between any foreign power and any state.

United States v. Rands (1967)

- Major dispute revolving around commerce and navigable waters
- Brought the power of Congress through the Commerce Clause into question
- It was decided that navigable waters can no longer be owned by individuals, it is now considered the public property of the nation

Water Rights

Riparian Rights

- The right over control of navigable waters, depending on who possessed land along the path
- Taken from English Common Law

Gibbins v. Ogden (1824)

- Granted Congress the power to control commerce on water
- Eventually overtook Riparian Rights

US v. Rands (1967)

- Case ends in water being the public property of the nation
- Navigable water can no longer be deemed private property of individuals

The Age of Flight

The Age of Flight

- In 1903, Orville Wright flew the first powered plane
- In 1925, the Air Mail Act was passed, paving the way for the commercial airline industry
- In 1926, the Air Commerce Act allowed the Secretary of Commerce to develop commerce and safety regulations

In 1958, a new aeronautics branch of the Department of Commerce took control of the airways from the US Postal Service, called the **Federal Aviation Administration**

Constitutional Vocabulary

Unmanned aircraft: The term coined by the Federal Aviation Administration (FAA), used to describe flying technology, such as drones.

The regulation of unmanned aircrafts fall under 3 categories:

1. **Time**
2. **Place**
3. **Manner**

Current Law

All business and recreational drones over 250 grams must be registered by the FAA

This is known as a Section 333 exemption

Even if you get approval from all parties and properties being recorded with a drone, you can still get fined if your drone is not approved by the FAA

Flying in Chicago

This is the current law held in Chicago:

- No flying above 400 feet
- No flying within five miles of an airport
- No flying over:
 - People
 - Private Property
 - Schools
 - Hospitals
 - Businesses
 - Police Stations

Rights Lab Episode 2

[Where can I fly my drone?](#)

Name _____ Date _____ Class _____

Questions for the Day:

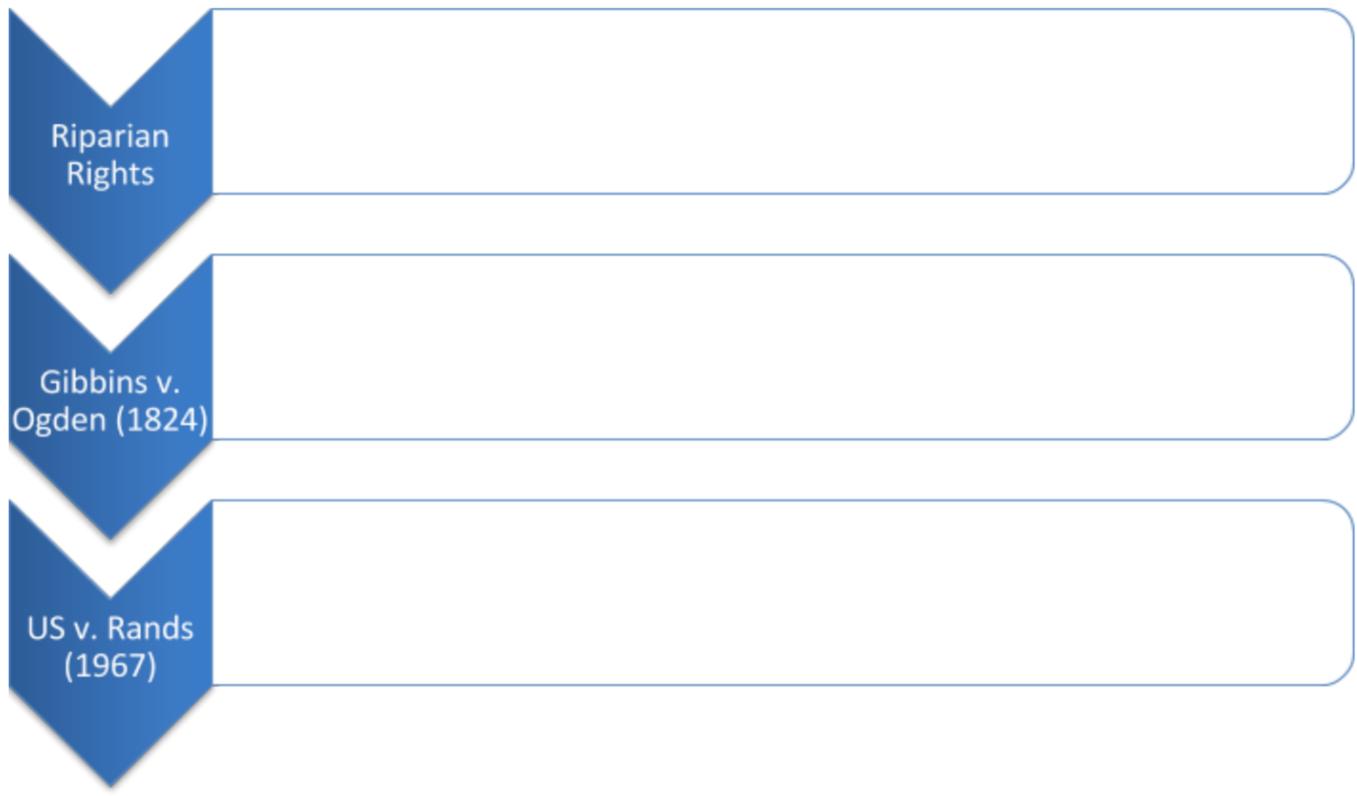
1. **What is the Commerce Clause and how is it used?**
2. **What is the FAA?**
3. **Where is it legal to fly drones?**
4. **Is flying above someone else's land trespassing, or is the air public?**
5. **How do time, place and manner restrictions apply to drone use?**
6. **Are there any special rules/regulations in your area for drone use?**

The Commerce Clause

Gibbins v Ogden (1824)

United States v Rands (1967)

Name _____ Date _____ Class _____



Federal Aviation Administration	Unmanned Aircraft

Current Law	Flying in Chicago

Name _____ Date _____ Class _____

Directions: Answer the questions in complete sentences and to the best of your knowledge.

