

3 Umbrellas and 4th Amendment Search Protections

This lesson reviews the 4th Amendment by asking students to decide the level of protection available in specific scenarios.

Minnesota K-12 Academic Standards in Social Studies

9.1.3.4.3. - Explain the scope and limits of rights of the accused under the Fourth, Fifth, Sixth, and Eighth Amendments and changes created by legislative action and court interpretation.

OBJECTIVES

- identify the scope and limits of 4th amendment constitutional protection
- apply 4th amendment protections to specific situations, using a balance between expectation of privacy and government interest.

GRADES: 9-12

MATERIALS NEEDED: Three different sized umbrellas (golf, regular, cocktail). Alternatively, large flip chart paper (3) with one picture of umbrella on each, each scenario printed on a separate card, can be attached to the flip chart.

DURATION: 20 minutes

PROCEDURE:

1. Imagine you are in a major thunderstorm. You have your choice of three umbrellas to protect you from the rain. Which one would you choose and why?
 - a. large, golf umbrella
 - b. regular umbrella
 - c. small, cocktail umbrella
2. Now imagine that instead of raindrops, it is government's attempt to gather information about you. Government rains on your rights. Your umbrella is the Constitution providing you protection from government action much like it protects you from the rain.
3. Let's back up a minute. What provision in the U.S. Constitution provides protection against the government's unreasonable efforts to gather information about you? (4th Amendment)
4. When you are under the large Constitutional umbrella, your rights are very protected.
5. There is less protection under the regular umbrella and the least protection under the cocktail umbrella, allowing government a much easier time getting information.



Golf umbrella: most protection



Regular umbrella: some, reduced protection



Cocktail umbrella: least protection, government will have much easier time getting your information

- Place students in small groups and provide each group with one of the scenarios. Ask students to examine the scenario using the questions below and determine which umbrella applies.

Important Questions

When deciding what umbrella applies to a particular scenario, you must consider these questions:

- What is the reasonable expectation of privacy? (individual expectation)
 - What steps have you taken to keep your activity private?
 - What have you done that makes your information more public/less private?
 - Does the public recognize the privacy expectation as reasonable?
- What is government's reason/need? (government's need to obtain the information)
 - can't be just a whim, must be specific
 - sufficiently limited (can't go on a fishing expedition)

- Ask students to stand near the appropriate umbrella and be prepared to explain their reasons to those around them. Please address the two questions.
- Ask students to present their placement to the large group. Compare the results. How are the scenarios similar, different?
- As an alternative, assign each scenario to one student and have them line up on a continuum from little protection/small umbrella to great protection/large umbrella, explain their reasoning.
- Where does the cell phone fit?

Answers

- Shades pulled and watching TV quietly in your home (golf umbrella)
- Student locker search by administrator looking in backpack found inside the locker. (regular umbrella, administrator needs reasonable suspicion based on articulable facts, not a whim)
- Driving in your car on a public road (regular umbrella)
- Police stop and search you when you are just walking down the street (golf umbrella)
- Going through security at airport, search of suitcase (small umbrella)
- Driving a mobile home (regular umbrella)
- Police stop you and search your backpack when just walking down the street (golf umbrella)
- Student is strip-searched by administrator looking for prescription ibuprofen (golf umbrella, high expectation of privacy over body and limited government reason)
- Lady getting her hair done talks on her phone planning her husband's murder (small umbrella)
- Garbage on the boulevard waiting to be picked up by garbage collector (small umbrella)

Umbrellas of Protection Provided by 4th Amendment

Situation	Golf Umbrella	Golf Umbrella	Regular Umbrella	Regular Umbrella	Cocktail Umbrella	Cocktail Umbrella
1. Shades pulled and watching TV quietly in your home						
2. Student locker, search by administrator looking in one student's backpack inside the locker						
3. Driving in your car on a public road						
4. Police stop and search you when you are just walking down the street						
5. Going through security at airport, search of suitcase						
6. Driving a mobile home						
7. Police stop you and search your backpack when just walking down the street						
8. Student is strip-searched by administrator looking for prescription ibuprofen						
9. Lady getting her hair done talks on her phone planning her husband's murder						
10. Garbage on the boulevard waiting to be picked up by garbage collector						



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Driving in your car on a public road

Driving a mobile home

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Garbage on the
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