

# COURTEYE



*State v. Tate:*  
**Lesson Plans**

Grades 10-12



STATE BAR  
OF WISCONSIN

**State v. Tate**  
**Privacy and Technology**

**Overall Learning Target**

- In a world of social media and changing technology, what is the future of the Fourth Amendment?

**Overall Goals: Students will be able to**

- answer the above question in written form using evidence derived from experts, statistics, examples, and court cases.
- participate in Socratic Seminar / class discussion in which they respond to the above question orally using evidence derived from experts, statistics, examples, and court cases.

**Standards**

Wisconsin State Standards - Political Science:

- C.12.1 Identify the sources, evaluate the justification, and analyze the implications of certain rights and responsibilities of citizens
- C.12.2 Describe how different political systems define and protect individual human rights
- C.12.3 Trace how legal interpretations of liberty, equality, justice, and power, as identified in the Constitution, the Bill of Rights, and other Constitutional Amendments, have changed and evolved over time

Wisconsin State Standards - History

- B.12.1 Explain different points of view on the same historical event, using data gathered from various sources, such as letters, journals, diaries, newspapers, government documents, and speeches
- B.12.5 Gather various types of historical evidence, including visual and quantitative data, to analyze issues of freedom and equality, liberty and order, region and nation, individual and community, law and conscience, diversity and civic duty; form a reasoned conclusion in the light of other possible conclusions; and develop a coherent argument in the light of other possible arguments
- B.12.6 Select and analyze various documents that have influenced the legal, political, and constitutional heritage of the United States

C3 Framework For Social Studies: Civics

- D2.Civ.14.9-12. Analyze historical, contemporary, and emerging means of changing societies, promoting the common good, and protecting rights.
- D2.Civ.13.9-12. Evaluate public policies in terms of intended and unintended outcomes, and related consequences.

## Common Core, Literacy in History / Social Studies

- Key Ideas and Details:
  - CCSS.ELA-LITERACY.RH.9-10.1 (Cite specific textual evidence to support analysis of primary and secondary sources, attending to such features as the date and origin of the information)
  - CCSS.ELA-LITERACY.RH.9-10.2 (Determine the central ideas or information of a primary or secondary source; provide an accurate summary of how key events or ideas develop over the course of the text.)
- Craft and Structure:
  - CCSS.ELA-LITERACY.RH.9-10.4 (Determine the meaning of words and phrases as they are used in a text, including vocabulary describing political, social, or economic aspects of history/social science.)
  - CCSS.ELA-LITERACY.RH.9-10.6 (Compare the point of view of two or more authors for how they treat the same or similar topics, including which details they include and emphasize in their respective accounts.)
- Integration of Knowledge and Ideas:
  - CCSS.ELA-LITERACY.RH.9-10.7 (Integrate quantitative or technical analysis (e.g., charts, research data) with qualitative analysis in print or digital text.)
  - CCSS.ELA-LITERACY.RH.9-10.8 (Assess the extent to which the reasoning and evidence in a text support the author's claims)
  - CCSS.ELA-LITERACY.RH.9-10.9 (Compare and contrast treatments of the same topic in several primary and secondary sources.)

Lesson Name / Objections	Materials
<p><b><sup>1</sup>Lesson 1: The Constitution - Wisconsin and United States:</b> An introduction to the Bill of Rights.</p> <ol style="list-style-type: none"> <li>1. What is the Bill of Rights?</li> <li>2. What is the purpose of the Fourth Amendment?</li> <li>3. Does the Wisconsin Constitution protect the right to privacy?</li> </ol>	<p><a href="#">Pass out student materials</a>. Modify these to reflect what you want to cover</p> <p><a href="#">Constitution USA with Peter Sagal</a>: This is a great series - this link is to the series as a whole</p> <ul style="list-style-type: none"> <li>• <a href="#">Constitution USA, rights</a> <ul style="list-style-type: none"> <li>• <a href="#">View first video, "Rights," Akhil Amar</a>, 1:13</li> </ul> </li> </ul> <p><a href="#">Overview of the Fourth Amendment</a></p> <ul style="list-style-type: none"> <li>• 4 minute video from <a href="#">Time</a> that provides the origins of the Fourth Amendment</li> </ul> <p><a href="#">Wisconsin Constitution</a>, Article I, section 11</p> <ul style="list-style-type: none"> <li>• Language mirrors the language of the 4th Amendment</li> <li>• Constitution was ratified in 1848 - it was common for state to adopted the language of the U.S. Constitution</li> <li>• Note that rather than include rights at the end of the Constitution, the Wisconsin Constitution puts the rights of individuals in the first article</li> </ul>
<p><b>Lesson 2: What is the right to privacy?</b> An introduction to the Right of Privacy</p> <ol style="list-style-type: none"> <li>1. How does the Constitution protect the rights to privacy?</li> <li>2. In a world of social media and changing technology, what is the future of the Fourth Amendment?</li> </ol>	<p><a href="#">Constitution USA with Peter Sagal</a></p> <ul style="list-style-type: none"> <li>• View <a href="#">Excerpt from Episode 2, "Privacy"</a> 5:47</li> </ul> <p><a href="#">Annotated copy of the Bill of Rights</a>: this is the entire Bill of Rights, focus for this lesson is on the Fourth Amendment</p> <ul style="list-style-type: none"> <li>• <a href="#">Amendment IV</a> <ul style="list-style-type: none"> <li>○ <a href="#">In a world of social media and changing technology, what is the future of the Fourth Amendment?</a></li> <li>○ Have students write a preliminary answer to the question above. Share preliminary answers in small groups or as a class</li> </ul> </li> </ul>
<p><b>Lesson 3: Privacy, Technology, and the Law:</b> Search and Seizure and the role of technology</p> <ol style="list-style-type: none"> <li>1. How has court responded to changes in technology?</li> <li>2. What are current concerns related to technology and privacy?</li> <li>3. In a world of social media and changing technology, what is the future of the Fourth Amendment?</li> </ol>	<p><a href="#">A historical overview of technology and the courts</a></p> <ul style="list-style-type: none"> <li>• For students click on "Technology and the Fourth Amendment case studies"</li> <li>• Have students go through materials either in small groups - respond to questions in materials</li> <li>• Share answers as a class</li> <li>• Have students return to the writing they completed yesterday. What can they add or change? Have them cite specific cases</li> </ul> <p><a href="#">Privacy and technology today</a></p> <ul style="list-style-type: none"> <li>• Have students look at "What's At Stake" and "Current Issues"</li> <li>• Again -return to writing - what can be added? Have views changed?</li> </ul>