1

a) What was the significance of the Commerce Clause?

b) How does precedent affect law in America?

Name _____ Date _____ Class _____

2

a) What do I need to do to fly a drone legally on private property?

b) What are the three categories for the regulation of an unmanned aircraft?

1) _____

2) _____

3) _____

Assessment: Rights Lab Episode 2: Where Can I Fly My Drone?

Name _____ Date _____ Class _____

3 What are the current regulations for flying drones in Chicago?

Rights Lab– Episode 3: Can I Film Police?

Overview

This lesson is the 3rd in a series of four that accompany the documentary film series, [Rights Lab](#). They provide a vehicle for discussing how laws, government, and technology intersect around the Constitution. With a mix of compelling documentary video and motion graphic elements, the curriculum uses evidence-based learning by teaching students to analyze texts, graphs, and video content as well as participating in role-playing and other engaging activities designed to foster measurable growth in history and social studies courses.

Along with exploring the moral dilemmas raised within the core media, the curriculum also uses relevant historical context to trace the changes within civil liberties over time. Each lesson offers historical context, citing information from scholarly sources, and collaborative activities that include multiple forms of learning in order to engage a diverse class set. Throughout the curriculum, students are provided opportunities to reflect and assess mastery and understanding of current law, how these laws came to be, and how technology and social issues play a factor in moving forward. They are summatively and formatively evaluated and questioned to provide clear benchmarks of achievement and understanding.

Lesson Learning Outcomes

Students will develop a fundamental understanding of the significance and evolution of civil liberties in history and how certain events and advancements led to change. This lesson introduces students to the ongoing issues around police surveillance.

Suggested Grade Level

8-12 grades

Duration of Activity

1 class period (90 minutes)

Common Core Standards

CCSS Reading	CCSS writing	CRS English
<p>Reading for Literacy in Social Studies</p> <p>CCSS.ELA-LITERACY.RH.11-12.7 Integrate and evaluate multiple sources of information presented in diverse formats and media (e.g., visually, quantitatively, as well as in words) in order to address a question or solve a problem.</p> <p>CCSS.ELA-LITERACY.RH.11-12.9 Integrate information from diverse sources, both primary and secondary, into a coherent understanding of an idea or event, noting discrepancies among sources.</p> <p>CCSS.ELA-LITERACY.RH.11-12.2 Determine the central ideas or information of a primary or secondary source; provide an accurate summary that makes clear the relationships among the key details and ideas.</p> <p>CCSS.ELA-LITERACY.RH.11-12.1 Cite specific textual evidence to support analysis of primary and secondary sources, connecting insights gained from specific details to an understanding of the text as a whole.</p> <p>CCSS.ELA-LITERACY.RH.11-12.3 Evaluate various explanations for actions or events and determine which explanation best accords with textual</p>	<p>Writing Standards</p> <p>CCSS.ELA-Literacy.WHST.9-10.4 Produce clear and coherent writing in which the development, organization, and style are appropriate to task, purpose, and audience.</p> <p>CCSS.ELA-Literacy.WHST.9-10.9 Draw evidence from informational texts to support analysis, reflection, and research.</p>	<p>Band 13-15</p> <p>CLR 201. Locate basic facts (e.g., names, dates, events) clearly stated in a passage</p> <p>REL 202. Identify simple cause-effect relationships within a single sentence in a passage</p> <p>Band 16-19</p> <p>CLR 301. Locate simple details at the sentence and paragraph level in somewhat challenging passages</p> <p>CLR 302. Draw simple logical conclusions in somewhat challenging passages</p> <p>REL 302. Identify simple cause-effect relationships within a single paragraph in somewhat challenging literary narratives</p> <p>Band 20-23</p> <p>REL 403. Identify clear cause-effect relationships in somewhat challenging</p> <p>EXJ 302. Generate reasons for a position that are vague or simplistic; show a little recognition of the complexity of the issue in the prompt by</p> <p>DEV 301. Offer limited development in support of ideas; clarify ideas somewhat</p>

<p>evidence, acknowledging where the text leaves matters uncertain.</p> <p>CCSS.ELA-LITERACY.RH.11-12.8 Evaluate an author's premises, claims, and evidence by corroborating or challenging them with other information.</p>		<p>with vague explanation and the use of general examples</p> <p>ORI 301. Provide a simple organizational structure by logically grouping some ideas</p>
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Essential Questions

1. What is the legal precedent regarding our right to videotape and photograph police and government officials?
2. When and where can people film the police?
3. When are people not allowed to film the police?
4. How do these rights differ in Illinois?

