

Privacy and Power

Examine how surveillance creates debates about liberty and government authority.

8.9e "Constitutional issues involving the violation of civil liberties and the role of the federal government are a source of debate in American society."

NAME _____

DATE _____

1 READ AND MARK _____ Read it twice

YOUR JOB Underline three federal government roles. Circle two civil-liberties safeguards. Label the contrasting surveillance viewpoints 1 and 2.

Watching Digital Trails

- ① Electronic surveillance can help investigators track threats, but it can also collect private information. The Fourth Amendment protects people against unreasonable searches and seizures. Courts often decide whether a new technology changes what privacy people can reasonably expect. In 2018, the Supreme Court ruled in *Carpenter v. United States* that police generally need a warrant to obtain a person's long-term cell-site location records from a phone company. A warrant requires a judge to find probable cause, a reasonable basis to believe evidence of a crime will be found.
- ② Congress can set rules for gathering and sharing digital data. Federal agencies such as the FBI investigate federal crimes within constitutional and legal limits. Federal courts review claims that surveillance violated rights. State and local police face the same constitutional protections. People debate how national and state rules should address technologies that cross borders.
- ③ Supporters of broader surveillance argue that quick access to digital records may help stop violence or identify suspects. Critics worry that collecting location, messages, or online activity can expose innocent people's private lives. They also question whether agencies will keep data secure and use it only for approved purposes. Proposed safeguards include warrants, limits on how long data are kept, reports to Congress or courts, and penalties for misuse. The continuing debate asks how the government can protect public safety while respecting civil liberties.

2 ANSWER WITH EVIDENCE _____ Use the passage

1 Why can electronic surveillance create a Fourth Amendment question?

2 Describe two roles the federal government can play in the surveillance debate.

3 How do supporters and critics of broader surveillance disagree?

4 Choose two safeguards from the passage. How could they help balance public safety and civil liberties?

3 YOUR TURN _____ Your own words

Imagine Congress is considering a law that would let a federal agency collect one month of location records during an investigation. Write exactly three sentences that state your position, give one public safety reason, identify one civil liberty concern, and propose one safeguard.

PART 1 • READ AND MARK

Underline three federal government roles. Circle two civil-liberties safeguards. Label the contrasting surveillance viewpoints 1 and 2. Accept any marking that follows this job and points at the right text.

PART 2 • ANSWERS

#	QUESTION	ANSWER
1	Why can electronic surveillance create a Fourth Amendment question?	It can collect private information, and courts must decide whether the surveillance violates a reasonable expectation of privacy or is an unreasonable search.
2	Describe two roles the federal government can play in the surveillance debate.	Congress can pass rules for digital data, federal agencies can investigate federal crimes, and federal courts can review claims that rights were violated. Accept any two.
3	How do supporters and critics of broader surveillance disagree?	Supporters say quick access to digital records may prevent violence or identify suspects. Critics say surveillance can expose innocent people's private lives and may be misused or kept insecurely.
4	Choose two safeguards from the passage. How could they help balance public safety and civil liberties?	Possible safeguards include warrants, limits on data retention, reports to Congress or courts, and penalties for misuse. They can allow lawful investigations while limiting unchecked collection or use of private data.

PART 3 • YOUR TURN (SAMPLE ANSWER)

Congress should allow a federal agency to seek one month of location records when investigators are pursuing a credible threat, because the records may help prevent violence. However, collecting a person's movements can reveal private parts of life, so the law should protect Fourth Amendment privacy. It should require a judge's warrant based on probable cause and limit how long the agency may keep the data.

Accept supported positions that include all four required parts in exactly three sentences. The safeguard should meaningfully limit government power while still permitting an investigation.