<sup>1</sup> These lessons are not designed to be completed in one day.

<p><b>Lesson 4: <u>State v. Tate</u></b></p> <ol style="list-style-type: none"> <li>1. What are the basic facts of <u>State v. Tate</u>?</li> <li>2. What is a search?</li> <li>3. Is the tracking of a cell phone to locate a person a search?</li> <li>4. What is the outcome in <u>Tate</u>?</li> <li>5. In a world of social media and changing technology, what is the future of the Fourth Amendment?</li> </ol>	<p>Exploring the intersection of privacy and technology in Wisconsin, <u>State v. Tate</u></p> <p>In order to teach students about <u>State v. Tate</u>. It is recommended that teachers use the following</p> <ul style="list-style-type: none"> <li>● <a href="#">Overview of State v. Tate, view from the beginning to 8:30.</a> <ul style="list-style-type: none"> <li>○ This clip should be viewed together as a class. It provides a great overview of the case in fairly easy to understand language.</li> <li>○ It is recommended that you show this clip at both the start and the end of the class discussion of <u>State v. Tate</u></li> </ul> </li> <li>● <a href="#">State v. Tate, annotated version for students</a> <ul style="list-style-type: none"> <li>○ Note that there is a case analysis form students can use to help digest the case</li> </ul> </li> </ul> <p>There are two additional pieces teachers may choose to use as a part of the discussion of <u>State v. Tate</u></p> <ul style="list-style-type: none"> <li>● <a href="#">Oral Arguments for State v. Tate</a>, begin at 13:40. The oral argument is fairly technical and addresses some complexity in the law. It is recommended that you show excerpts of each of the attorney's presenting their arguments. <ul style="list-style-type: none"> <li>○ Atty. Byron Lichstein (Tate's attorney) is the first to make arguments before the court because he is the appellant - he is the side asking the court to review the case</li> <li>○ Atty. Jeff Kassel (from the Wisconsin Department of Justice, represents the state in the appeal) begins at approximately 41:50</li> <li>○ Justice Ann Walsh Bradley ask some key questions about the technology at approximately 59:50.</li> </ul> </li> <li>● <u>State v. Tate</u>, Panel Discussion: This is a wonderful panel discussion that includes all of the key players in the case, including <ul style="list-style-type: none"> <li>○ Byron Lichstein, atty. for Tate</li> <li>○ Jeff Kassel, atty. for the State of Wisconsin (discussion of responsibilities of attorneys and intersection of law and technology begins at 24:00)</li> <li>○ Milwaukee County Circuit Court Judge Dennis Cimpl, the trial court judge in the <u>Tate</u> case</li> <li>○ Larry Dupuis, Legal Director for the American Civil Liberties Union of Wisconsin (Dupuis discusses privacy issues at 55:40)</li> </ul> </li> </ul>
<p><b>Lesson 5: Philosophical Chairs Discussion:</b> In a world of social media and changing technology, what is the future of the Fourth Amendment?</p>	<p><b>Students should begin preparing for the Philosophical Chairs Discussion for the following questions:</b></p> <ul style="list-style-type: none"> <li>● Was it proper for the state to issue an order to locate Tate's cell phone when the phone wasn't evidence of a crime? (resource list, students explore, prepare for discussion)</li> </ul>

- In a world of social media and changing technology, what is the future of the Fourth Amendment?

Share the following resources with students to introduce the assessment style and format.

[Philosophical Chairs How To Video](#)

[Philosophical Chairs in Action \(Video\)](#)

[Philosophical Chairs Activity Directions](#)

Students will need to reference the [Adapted Court Opinion](#) as they prepare their point of view