Essential Knowledge

1. The Fourth Amendment to the Constitution prohibits unreasonable searches and seizures and requires law enforcement or government bodies to obtain a warrant before a search.
2. The First Amendment protecting freedom of speech has changed throughout the history of America. Currently, you have the ability to record people on public property, including government officials, so long as you do not interfere with their ability to perform their duty. People waive their right to privacy on public property, which is why anyone has the ability to record them.
3. You have a right to film the police in all 50 states
4. People have a right to film and photograph police in public settings so long as they do not interfere with their ability to perform their duty, and the reason for filming or photographing is to challenge the conduct of the officer.
5. You are not permitted to film the police if you are interfering with their ability to uphold their duty
6. If you are on private property, you must have the approval of the property owner to film or photograph ANYONE, including police.
7. Illinois specific law:
 - a. You can film any public conversation, including filming the police
 - b. It is illegal to record anyone's private conversation without everyone's consent

Historical Context

The **Fourth Amendment to the Constitution** prohibits unreasonable searches and seizures and requires law enforcement or government bodies to obtain a warrant before a search. The amendment is part of the Bill of Rights, and was adopted in 1792 because the government in colonial America was misusing the writ of assistance, a legal order from a court, to allow customs officers to search an individual's property.

A key legal test for how the privacy protections of the Fourth Amendment are applied is the **expectation of privacy**. The expectation of privacy can be divided into two types - **subjective and objective**. The subjective expectation is an individual's opinion that a certain place or event is private, while the objective is when privacy is generally recognized by society. A hotel room is an example of where a person has a reasonable expectation of privacy, while there are also spaces inside public places that have been deemed private, such as public bathrooms and phone booths. The range of public places that a person can't expect to have a reasonable expectation of privacy are broader - the street, the library, conversations with others in public.

The concept can be used far and wide - garbage, for example, can be left out for collection in a public place and therefore you can't expect privacy for what you throw away in publicly accessible garbage. Cars are an example of where a person may have a subjective expectation of privacy, but not an objective one. Until 1949, this only applied to cases at the federal level, but a case called **Wolf v. Colorado** expanded the protection of the Fourth Amendment to the state level.

One key way the amendment is enforced is called the **exclusionary rule**. Created by **Weeks v. United States** in 1914, the rule says that any information obtained through a violation of the Fourth Amendment can't be used in criminal trials. In court parlance, evidence obtained illegally is called "fruit of the poisonous tree."

Determining more broadly where and when a person can be photographed for commercial reasons was also important, and the turn of the 20th century saw the Supreme Court grappling with how to approach the new medium. In the 1911 case **Munden v. Harris**, a young boy sued (through his parents) a group of men who had used his picture to advertise their jewelry. This helped establish limits on how photographs of private individuals could be used commercially. Another key case was that of **Nussenzweig v. diCorcia**, a 2005 case in which a Hasidic Jewish man argued that his photo was taken and profited from without his knowledge, and against his religious codes, by a photographer in Times Square. The court sided with the photographer, a ruling that kept public space free for photography.

However, in general, it's not entirely clear where the boundary between "freedom of the press" and privacy of individuals should lay, and the U.S. Court of Appeals for the Ninth Circuit has said in 1971's **Dietman v Time Inc.**, in which journalists for Life magazine went into doctor's

offices pretending to be patients, that journalists aren't absolutely shielded from facing a lawsuit under invasion of privacy.

Few Supreme Court cases consider the rights of photographers specifically, but they are included in areas of speech. In **Texas v. Johnson**, 1989, acknowledged that other technologies "may be sufficiently imbued with elements of communication" to be protected.

Glik v. Cunniffe in 2011 is the current bedrock of recording law - it held that a private citizen can video and audio record public officials in public settings. The case began when Simon Glik filmed police officers making an arrest in Boston - he was subsequently arrested and charged with wiretapping and aiding the escape of a prisoner. The court did also rule that the rights of filming could be restricted within reasonable time, place and manner.

On the ground, whether a police officer arrests you for filming them can depend on multiple factors, even when it's done in contravention of First or Fourth Amendment rights. That's why many of the most significant decisions about filming police are happening at the local level. In 2016 the decision in **Fields v. City of Philadelphia** further refined when police can be filmed - ruling that they can only be filmed if they're being criticized. The [decision was contentious](#), and detractors have argued that gathering information should be protected, even if it doesn't directly result in speech.

Vocabulary

Expectation of Privacy:

A subjective expectation is an individual's opinion that a certain place or event is private. An objective expectation is when privacy is generally recognized by society.

The Exclusionary Rule:

Any information obtained through a violation of the Fourth Amendment CANNOT be used in criminal trials.

Materials

1. Episode 3 Powerpoint Slides
2. Printed article from the Washington Post: [Challenging law challenging police](#)
3. Lesson 3 Student Notes
4. Independent Activity (assessment at the end of class)

Lesson

10 min–Opening Question: Can I film the police?

Teacher decides whether or not to have students write their responses silently, work in groups or partners, or engage in an open whole-class discussion.

Teacher should facilitate discussion and prompt students to think about the following:

- How does filming police, or not, affect law?
- What can a video like this lead to?
- Is it right to film police in action? Do they/should they have a right to privacy?
- When should filming a public official not be allowed?
- How does the misuse of power play out in this scenario?
- What are steps people have been taking? Have they been effective?
- When did police brutality and surveillance become an issue?
- What can you do when you get stopped by a police officer?
- What are some events in history driven by police injustice?

25 min–Powerpoint Instruction:

Teacher guides students through the powerpoint slides, prompting students to take notes accordingly. Additional instructions, further thinking, and discussion questions are associated with each slide in the comments.

20 min–Rights Lab Episode:

After instruction, students watch the first episode of Rights Lab and engage in a teacher led discussion centering on the content of the episode.

25 min–Independent/Collaborative Assignment:

Option 1: Writing Prompt

[Refining Law Article](#)

Read the Washington Post article to yourself, and in your notes write a brief synopsis on how the law regarding filming the police was refined.

Describe what the original law stated regarding filming public officials, and how that law was

refined after the case of *Fields v. City of Philadelphia*.

Student's synopsis should be something like this:

*Prior to *Fields v City of Philadelphia*, the First Amendment protected a right to record and photograph in public places. So you had a right to record public officials at anytime. After the case, however, it was ruled that you cannot record public officials unless you are challenging or criticizing their conduct. Detractors have argued that gathering information should be protected, even if it doesn't directly result in speech.*

Option 2: Ending Police Injustice

Divide students into groups. Each group has to come up with a solution to the following prompt:
How can we end police injustice in America.

Your team has 10 minutes to find a solution. And you can demonstrate your solution any way that you like – through writing, music, art, speech, drama. You must incorporate the content in your notes when creating this solution. If new laws are required to end police injustice, your team should draft them and incorporate them into your presentation.

Further thinking:

- How can we monitor police activity?
- What are some steps to end police brutality?
- What are steps activists have been taking? Have they been effective?
- What rights should police have in terms of their interactions with the public?
- When did police brutality/surveillance become an issue?
- What can you do when you get stopped by a police officer now? How would this be different with your solution?
- What are some events in history driven by police injustice?

Give students time to come up with as many solutions to the problem in as many ways as they can together. Next, have the groups present their best solution to the class

10 min–Assessment:

See attached worksheet for end-of-class assessment

Extended Assignment/Homework

Have students describe a time when they have witnessed or experienced an issue with police. It could be a past memory, or have to do with their family, or something that they have seen in the media.

Rights Lab Episode 3



Can I film the police?

Opening Activity

FILMING THE POLICE

What is the importance of having this video caught on camera? How does it play an effect on what the cops report allegedly happened? Can this be used in court?

Questions for the day

1. What is the legal precedent regarding our right to videotape and photograph police and government officials?
2. When and where can people film the police?
3. When are people not allowed to film the police?
4. How do these rights differ in Illinois?

Agenda

1. The First Amendment
2. Privacy and the Fourth Amendment
3. Reasonable expectation of privacy

The First Amendment

The **First Amendment**, ratified on December 15th, 1791, reads:
“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.”

How does the First Amendment relate to the ability to film police performing their duty? Should they have the freedom to carry out their duty without the hassle of people filming them? Can filming the police affect their ability to perform their jobs?

The Fourth Amendment

The **Fourth Amendment to the Constitution** prohibits unreasonable searches and seizures and requires law enforcement or government bodies to obtain a warrant before a search. The reasonable expectation of privacy concept comes from the Fourth Amendment.

Constitutional Vocabulary

Expectation of Privacy:

- Used in deciding whether an area of privacy is covered by the Fourth Amendment. There are subjective and objective metrics for deciding whether an individual's expectation of privacy is considered reasonable.

Where Can We Have an Expectation of Privacy?

In your notes, please check the box for the place where you can have an expectation of privacy. Circle as many as you deem necessary:

- A Hotel Room
- A Public Bathroom
- On the Street
- In the Library
- Your Garbage

Where We Have an Expectation of Privacy

- ✓ A Hotel Room
- ✓ A Public Bathroom
- ✗ On the Street
- ✗ In the Library
- ✗ Your Garbage- depends on where the garbage is.
Once you put it on the street or in city garbage cans,
it is no longer private

Weeks v. United States (1914)

Facts: Police officers in Kansas City, Missouri went to the house of Mr. Weeks and used his hidden key to enter and search his home. While there, they took papers, letters, books, and other items. They did not have a search warrant. These items were used in court to find Mr. Weeks guilty of sending lottery tickets through the U.S. mail.

Issue: If probable cause is not used to get a search warrant, is the resulting warrantless search a violation of the 4th Amendment?

Weeks v. United States (1914)

Holding: The evidence collected during the illegal search was in violation of the 4th Amendment and was thus inadmissible.

Reasoning: In a criminal investigation, in order for a search to be legal, there must be probable cause. The probable cause must be used to gain a search warrant. If not, the search will be illegal and evidence collected as a result of the search can't be used in court.

The Exclusionary Rule

A new legal doctrine was created after this case. Under the Exclusionary Rule, any information obtained through a violation of the Fourth Amendment CANNOT be used in criminal trials.

Can someone take a picture of you without you knowing and profit off of it?

The answer depends on where you are photographed. If you are in a public space, then that space is free for photography, and your picture can be used for profit without your consent.

Glik v. Cunniffe 2011

Facts: Simon Glik filmed police officers making an arrest in Boston. Simon was arrested and charged with wiretapping and aiding the escape of a prisoner.

Issue: Do people have the right to record video and audio of public officials in a public place under the First Amendment?

Holding: People have a right to video and audio record government officials in public places, given certain restrictions of reasonable time, place, and manner.

Reasoning: Arresting Glik for video and audio recording an officer on duty in a public place was in violation of his rights protected by the First Amendment.

This is the current bedrock of recording law. In *Glik v. Cunniffe* (2011), it was held precedent that a private citizen can video and audio record public officials in public settings.

Create the scenario

With a partner, create a scenario in which police conduct could be questioned:

What was questionable about the conduct? Would video footage or photographs of the event and action hold up in court? Why or why not?

Rights Lab Episode 3

Can I film the police?

Name _____ Date _____ Class _____

Questions for the Day:

1. **What is the legal precedent regarding our right to videotape and photograph police and government officials?**
2. **When and where can people film the police?**
3. **When are people not allowed to film the police?**
4. **How do these rights differ in Illinois?**

The First Amendment	The Fourth Amendment

Where can we have a reasonable expectation of privacy?
<ul style="list-style-type: none"><input type="radio"/> A Hotel Room<input type="radio"/> A Public Bathroom<input type="radio"/> On the Street<input type="radio"/> In the Library<input type="radio"/> Your Garbage

Weeks v United States (1914)

Name _____ Date _____ Class _____

Glik v Cunniffe (2011)

What I Know	What I want to Know	What I Learned

Name _____ Date _____ Class _____

Independent Assessment: **Where can I protest?**

What rights do you have based on the First and Fourth Amendments?	What is the significance of a reasonable expectation of privacy?

What is the legal precedent regarding our right to videotape and photograph police and government officials?	When and where can people film the police? And when are people not allowed to film the police?

Create a scenario in which the right to film police was in question. What would the result of the court case be and why?	What issues can arise from the regulations of filming police?

Rights Lab– Episode 4: Where Can I Protest?

Overview

This lesson is the 4th in a series of four that accompany the documentary film series, [Rights Lab](#). They provide a vehicle for discussing how laws, government, and technology intersect around the Constitution. With a mix of compelling documentary video and motion graphic elements, the curriculum uses evidence-based learning by teaching students to analyze texts, graphs, and video content as well as participating in role-playing and other engaging activities designed to foster measurable growth in history and social studies courses.

Along with exploring the moral dilemmas raised within the core media, the curriculum also uses relevant background material to trace the changes within civil liberties over time. Each lesson offers historical context, citing information from scholarly sources, and collaborative activities that include multiple forms of learning in order to engage a diverse class set. Throughout the curriculum, students are provided opportunities to reflect and assess mastery and understanding of current law, how these laws came to be, and how technology and social issues play a factor in moving forward. They are summatively and formatively evaluated and questioned to provide clear benchmarks of achievement and understanding.

Lesson Learning Outcomes

Students will develop a fundamental understanding of the significance and evolution of civil liberties in history and how certain events and advancements led to change. This lesson centers on the knowledge pertaining to our basic right to peacefully assemble under the First Amendment of the Constitution.

Suggested Grade Level

8-12 grades

Duration of Activity

1 class period (90 minutes)

Common Core Standards

CCSS Reading	CCSS writing	CRS English
<p>Reading for Literacy in Social Studies</p> <p>CCSS.ELA-LITERACY.RH.11-12.7 Integrate and evaluate multiple sources of information presented in diverse formats and media (e.g., visually, quantitatively, as well as in words) in order to address a question or solve a problem.</p> <p>CCSS.ELA-LITERACY.RH.11-12.9 Integrate information from diverse sources, both primary and secondary, into a coherent understanding of an idea or event, noting discrepancies among sources.</p> <p>CCSS.ELA-LITERACY.RH.11-12.2 Determine the central ideas or</p>	<p>Writing Standards</p> <p>CCSS.ELA-Literacy.WHST.9-10.4 Produce clear and coherent writing in which the development, organization, and style are appropriate to task, purpose, and audience.</p> <p>CCSS.ELA-Literacy.WHST.9-10.9 Draw evidence from informational texts to support analysis, reflection, and research.</p>	<p>Band 13-15</p> <p>CLR 201. Locate basic facts (e.g., names, dates, events) clearly stated in a passage</p> <p>REL 202. Identify simple cause-effect relationships within a single sentence in a passage</p> <p>Band 16-19</p> <p>CLR 301. Locate simple details at the sentence and paragraph level in somewhat challenging passages</p> <p>CLR 302. Draw simple logical conclusions in somewhat challenging passages</p>

information of a primary or secondary source; provide an accurate summary that makes clear the relationships among the key details and ideas.

CCSS.ELA-LITERACY.RH.11-12.1

Cite specific textual evidence to support analysis of primary and secondary sources, connecting insights gained from specific details to an understanding of the text as a whole.

CCSS.ELA-LITERACY.RH.11-12.3

Evaluate various explanations for actions or events and determine which explanation best accords with textual evidence, acknowledging where the text leaves matters uncertain.

CCSS.ELA-LITERACY.RH.11-12.8

Evaluate an author's premises, claims, and evidence by

REL 302. Identify simple cause-effect relationships within a single paragraph in somewhat challenging literary narratives
Band 20-23

REL 403. Identify clear cause-effect relationships in somewhat challenging

EXJ 302. Generate reasons for a position that are vague or simplistic; show a little recognition of the complexity of the issue in the prompt by

DEV 301. Offer limited development in support of ideas; clarify ideas somewhat with vague explanation and the use of general examples

ORI 301. Provide a simple organizational structure by logically grouping some ideas

corroborating or challenging them with other information.		
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Essential Questions

1. How does the First Amendment define the right to protest and express political opinions? Provide examples of what actions may be protected under the First Amendment.
2. What is meant by “reasonable time, place and manner restrictions” on protests? Students should be able to describe a scenario in which a protest is restricted and why. E.g. a big march in busy downtown only allowed during non-rush hours.
3. How does the Constitution protect people with different and opposing positions?
4. What tactics have been used to make political change over the years? Are these tactics more or less effective than voting to make social change? Give examples of what you think is and isn't effective.

Essential Knowledge

1. The First Amendment guarantees that the government ensures freedom of religion, freedom of speech and freedom of the press
2. Reasonable time, place and manner restrictions are rules by which the government can restrict protest. They govern:
 - A. Whether the protest is taking place at a decent time - ie a protest at 2 a.m. in a residential neighborhood might be discouraged

B. Would the place the protest is taking place put other people in danger ie in front of a hospital, or is it not on public land?

C. Manner restrictions govern whether, for example, the protest will stop individuals from getting to a place where they'll have a medical procedure

3. Equal protection is your right as a citizen. The reason for the importance of people with differing opinions receiving the same rights and protections under federal law lies within the First Amendment and the way it protects freedom of speech. This provides an outlet for free expression, and the ability for people to voice their opinions openly to create awareness and lead to change, such as with the Civil Rights movement. The Supreme Court is serious about any restrictions on protest being content-neutral, to keep judges or lawmakers opinions from curtailing the right to protest.
4. Students should be aware of the tactics used for protesting on the topic of abortions by means of the Rights Lab episode. They should also know that it is illegal to prevent/block people from entering places where they are taking part in a constitutionally-protected medical procedure. They should see how both the Pro Life and Pro Choice activists strategically protest—through an understanding of the law by means of protesting as close as possible to Planned Parenthood and other abortion centers. Most states have distance limitations. Students don't need to know the exact numbers per se, just that distance itself varies from government body to government body (State, Local. Federal).

Historical Context

The First Amendment, ratified on December 15th, 1791, reads: "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." A key part of this amendment is the protection of freedom of assembly, which allows people to congregate to express their freedom of speech. The decades leading up to the creation of the First Amendment saw several events that helped shape the amendment. Groups of people were arrested for preaching a gospel contrary to that considered mainstream - Baptists who didn't preach to the Anglican book of prayer - and in 1735 a famous libel trial shook New York when a local publisher was tried for libel after publishing criticism of the governor of New York.

The bill got off to a rocky start. Only seven years after the First Amendment was ratified, Congress passed the Alien and Seditions Act of 1798, making it illegal to criticize government, in response to concerns about a war breaking out that would undermine the newly created country of the United States. They were repealed when Thomas Jefferson became president, in 1801. The First Amendment wouldn't become singularly important until the 20th century came around.

Based on a precedent created in several cases - particularly *Rosenberg v. Rector and Visitors of the University of Virginia* which clarified the difference between barring speech on a topic or on a particular view of a topic - protest law has evolved to now allow discrimination based on viewpoint, meaning that protests can't be banned because of their subject matter. The government can, however, create reasonable time, place and manner of speech restrictions if they can prove the restrictions are within reason. The government can also limit protests on government property if they're violent, in an area such as a school, or outside government buildings charged with being neutral law-makers, such as the Supreme Court. Some localities also have permit ordinances, meaning a planned march or protest has to get permission before taking place.

Before states had to protect all the legal rights of individuals, state governments could regulate speech without regard to the First Amendment. This changed in 1939 when Justice Owens Josephus Roberts said that the use of the streets and public spaces is a right of citizens. From there, the court developed a Federal Forum Analysis to decide what kinds of speech are appropriate in which publically owned locations. Traditional Public Forums include a sidewalk, street or public park; Designated Public Forums that the government has opened up specifically for First Amendment activity; and Non-Public Forums in which First Amendment rights are unclear, such as military bases, airport terminals or post offices.

The civil rights movement of the 1960s drew upon several First Amendment freedoms, primarily speech, free assembly and the right to petition, to fight for racial equality and eventually end segregation in the South. They used sit-ins, bus rides called "Freedom Rides" and marches across the country - sit-ins took place in more than 100 cities by 1960. The NAACP filed lawsuits throughout the turbulent period to protect protesters First Amendment rights - including *Gibson v. Florida* (1963) in which the NAACP sued to overturn the Florida legislature's

investigation of them for Community activity and NAACP v. Claiborne Hardware Co, in which a hardware company sued the NAACP over a boycott and picket of businesses that didn't serve black people, with the court eventually siding with the NAACP's non-violent tactics. NAACP attorney Thurgood Marshall would later go on to be the first African-American Supreme Court justice. great

In 1976, the U.S. Supreme Court ruled in *Hudgens v. National Labor Relations Board* that the First Amendment didn't prevent a property owner from restricting the exercise of free speech on their property. The case in question was a protest by union members picketing inside a mall - when they were told to either leave or face criminal trespass charges, they argued to the court that this abridged their First Amendment rights. The court, however, decided in favor of restricting protest on private property. A case in 1988 - *Frisby v. Schultz* - further codified in law that picketing was banned not just on but also in front of private residences.

Some states have local constitutions that expand protest rights. In New Jersey and California, for example, free speech rights can prevail over that of property owners. The New Jersey law is specific to free speech rights in shopping malls. In California, it was high school students that helped push free speech in shopping malls with the 1980 case *Pruneyard Shopping Center v. Robins*. Several local high school students wanted to solicit signatures against a United Nations resolution. When the mall tried to restrict them, the case was taken to court and found in favor of the high schoolers right to exercise their free speech in private shopping centers and for individual states to offer freedoms beyond that of the constitution.

Buffer zones around abortion clinics have been contentious because anti-abortion protesters have said they were exercising their free speech rights, while proponents of reproductive choice have argued that protesters were obstructing a legally recognized right to health care. The solution to this has been to create a buffer zone which delineates how far away anti-abortion protesters can be from a clinic. The first such buffer zone law was in Colorado, which mandated an 8-foot buffer zone, and was upheld by the Supreme Court in *Hill v. Colorado* in 2001. Illinois does not have a bubble zone law, but Chicago does. In August 2016, anti-abortion protesters filed a law to take down Chicago's bubble zone law.

The Westboro Baptist Church was in the middle of a Supreme Court case that further challenged the question of what areas are allowed for free speech - *Snyder v. Phelps* in 2010 found that the church caused emotional distress to a soldier's family by protesting outside his funeral. The concern here was that the restriction could have discriminated on viewpoint - but by banning all emotionally distressing protests outside of funerals the court made sure to be mostly content neutral.

In 2011, the Occupy movement raised the question of how localities dealt with protests - and what was considered protest and whether the time it took place mattered - when members tried to sleep in public and private parks and plazas across the country. Some were welcomed, while the majority were forcibly evicted. In Chicago, people arrested while trying to set up an encampment in Grant Park were charged with violating a curfew, though most charges were eventually dropped.

Vocabulary

The Freedom to Assemble:

The right for people to congregate in order to express their freedom of speech

The Federal Forum Analysis:

Used to decide what kinds of speech are appropriate in which publically owned locations

Materials

1. Episode 4 Powerpoint Slides
2. Lesson 4 Student Notes Packet
3. Independent Activity (assessment at the end of class)

Opening Activity:

10 min–Opening Question: What does the First Amendment mean to you?

Teacher decides whether or not to have students write their responses silently, work in groups or as partners, or engage in an open whole-class discussion.

Further thinking:

1. How does this amendment effect law?
2. What freedoms are important to you?
3. What does it mean to have a right to peacefully assemble?
4. When should people assembling not be allowed?
5. How does the term peacefully play a factor?

Give students 5 minutes to write, and five minutes to share with a partner before opening a full discussion.

25 min–Powerpoint Instruction:

Teacher guides students through the powerpoint slides. Prompting students to take notes accordingly. Additional instructions, further thinking, and discussion questions are associated with each slide in the comments.

10 min - 20 min–Rights Lab Episode:

After instruction, students watch the relevant episode of Rights Lab and engage in a teacher led discussion centering on the content of the episode.

25 min–Independent/Collaborative Assignment:

Option 1: Writing Prompt

Post the following question to the class, “Are the laws regarding protesting fair to you? Why or Why not?” Give the students roughly 15 minutes to write a response to the question. Make sure they utilize what they learned from the episode and what they have in their notes as well.

Option 2: Collaborative Assignment: - Where can I Protest Game

Divide the class into groups. Assign each group a different protest scenario to analyze. Have students use their notes to determine the following:

- Who is protesting, what are they protesting, and who is affected by it?
- Was the protest legal? Why?
- How can they use the First Amendment in court?
- What effect to police officers have on this event. What is within their power?

After the groups have a chance to discuss the scenario, have one member from each group read their scenario and present their findings. If time allots, have the groups switch scenarios to analyze.

10 min–Assessment:

See attached worksheet for end-of-class assessment

Extended Assignment/Homework

Watch the panel discussion following the Rights Lab Episode & write a response.

Rights Lab Episode 4



Where can I protest?

Opening Activity

The First Amendment, ratified on December 15th, 1791, states that there is a “right of people peaceably to assemble, and to petition the Government for a redress of grievances.”

Describe what this means to you? How does this relate to today? Can you protest anywhere? Does it apply to you and your daily life? If so, then how?

Questions for the Day

1. How does the First Amendment define the right to protest and express political opinions?
2. What is meant by “reasonable time, place & manner restrictions” on protests?
3. How does the Constitution protect people with different and opposing positions?
4. What tactics have been used to make political change over the years? Are these tactics more or less effective than voting to make social change?

Agenda

1. Discovering the First Amendment
2. The Evolution of Assembly
3. Where can I protest
4. The Limits of Assembly
5. Rights Lab Episode 4

The First Amendment

Ratified on December 15th, 1791, reads: “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.”

Constitutional Vocabulary

The Freedom to Assemble:

The right for people to congregate in order to express their freedom of speech

Federal Forum Analysis

Used to decide what kinds of speech are appropriate in which publically owned locations.

The Evolution of Assembly in America

Alien and Seditions Act (1798)

- Made it illegal to criticize the government
- The reason behind the Act was a response to the fear of war breaking out that would undermine the newly created United States
- The Seditions Act resulted in the prosecution and conviction of many people that disagreed with the government
- Thomas Jefferson, who was against the Alien and Seditions Act, used this attitude to help win the election against President Adams

The Civil Rights Movement (1960s)

- The movement to end segregation and fight for racial equality in the US
- Brought into question freedoms provided under the First Amendment, primarily the freedom of speech, free assembly, and the right to petition
- Protest tactics included sit-ins, boycotts, “Freedom Rides”, and marches across the country
- Many major court cases sided with civil rights non-violent protesting tactics

Hudgens v. National Relations Board (1976)

Facts: Union members on strike decided to picket in front their stores. The general manager of the mall in which one store operated in threatened to arrest the strikers for trespassing.

Issue: Can a private shopping mall prohibit members of the public protesting a store in it?

Holding: Because a shopping mall is private, unlike a town or city, it may restrict First Amendment rights

Reasoning: A shopping mall does not have the same functionality of a town. So it is not restricted by the confines of public space and the freedoms under the First Amendment.

Frisby v. Schultz (1988)

Facts: Anti-abortion protesters picketed outside of the home of a doctor that performs abortions. The protesting was generally peaceful, but violated a town ordinance banning picketing “before or about” any residence. The anti-abortionists claimed that the ordinance unconstitutionally restricted their right of free speech.

Issue: Is the town ordinance that restricts picketing in residential areas narrowly tailored to serve the government’s self interest?

Holding: The ordinance is valid. Picketing is banned on or in front of private residences.

Frisby v. Schultz (1988)

Reasoning: Though the town ordinance is narrowly tailored to protect government interests and is therefore a constitutional restriction of First Amendment rights, it is content neutral and only prohibits certain conduct regardless of content (in this case, protesting in front of a private residence). Residential streets are as much public space as any other street and the protesting was peaceful, but the picketing was intrusive because the doctor couldn't avoid it given its proximity to his home. The doctor was literally trapped at home by the picketers. The doctor had no means of avoiding this unwanted speech. It is not the content of the protest that is the issue, it is the conduct of the protest that limited the doctors civil freedoms.

Currently, protest law has evolved to not allow discrimination based on viewpoint, meaning that protests can't be banned because of their subject matter.

Where can I protest?

Where can I legally protest?

- Schools
- Outside of courtrooms
- In the street
- At a public park
- On government property
- At a local business

Where can I protest?

Where can I legally protest?

- × Schools
- × Outside of courtrooms
- ✓ In the street
- ✓ At a public park
- × On government property
- ☒ At a local business-If permission is granted by the owner of the property

The Limits of Protesting

The government can limit the time, place, and manner of freedom speech and assembly. They must, however, prove that the restrictions are within reason.

The government can also limit protests...

- On government property if they're violent,
- In an area such as a school, or
- outside government buildings, such as the Supreme Court
- At local venues where permission is needed first

Where can I protest?

I'm in a group against abortion. Can I protest outside of a Planned Parenthood?

I do not agree with the new selection for the President of the United States. My friends and I decide to protest in front of the President's home.

Chicago decided to add two additional hours to the school day. Both teachers and students are upset, for various reasons. The two parties decide to organize a protest at a park.

There is a major crisis in North Dakota over pipelines that are a direct violation of the treaty rights that promised the land to the indigenous people. You form a protest directly over the pipeline in question.

Where can I protest?

Rights Lab: Episode 4

Assignment

Write a synopsis on what you learned today. What do you now know about protesting that you didn't before? What do you now know about law in the United States?

Name _____ Date _____ Class _____

Directions: Decide whether or not the protesters in each scenario are protected by the First Amendment. Provide reasoning with your decisions. Answer in complete sentences and to the best of your knowledge.

I'm in a group against abortion. Can I protest outside of a Planned Parenthood?	I do not agree with the new selection for the President of the United States. My friends and I decide to protest in front of the President's home.

Chicago decided to add two additional hours to the school day. Both teachers and students are upset, for various reasons. The two parties decide to organize a protest at a park.	There is a major crisis in North Dakota over pipelines that are a direct violation of the treaty rights that promised the land to the Indigenous People. You form a protest directly over the pipeline in question.

Name _____ Date _____ Class _____

Questions for the Day:

1. **How does the First Amendment define the right to protest and express political opinions?**
2. **What is meant by “reasonable time, place and manner restrictions” on protests?**
3. **How does the Constitution protect people with different and opposing positions?**
4. **What tactics have been used to make political change over the years? Are these tactics more or less effective than voting to make social change?**

The First Amendment

The Freedom to Assemble	Federal Forum Analysis

Civil Rights Movement (1960s)	Alien and Sedition Act (1978)

Name _____ Date _____ Class _____

Hudgens v National Labor Relations Board

Frisby v Schultz (1988)

Current Law	Where can I protest?

The Limits of Protesting

Name _____ Date _____ Class _____

How did court cases in history effect the laws and rights with regards to protesting?

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Scenario Question: The mayor of Chicago decides to close 100 public schools in the city in order to open room for more charter schools. Teachers and students organize at a park on the south side to protest the decision. Is their right to assemble protected? Why or why not?

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